

“They have put a rope around my neck by bringing me here”:
A Historical Exploration of Witchcraft Trials in the
Transkeian Territories, 1882-1906

by
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Declaration

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Abstract

“‘They have put a rope around my neck by bringing me here’: A Historical Exploration of Witchcraft Trials in the Transkeian Territories, 1882-1906” investigates neglected historiographical terrains by exploring the Transkei region, located in the Eastern Frontier of the Cape Colony, at the cusp of political transition when local African groups began to lose autonomy in the region. Witchcraft cases recorded in the arguably tainted colonial source, the Bantu Affairs Commission, serve as a lens from which to foreground the varying and complex philosophies, motivations and explanations of individual, and more specifically, group acts of witchcraft activities in the region. Probing these courtroom narratives exposes the internal juxtaposition of power and the forging of new alliances within and between African communities. Globally, the intricate relationship between witchcraft, power and conflict are made apparent within the existing literature. This dissertation argues that during this transitional period, witchcraft accusations brought before the courts were more reflective of communal factions and friction within small communities, as groups vied to maintain, and at times extend, their sphere of influence. These groups were intimately involved with colonial agents in negotiating the conditions of the fluctuating politico-legal system and, therefore, cannot be simply farmed as powerless victims during this transition. As such, witchcraft accusations were not only a manifestation of impending political conquest, economic change and environmental disasters, but allowed for the, albeit brief, renegotiation of African political power and politics in the aftermath of outright conflict and clandestine political treaties.

Key words: Witchcraft, Cape Colony, Transkei, 19th Century Eastern Frontier, Witchcraft legislation

Opsomming¹

“They have put a rope around my neck by bringing me here”: ‘n Historiese Verkenning van Heksery-verhore in die Transkeiain Territories, 1882-1906” ondersoek verwaarloosde historiografiese terreine deur om die Transkei gebied, geleë op die Oosgrens van die Kaapkolonie, aan die spits van politieke oorgang wanneer plaaslike Afrika-groepe hul outonomie in die streek begin verloor het, te verken. Hekserysake wat in die waarskynlik besmette koloniale bron, die Bantusake kommissie, aangeteken is dien as lens om die verskeie en komplekse filosofieë, motiverings en verduidelikings van individuele, en meer spesifiek, groeps gevalle van heksery in die streek op die voorgrond te plaas. Die ondersoek na hierdie hofsaal verhale ontbloot die interne samestelling van mag en die smee van nuwe alliansies binne en tussen Afrika-gemeenskappe. Wêreldwyd word die ingewikkelde verhouding tussen heksery, mag en konflik binne die bestaande literatuur duidelik gemaak. Hierdie proefskrif beweer dat hekse-beskuldigings wat gedurende dié oorgansperiode voor die houe gebring is, gemeenskapsfaksies en wrywing in klein gemeenskappe weerspieël aangesien groepe hulle invloedseer wou handhaaf en soms dit wou uitbrei. Hierdie groepe was intiem betrokke met koloniale agente in die onderhandeling oor die voorwaardes van die wisselende politieke-regstelsel, en kan dus nie net as magtelose slagoffers tydens die oorgansperiode geraam word nie. As sulks, was beskuldigings van heksery nie net ‘n manifestasie van dreigende politieke verowering, ekonomiese verandering en omgewingsrampe nie, maar het ook vir die, hoewel kort, heronderhandeling van die Afrikaanse politieke mag en politiek in die nasleep van volstremte konflik en geheime politieke verdrae toegelaat.

Slutelwoorde: Heksery, Kaapkolonie, Transkei, 19^{de} Eeu Oosgrens, Heksery Wetgewing

¹ Translated by Esté Mari Kotzé.

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² Author Unknown, “Notes from the Transkei upon Witchcraft. No. III”, *The Kaffir Express*, 7 March 1874, p. 4.

Chapter 1

Introduction

1.1 Background and Rationale

Scholars, such as social anthropologist Maia Green, notes that attempts to suppress witchcraft practices provide context on prevailing notions of humanity, morality and sociality.¹ She draws on the interconnectedness and intricate relations between witchcraft discourses and broader social, political and economic influences indicating and expressing issues and anxieties within a given community. Despite explicitly referring to societies residing in the Ulanga District located in Southern Tanzania, the strong correlation between witchcraft accusations and public purification practices concerning broader social processes is by no means confined to this area. Therefore, investigating witchcraft narratives is symptomatic of communal and individual stressors shaped and characterised by anxieties, fears and jealousy. External influences are brought on, such as inequalities arising from political, social, environmental, and economic strains. Historically oppressive structures rooted in patriarchy and ethnocentrism have largely created spaces where those in unfavourable positions within their communities find expression through witchcraft discourses.

Witchcraft practices fall under public scrutiny when the state embarks on its own witch-hunt – not necessarily for the supposed witch but rather those who attempt to identify witches or wizards.² Importantly, the practice of witchcraft continues within these indigenous communities. Religious and moral codes infuse prevalent political codes. The threat of any loss of colonial power leads to the hardening of legislation and much more rigorous policing.³ Similarly, the threat of losing power within these communities leads to a barrage of witchcraft accusations. These moments are made apparent when cases brought before the courts begin to spike. Therefore, anti-witchcraft cases, or cases charged under the Witchcraft Suppression Act

¹ M. Green, “Witchcraft Suppression Practices and Movements: Public Politics and the Logic of Purification”, *Comparative Studies in Society and History*, 39(2), 1997, p. 325.

² Attached connotations of the term *witchcraft*, much like *magic*, have undergone profound changes indicative of broader public perceptions dependent on time, culture and location. This dissertation will consider these supernatural affiliated concepts with the assistance of archival material and secondary literature.

³ The term *power*, derived from the Latin word *potere*, means “to be able”. The notion of power is discussed in the subsequent dissertation and will be unpacked and conceptualised in terms of ‘governed’ v. ‘govern’ and ‘subject’ v. ‘colonial authority’ in witchcraft matters.

3 of 1957, for example, reflect an underlying political or social threat that transcends religious and moral codes.⁴

The judicial narratives also indicate how witchcraft has been adapted and interpreted according to a specific moment in time, characterised by broader historical and contemporary contexts in both the colonial and post-colonial eras. Additionally, questions arise about who actually reported these acts of witchcraft and what it says about communal/familial relations within these rural communities. Globally, during the 19th century colonial conquest, attempts were made to impose western moral codes on indigenous African groups, firstly by missionaries, followed by the new settlers and later colonial agents.

The colonial endeavour to eradicate established traditional practices within colonised communities required effective legislation, policing and swift prosecution of those considered transgressing western norms. Colonial conquest and ensuring power over the conquered groups thus served as a direct attack on the traditional cultural domain. The cultural purification process firstly served to eradicate perceived undesirable local practices; secondly, to ensure compliance to a new order; and thirdly, to dissuade others from committing these so-called transgressions. Historian Clifton Crais underlines the importance and intricate link between colonial politics and culture. Those in positions of colonial power paid little attention to why local communities practised witchcraft, why these communities sometimes used witchcraft narratives to explain the inexplicable, nor did they contemplate the implications of their interventions on the internal workings of the communities concerned.⁵

Historians, such as Julie Parle, Clifton Crais and Peter Delius, have written about witchcraft during the mid and latter 19th century in Southern Africa, speaking to various discourses pertaining to religion, conquest and politics.⁶ This occurred during a period of particular upheaval in Southern Africa, where new allegiances had to be negotiated during a period of political transition. The political turbulence of this period saw, on the one hand, an attempt to maintain a working relationship with certain chiefs in a desperate effort to avoid rebellion; on the other, there was a rigidification of stricter “native”⁷ legislations that prohibited

⁴ The 1957 Witchcraft Suppression Act 3, based primarily on fundamental principles of the Witchcraft Act of 1735, was created in an attempt to respond to the increasing number of violent witchcraft acts which prohibited witch hunting and witch “smelling-out” and generally anything related to witchcraft.

⁵ C. Crais, *The Politics of Evil: Magic, State Power, and the Political Imagination in South Africa*, (Cambridge: Cambridge University Press, 2009), p. 5.

⁶ See, for example, J. Parle, “Witchcraft or Madness? The Amandiki of Zululand, 1894-1914”, *Journal of Southern African Studies*, 29(1), 2003, pp. 105-132; Crais, *The Politics of Evil: Magic, State Power, and the Political Imagination in South Africa*, p. 5 & P. Delius, “Witches and Missionaries in Nineteenth Century Transvaal”, *Journal of Southern African Studies*, 27(3), pp. 429-443.

⁷ Terminology of this derogatory nature used in this dissertation is by no means an indication of the writer’s own view but rather the terminology of the source material. Terminology of the sources will be maintained in order to

an array of activities including all practices associated with witchcraft customs such as divining, “smelling out” ceremonies and other “witchcraft-related activities”.⁸ The latter broad and unqualified category, in itself, reflects the ambiguity of what constituted witchcraft.

These ambiguities directly impacted how witchcraft legislation was crafted, how witchcraft was policed and how witchcraft practices could be punished within the formal judiciary. The surviving testimony of the judicial records allows for multiple interpretations pertaining to the impact of these policing mechanisms on cultural practices amongst those affected by such laws. In addition, internal friction within communities and internal familial cleavages and conflicts are discernible through a close narrative reading of the judicial proceedings. Existing historiography on witchcraft practices in South Africa is largely focused on the Transvaal and Natal, with only brief attention given to a contested landscape known as the Transkeian Territories located between the Kei and Umzimkulu Rivers.⁹ The Transkeian area had a relatively poor cartographic history mapped to differing degrees depending on colonial interests between 1858 and 1900.¹⁰ Apart from the fluid boundaries established during the 19th century, significantly less has been written about witchcraft practices in the area through courtroom narratives. During this period the colonial state was in the process of overhauling its legislation on witchcraft. In addition, the judicial system was redefined and discussions around replacing local magistrates were underway during the mid to latter 19th century. Importantly, lessons learnt and the subsequent legislative changes applied to a hybrid judicial system in the Transkei were subsequently adopted by the Transvaal.¹¹ This speaks to the importance of both the region as well as the period under investigation.

Therefore witchcraft is a complex, socially constructed and conceptually changing term that has cultural significance for its practitioners. The same can be said for the “tribes” and racial groups often associated with the practice.¹² Their own religious, moral, or political motivations inform how these initiatives are conceptualised, codified and implemented. These

better reflect the racial undertones of the archival sources. It therefore serves as a conceptual tool to depict the discriminatory nature of the discussions on witchcraft during the colonial era.

⁸ Author Unknown, Untitled Article, *The Christian Express*, 1 March 1894, p. 38.

⁹ L. F. Braun, “The Colonial Archive and Maps of the Western Transkei 1857-1898”, Paper presented at Symposium on “Shifting Boundaries: Cartography in the 19th and 20th centuries”, Portsmouth University, Portsmouth, United Kingdom, 10-12 September 2008.

¹⁰ Braun, “The Colonial Archive and Maps of the Western Transkei 1857-1898”.

¹¹ See J. Pearson: “Witchcraft Management in the Early Twentieth Century Transvaal”, Master’s Thesis, University of Witwatersrand, 2015.

¹² The term *tribe* and *clan* are socially constructed and were used in court records to describe the varying branches of Southern African groups residing in different locations consisting of differing histories, culture and languages. This dissertation therefore adopts the terms cited in the original archival material and are used without any intended derogatory undertones. Rather, it portrays the discriminatory nature of the discussion on witchcraft. For this reason, prevailing racial terminology will also be maintained in this historical study.

permutations are also reflected in anti-witchcraft movements, which scurry to eradicate witchcraft practices. Witchcraft practices, witchcraft persecutions and witchcraft prosecutions provide three different but intricately linked ways of reflecting on witchcraft within a specific location at a particular moment in time.

Two important reflections need to be considered at the outset. Firstly, witchcraft was practised in Africa long before the arrival of white men. Secondly, when missionary and colonial conquest and expansion unfolded, religious, political and moral codes on eradicating witchcraft were imported from Europe and imposed on the indigenous groups. The latter suggests an intricate connection between colonial politics, traditional systems and formal policing: the focus of this dissertation. This becomes even more intricate when investigating such trends in a contentious space such as the Transkei during the latter 19th century and the beginning of the 20th century when these arguably standardised norms and practices included active participation from local groups.

White political and cultural encroachment led to internal strife between local groups and even confrontation with settlers during the Xhosa or Frontier Wars. This necessitated a hybrid politico-legal system that incorporated local considerations into a largely British structure to ensure peaceful temporary coexistence. The patchwork of legislative and political changes, and the experimental way both magistrates and African communities renegotiated bureaucratic structures, resulted in judicial uncertainty. This is reflected in the way witchcraft statistical data was recorded and how the Penal code, other prior legislations, in the form of proclamations, coupled with other implemented Transkeian Regulations of three districts, in particular, were randomly applied.

One clause, in particular, has motivated this study. At the insistence of chiefs absorbed into the politico-judicial system, all parties involved in a suspected case of witchcraft were to be prosecuted in the colonial court. Locals insisted that if these courts were to now exercise jurisdiction over “black” practices, appointed magistrates were to follow, in part, customary laws. This led to protracted cases with peculiar proceedings. While studies located in the Transkeian Territories have alluded to intra- and inter-“tribal” conflict and negotiation with the colonial agents, the transcripts of these court records further reveal the cleavages that occurred within communal and familial groups in particular. Therefore, this study contributes to the existing literature on witchcraft during the latter 19th century but further investigates how these cases provide intimate knowledge on the power dynamics at a communal and familial level, especially visible in multiple offender witchcraft cases. It is argued that, rather than simply being read as a manifestation of uncertainty and change, this avenue provided an opportunity

for familial and communal conflicts to be challenged and, in a sense, provided a brief moment in which internal African politics could be renegotiated.

1.2 Locating Witchcraft Practices of the Transkeian Territories in the Historiographical Debate

Spanning throughout Africa, North and South America, Europe and Asia, witchcraft discourses and the history of witchcraft beliefs cannot be restricted or ascribed to any one historical period, region or culture.¹³ Witchcraft discourses throughout the African continent and elsewhere have undergone profound changes incorporating other current and recurrent themes largely dependent on public discourses relating to any given community. These discourses relate to a specific geographical location and historical period consisting of its own set of values, morals, cultural orientations, belief systems and past histories. Fundamental aspects forming the foundation of any given community become crucial considerations in interpreting the cultural significance of witchcraft-related behaviours and the impact these activities may have had on individuals and their communities.

Theologist Dale Wallace notes that Bantu languages had no direct translation for English terms such as “witchcraft”, “religion”, and “magic”; thereby insinuating that western terminologies describing African beliefs and practices were ethnocentric and, by extension, inadequate.¹⁴ Based on research conducted amongst the Azande,¹⁵ for example, anthropologist Sir Edward Evan Evans-Pritchard coined the term “witchcraft” in 1937, replacing the word “magic” later.¹⁶ This suggested distinguishable traits between those who use magic as opposed to those who inherently possess mystical powers. As noted amongst ethnic groups residing in North Central Africa, witchcraft beliefs and the distinctions between the varying forms of acquired magic were also evident amongst African communities settled in Southern Africa. The intention in which mystical power was harnessed within these diverse societies infringes on discourses relating to witchcraft serving as either a tool to secure self-interest or a weapon against others. Political science scholar Michela Zaffira Neri Ganis draws on this notion by

¹³ R. Hutton, “Anthropological and Historical Approaches to Witchcraft: Potential for a New Collaboration?”, *The Historical Journal*, 47(2), 2004, p. 418.

¹⁴ I. Schapera, “The Crime of Sorcery”, *Proceedings of the Royal Anthropological Institute of Great Britain and Ireland*, 1969, p. 15 & D. Wallace, “Rethinking Religion, Magic and Witchcraft in South Africa: From Colonial Coherence to Postcolonial Conundrum”, *Journal for the Study of Religion*, 28(1), 2015, p. 31.

¹⁵ The Azande are an ethnic group predominately settled in north Central Africa residing in the south-eastern Central African Republic, south-central and southwestern part of South Sudan and in the north-eastern areas of the Democratic Republic of Congo.

¹⁶ J. Hund, “Witchcraft and Accusations of Witchcraft in South Africa: Ontological Denial and the Suppression of African Justice”, *The Comparative and International Law Journal of Southern Africa*, 33(3), 2000, p. 371.

asserting that power attained through witchcraft allows one to counteract and level existing inequalities whilst providing some semblance of a voice for those previously marginalised communities.¹⁷

French philosopher Paul-Michel Foucault conceptualises the notions of power and creates a history of the varying ways people are made subjects through modes of objectification that are in turn shaped by culture.¹⁸ These analyses refer to how people turn themselves into subjects either divided from others or divided within themselves. This process, referred to by Foucault as “objectivizing of the subject”, was termed “dividing practices”. By extension, the American political scientist Wendy Brown expands on Foucault’s conceptualisations of power and the subject by reaffirming his claims that power is “everywhere” however acknowledging that power is neither equally shared nor that power belongs to everyone. In the context of suspected witchcraft activities, power becomes an interesting factor as magic and connections to the supernatural are rooted in notions of power.¹⁹ The lines between victim-perpetrator are certainly blurred and multidimensional.

The fluid and context-specific nature of witchcraft beliefs and practices not only differ according to time, location and culture but are also largely shaped by broader political, social, environmental and economic processes.²⁰ The correlation between the nature of witchcraft accusations and the unique context in which they arise speak to the durability of these discourses, which, in turn, ensures its relevance and longevity. Drawing on witchcraft discourses as a means of making sense of the inexplicable, especially during times of stress and unfamiliar change, relates to notions of “scapegoating”, which was evident during both the colonial and post-colonial settings and noted to be rooted in power and political discourses, central to this dissertation.²¹

Given that witchcraft was by no means confined to Africa, alternative notions of witchcraft were imported into the African continent by either religious or political men during the colonial conquest of Africa during the 19th century. The belief systems in Europe, however,

¹⁷ M. Z. N. Ganis, “Political and Social Implications of Witchcraft and Legitimacy in South Africa”, *Africa: Rivista Trimestrale Di Studi E Documentazione Dell’Istituto Italiano Per L’Africa E L’Oriente*, 60(3/4), 2005, p. 362.

¹⁸ M. Foucault, “The Subject and Power”, *Critical Inquiry*, 8(4), 1982, p. 777.

¹⁹ W. Brown, “Power After Foucault”, in J. S. Dryzek, B. Honig & A. Phillips (eds.), *The Oxford Handbook of Political Theory*, (New York: Oxford University Press Inc, 2006), p. 67.

²⁰ See for example, C. Crais, “Of Men, Magic and the Law: Popular Justice and the Popular Imagination in South Africa”, *Journal of Social History*, 32(1), 1998, pp. 1034-1056 & S. Mesaki, “The Evolution and Essence of Witchcraft in Pre-Colonial African Societies”, *Transafrican Journal of History*, 24, 1995, pp. 162-177.

²¹ See for example, Delius, “Witches and Missionaries in Nineteenth Century Transvaal”; Crais, “Of Men, Magic and the Law: Popular Justice and the Popular Imagination in South Africa”; Mesaki, “The Evolution and Essence of Witchcraft in Pre-Colonial African Societies” & Wallace, “Rethinking Religion, Magic and Witchcraft in South Africa: From Colonial Coherence to Postcolonial Conundrum”.

had greatly evolved. Much of the existing literature on curbing witchcraft in Europe between the 15th and 17th centuries have been informed by judicial proceedings.²² Here, the persecution of witches was based on flimsy criteria, which were regularly changed to encompass an array of witchcraft-related matters brought before the courts. Suspected witches were often prosecuted without concrete evidence and sentenced to death or given harsh punishments based on questionable testimonies.

Therefore, the western conceptualisation of witchcraft practices was predominately documented during the “witch craze” (1400-1800) in Medieval and Early Modern Europe where the Catholic Church asserted its position in direct opposition to acts of black magic synonymous with the devil.²³ This belief governed western interpretations of witchcraft *per se* and all other practices threatening the legitimacy and power of the state. Witchcraft policing in Southern Africa was made more challenging by cross-cultural integration as many indigenous practices perceived to be witchcraft were merely a natural part of African cultural customs. Witchcraft beliefs were merely dismissed as “baseless superstition”, which was intended to be abolished through western education, and colonial and state efforts towards Christian conversion initiated with the arrival of western settlers in Southern Africa.²⁴

Early depictions of African witchcraft have been linked to the arrival of Europeans during the slave trade in South-Eastern Nigeria during the mid-18th century. This exhibits a strong correlation between early European exploration and the accumulation of written accounts of the long-standing witchcraft practices in African communities.²⁵ The varying interwoven perceptions pertaining to the resurgence and spread of witchcraft beliefs across the African continent are plentiful and have been recounted by sociologist Simeon Mesaki concerning the evolution and reformulation of witchcraft behaviours.²⁶ The contentious and differing perceptions on all aspects of witchcraft, including its spread, speaks to the subjective nature of the “crime” and appears to be intertwined with western expansion narratives in Africa. Historically, witchcraft practices have been moulded by respective cultural groups and their residing locations, highlighting the invaluable insight provided by location specific investigators.

²² R. A. Horsley, “Further Reflections on Witchcraft and European Folk Religion”, *History of Religions*, 19(1), 1979, pp. 72-73.

²³ <https://escholarship.org/uc/item/72s8m3qc> (Accessed on 22 August 2020) & Mesaki, “The Evolution and Essence of Witchcraft in Pre-Colonial African Societies”, p. 163.

²⁴ I. Niehaus, “Witchcraft as Subtext: Deep Knowledge and the South African Public Sphere”, *Social Dynamics*, 36(1), 2010, p. 66.

²⁵ Mesaki, “The Evolution and Essence of Witchcraft in Pre-Colonial African Societies”, p. 166.

²⁶ Mesaki, p. 166.

The complications arising from the fluid nature of witchcraft beliefs is most eloquently phrased by historian Jeff Peires who states that “[...] purification, divination, sacrifice and witchcraft were far too diverse and far too liable to change over time to be fossilised conceptually as ‘traditional patterns’ [...]”.²⁷ Surviving accounts on African beliefs and practices were predominately written by missionaries and other westerners within a Christian religious framework. Initially, many studies on Africa on the 19th century have largely focused on the differences between European administrators and their African subjects made possible by the nature in which surviving records were formulated.²⁸

Historian Peter Delius examines both published and unpublished surviving Berlin Missionary Society records in his article “Witches and Missionaries in the Nineteenth Century Transvaal”. Delius uses these narratives to partially reconstruct practices and perceptions of witchcraft for re-interpreting confrontations between Christian converts and the broader Pedi society from 1861 to 1866.²⁹ In so doing, he uncovers that the generational and gender biases of accusations witnessed during the 1980s and 1990s in South Africa were not evident during this time, nor was there evidence of prevalent violent witch-hunts as seen during the post-colonial context.

Mesaki and Crais have explored witchcraft in pre-colonial African communities concerning the varying spheres of political, economic, environmental and social life during the 19th century.³⁰ In “The Evolution and Essence of Witchcraft in Pre-Colonial African Societies”, Mesaki reiterates the notion that all societies practice some form of witchcraft and this serves as a tool during times when simmering tensions between established economic, political, environmental and social structures appear. The idea of witchcraft serving as a scapegoat when contemplating the inexplicable external influences is also alluded to by Crais in his article “Chiefs and Bureaucrats in the Making of Empire: A Drama from the Transkei, South Africa, October 1880”.³¹ Here, Crais draws on the apparent correlation between the emergence of witchcraft accusations and communal political uncertainties amongst the Transkeian African communities during the 19th century. He does this by demonstrating the link between the

²⁷ J. B. Peires, “The Central Beliefs of the Xhosa Cattle-Killing”, *The Journal of African History*, 28(1), 1987, p. 44.

²⁸ C. Crais, “Chiefs and Bureaucrats in the Making of Empire: A Drama from the Transkei, South Africa, October 1880.”, *The American Historical Review*, 108(4), 2003, p. 1037.

²⁹ Crais, *The Politics of Evil: Magic, State Power, and the Political Imagination in South Africa*, p. 6 & Delius, “Witches and Missionaries in Nineteenth Century Transvaal”, p. 429.

³⁰ See for example, Crais, “Of Men, Magic and the Law: Popular Justice and the Popular Imagination in South Africa”; Mesaki, “The Evolution and Essence of Witchcraft in Pre-Colonial African Societies”; Delius, “Witches and Missionaries in Nineteenth Century Transvaal”.

³¹ Crais, “Chiefs and Bureaucrats in the Making of Empire: A Drama from the Transkei, South Africa, October 1880”, p. 1046.

increase of witchcraft accusations which coincided with the initial waves of political arrangements in which African rulers supposedly accepted British rule between the 1850s and 1870s.³² This is further investigated in this dissertation. It is argued that for communities in these areas, politics played a less significant role later in that decade.

Moreover, Peires sought to understand the interconnectedness between witchcraft accusations and the varying environs they were embedded in during the mid-19th century. Peires reflects on the devastating implications of widespread lung sickness and the great Xhosa cattle-killing from 1856 to 1857. He reaffirms, amongst other reflections, that a correlation exists between witchcraft and scapegoating, as is noted by other scholars. The later period investigated here would suggest a continuity of his observations.

Existing historiography about the 19th century has largely contemplated the inception of colonial law in Basutoland, the Transkeian Territories and surrounding rural areas. One such example is evident in “Cape Policies Towards African Law in Cape Tribal Territories, 1872-1883”, a Doctorate thesis written by S. B. Burman, where an investigation into the gradual and strategic implementation of colonial law and its implications are considered.³³ The consequent renegotiations of power structures and the crippling and breaking down of well-established “tribal” authority are considered in Basutoland and the Transkeian Territories. Evidence presented by historian S. J. R. Martin in “Political and Social Theories of Transkeian Administrators in the Late Nineteenth Century” also investigates the implementation of colonial law during the 19th century. Martin approaches this contentious period by examining the varying viewpoints of appointed magistrates and the premise and formulation of legislations to understand the government, society and law during this era. By extension, a focus on the Christian religious framework to situate these legislations within broader social processes is also undertaken.³⁴ While this is acknowledged, these macro decisions do not seem to have affected the belief systems of locals, even during this transitional period of 1882-1906, within this study.

Crais also investigates the notions of power and politics in the Transkeian Territories during the 19th century. In so doing, he focuses on colonial conquest and expansion by probing

³² C. Crais, “Chiefs and Bureaucrats in the Making of Empire: A Drama from the Transkei, South Africa, October 1880”, p. 1046..

³³ S. B. Burman, “Cape Politics Towards African Law in Cape Tribal Territories”, unpublished Doctoral Thesis, University of Oxford, 1973. See also: D. S. Koyana, “The Influence of the Native Territories Penal Code on South African Criminal Law”, unpublished Doctoral Thesis, University of South Africa, 1988 & A. Sachs, “Enter the British Legal Machine: Law, Administration and Race Relations at the Cape 1806-1910”, in *Justice in South Africa*, (Berkeley: University of California Press, 1973).

³⁴ S. J. R. Martin, “Political and Social Theories of Transkeian Administrators in the Late Nineteenth Century”, Master’s Thesis, University of Cape Town, 1978.

the cross-cultural encounters through a political lens.³⁵ Other historical investigations have sought to locate and understand the multifaceted social and political environs in light of the implementation of colonial law in the latter 19th and early 20th century in the Transvaal and Natal. Historical studies reflecting the complexities of witchcraft policing in the Transvaal during the initial years of the 20th century have also been undertaken, as seen in “Witchcraft Management in the Early Twentieth Century Transvaal” by historian Joel Pearson which links to the conceptualisations of “witchcraft” and “witch doctor”.³⁶

Within the last two decades, contemplations of complex issues arising in Africa during the 19th century have employed the stance of a “new history” to encompass broader social and political processes impacting the nature of documented witchcraft accounts. This proposed theoretical stance, incorporating discourses of power and politics, is rooted in a renewed interest in rethinking the complexities surrounding contemporary topics such as political instability and ethnic conflict, as noted by Crais.³⁷ The renewed focus on culture has allowed researchers to unpack the varying modes and techniques through which people created meaning and understood their complex realities, often characterised by grossly unequal relationships.³⁸ These varying forms of inquiries have greatly contributed to witchcraft studies pertaining to 19th century Southern Africa and have, in turn, widened our understanding of the complexities surrounding political power struggles between 19th century imperialists and African communities.

Moving beyond the “general history” and focusing on daily relationships and existing relations between the “coloniser” and “colonialised”, in part, allowed for the contextualisation of witchcraft studies.³⁹ Reflections on the historiography of African communities and indigenous knowledge systems were contemplated within their own right rather than Western culture. Moreover, the promotion of “African culture” through a process of reclaiming traditional or indigenous African “ways”, as noted by a scholar of moral ethics, Kai Horsthemke, has also inevitably inspired more comprehensive witchcraft studies rooted in the desire to understand the inner workings of African culture. Adam Ashforth, professor of African-American and African Studies, has also addressed this issue by acknowledging the

³⁵ Crais, “Chiefs and Bureaucrats in the Making of Empire: A Drama from the Transkei, South Africa, October 1880”, pp. 1036-1037.

³⁶ Overtime, terminologies such as ‘witch doctor’ and ‘witch finder’ have acquired varied spellings. Criminal records consulted in the BAC use both ‘witch doctor’ and ‘witch-doctor’ however, for the purpose of this dissertation, ‘witch doctor’ will be used throughout. J. Pearson: “Witchcraft Management in the Early Twentieth Century Transvaal”, Master’s Thesis, University of Witwatersrand, 2015.

³⁷ Crais, “Chiefs and Bureaucrats in the Making of Empire: A Drama from the Transkei, South Africa, October 1880”, p. 1034.

³⁸ Crais, p. 1035.

³⁹ Crais, “Chiefs and Bureaucrats in the Making of Empire”, p. 1036.

need to recognise individual perceptions of danger.⁴⁰ Incorporating broader social processes in studying Africa and indigenous knowledge systems have allowed researchers to investigate why people practised witchcraft and the implications and ramifications of colonial and post-colonial state interventions in attempting to curb related behaviours.

The centrality of power and political discourses in witchcraft studies were by no means restricted to the colonial era and continued to be of vital importance in contemplating witchcraft beliefs and practices during the post-colonial setting. Anthropologist Diane Ciekawy reiterates this importance and advocates for the idea of studying how discourses on the occult are translated through varying relations of power.⁴¹ When evaluating what could be termed the evolution of witchcraft studies, historian Ronald Hutton acknowledges the shifting of theoretical approaches that were continually altered and adapted to provide more efficient ways of studying witchcraft, especially during the post-colonial era.⁴² Hutton elaborates on the contentious and complex relationship between the disciplines of history and anthropology by drawing on the varying approaches adopted by European scholars to study witchcraft behaviours. In attempting to revive and provide more meaningful analyses and transcending the comparative approach adopted during the 1960s, sociologist Niek Koning expands on these discourses by proposing an interdisciplinary form of analysis. This more inclusive approach allows for a better understanding of pre-colonial cross-cultural similarities and evolutionary patterns and reformulations of witchcraft beliefs evident during the colonial era, showing particular relevance in the post-colonial context.⁴³

These forms of comprehensive and inclusive analyses foregrounded by scholars, such as anthropologist Clifford Geertz, remained vital considerations persisting throughout the 20th century Southern Africa where a focus on culture remained significant when deciphering witchcraft behaviours.⁴⁴ The changing power dynamics within society and the reformulation of racially political and social structures brought on by the National Party in 1948 further entrenched a corruptly unequal society. The imbalanced power relations and alliances resulting

⁴⁰ A. Ashforth, "Human Security and Spiritual Insecurity: Why the Fear of Evil Forces Needs to Be Taken Seriously.," *Georgetown Journal of International Affairs*, 11(1), 2010, p. 100.

⁴¹ D. Ciekawy & P. Geschiere, "Containing Witchcraft: Conflicting Scenarios in Postcolonial Africa", *African Studies Review*, 41(3), 1998, p. 2.

⁴² Hutton, "Anthropological and Historical Approaches to Witchcraft Potential for a New Collaboration?", *The Historical Journal*, 47(2), 2004, p. 413.

⁴³ N. Koning, "Witchcraft Beliefs and Witch Hunts: An Interdisciplinary Explanation", *Human Nature*, 24, 2013, p. 159; Hutton, "Anthropological and Historical Approaches to Witchcraft Potential for a New Collaboration?", *The Historical Journal*, 47(2), 2004, p. 413 & T. S. Petrus, "A Proposal Towards A Theory on Witchcraft-Related Crime in Post-Colonial South Africa", *Acta Criminologica*, 19(2), 2006, p. 142.

⁴⁴ Crais, "Chiefs and Bureaucrats in the Making of Empire: A Drama from the Transkei, South Africa, October 1880", *The American Historical Review*, 108(4), 2003, p. 1035.

from oppressive state structures were most evident during the contentious years of racial segregation and black oppression in South Africa. This can be characterised by the vigorous relationship between “governor” and “governed”, similar to that of the colonial era.⁴⁵ These power relations dictated how colonial authorities and, later, the South African state dealt with African concerns such as that of witchcraft which continued during the 20th century.

Based on these oppressive structures, the conceptualisation of witchcraft, as noted during the colonial era, continued into the 20th century, but the significance and meaning changed. The strict Afrikaner religious state doctrines and censorship tactics, which were under threat, led to widespread satanic panics during the 1980s and 1990s.⁴⁶ Authors of power politics and ideologies, such as Marc E. Fitch, have written about Africa’s satanic panics. Fitch draws on parallels between Africa and America during these years.⁴⁷ Historical studies contemplating the interplay between Afrikaner influences and South Africa’s satanic panics have shown how religious frameworks shaped witchcraft practices during the latter 20th century.⁴⁸ Additional scholarly work, such as that of researcher Nicky Falkof, specialising in media studies, has primarily focused on satanic panic’s social and political implications amongst white populations in South Africa. This has allowed researchers to determine the significance of these events on local communities.⁴⁹ Moreover, three cases involving witchcraft amongst schoolgirls, “black” students and a teenager were drawn upon by Falkof to demonstrate how moral and satanic panics show a strong correlation with turbulent political periods during the late 1980s and early 1990s.

The continued validity, adaptability and resilience of witchcraft beliefs and practices during the 20th century prompted additional historical studies to probe the inadequacies of implemented witchcraft legislations by accounting for the failure of witchcraft suppression acts, largely characterised by their lack of cultural sensitivity. In “Witchcraft and the State in South Africa”, author Johannes Harnischfeger, specialising in African studies, addresses these shortcomings by investigating the varying witchcraft suppression acts and acknowledged that

⁴⁵ A. J. Christopher, “The Pattern of Diplomatic Sanctions against South Africa 1948-1994”, *GeoJournal*, 34(4), 1994, p. 439.

⁴⁶ See: M. E. Fitch, “Africa’s Satanic Panic: Evangelical Christianity and Traditional Belief Systems Clash in Modernising African Nations”, *Skeptical Inquirer*, 39(2), 2015, pp. 22-23; D. Dunbar, “The Devil’s Children: *Volk*, Devils and Moral Panics in White South Africa, 1976-1993”, Master’s Thesis, University of Stellenbosch, 2012.

⁴⁷ M. E. Fitch, “Africa’s Satanic Panic – Evangelical Christianity and Traditional Belief Systems Clash in Modernizing African Nations”, *Skeptical Inquirer*, 39(2), p. 22.

⁴⁸ See: Fitch, “Africa’s Satanic Panic: Evangelical Christianity and Traditional Belief Systems Clash in Modernising African Nations”, pp. 22-23 & Dunbar, “The Devil’s Children: *Volk*, Devils and Moral Panics in White South Africa, 1976-1993”.

⁴⁹ N. Falkof, “‘Satan Has Come to Rietfontein’: Race in South Africa”, *Feminist Media Studies*, 17 (3), 2017, p. 753.

such state initiatives served as a relic of the past, portraying elements of white superiority.⁵⁰ The oppressive nature and political structure from which witchcraft legislations were formulated sparked additional scholarly work growing out of the need to identify more innovative avenues in dealing with related activities.⁵¹

The inception of initial witchcraft legislations implemented across Southern Africa during the 19th century was largely formulated within a Christian religious framework reflecting the notion that witchcraft practices were mere superstitions.⁵² These ethnocentric state initiatives, evident in the implementation of the Cape of Good Hope Act 24 of 1886 Penal code,⁵³ were situated within the historically “black” territories, which was later replaced by Act 2 of 1895 under the Witchcraft Suppression Act of 1895.⁵⁴ In “Rethinking Religion, Magic and Witchcraft in South Africa: From Colonial Coherence to Postcolonial Conundrum”, Wallace investigates the interwoven relationship between “religion” and notions of “magic” during the colonial period. He demonstrates how this colonial constructed conceptualisation of witchcraft formed the foundation of implemented suppression acts during the 20th century.⁵⁵

Dubbed as “Eurocentric legal machinery” by the Ralushai Commission in 1996,⁵⁶ the Witchcraft Suppression Act 3 of 1957 – implemented despite an appeal against its ascendance during 1951 – largely resembled the varying sections forming part of the Cape Colony witchcraft legislations as seen in Act 24 of 1886.⁵⁷ In his article “Witchcraft and the State in South Africa”, Johannes Harnischfeger contemplates the shortcomings of these state initiatives by reflecting on the formulation of the related legislations implemented during the 20th century that made witchcraft a criminal offence.⁵⁸ In the context of violent witch-hunts during the 1980s and 1990s, the Ralushai Commission acknowledges that it represented a relic of the past and legislations from part of the old apartheid regime.⁵⁹ The 1957 Act was later amended by the Witchcraft Suppression Act of 1970, which included the amendment of some sections although

⁵⁰ J. Harnischfeger, “Witchcraft and the State in South Africa”, *Anthropos*, 95(1), 2000, p. 99.

⁵¹ Petrus, “A Proposal Towards A Theory on Witchcraft-Related Crime in Post-Colonial South Africa”, p. 142.

⁵² Wallace, “Rethinking Religion, Magic and Witchcraft in South Africa: From Colonial Coherence to Postcolonial Conundrum”, p. 34.

⁵³ This Act formed part of the Black Territories’ Penal code.

⁵⁴ <https://www.justice.gov.za/legislation/acts/1957-003.pdf> (Accessed on 13 January 2020). The initial Suppression Act and the implemented Penal code were followed by the implementation of Law 19 of 1891 forming part of the Natal Code of Black Law, later followed by the Ordinance 26 of 1904 in the Transvaal. Moreover, the inception of legislations in Zululand was implemented as Proclamation 11 of 1887.

⁵⁵ Wallace, “Rethinking Religion, Magic and Witchcraft in South Africa: From Colonial Coherence to Postcolonial Conundrum”, p. 34.

⁵⁶ The Ralushai Commission was established to investigate traditional leadership disputes and claims pertaining to the Northern Province.

⁵⁷ <https://www.justice.gov.za/legislation/acts/1957-003.pdf> (Accessed on 13 January 2020).

⁵⁸ J. Harnischfeger, “Witchcraft and the State in South Africa”, *Anthropos*, 95(1), 2000, p. 100.

⁵⁹ J. Harnischfeger, “Witchcraft and the State in South Africa”, *Anthropos*, 95(1), 2000, p. 100.

the state only allowed for the prosecution of those “pretending to exercise supernatural powers”.⁶⁰ Thus, the evident failures resulted in the 1970 Act being ruled unconstitutional in 2016.

The shortcomings of these legislations left South African courts in precarious positions, uncertain of how to deal with indigenous health practitioners. In his article “Regulating ‘Tradition’ South African Izangoma and the Traditional Health Practitioners Act 2004”, specialised anthropological researcher Patrick Bannister contemplates these uncertainties by acknowledging the limitations and complexities of recognising African tradition within a liberal democracy.⁶¹ Court proceedings dealing with witchcraft-related crime bring uncertainties and controversies about witch doctors into the public domain. Legal records documented in South-East Cameroon suggest that judges regularly consulted traditional witch doctors to confirm or deny the legitimacy of accusations brought to court.⁶² This practice was rooted in the belief that witch doctors were experts in their field, which enabled them to “prove” the witches’ presumed guilt.⁶³ In recent years, South-East Cameroon has notoriously become known for convicting suspects of witchcraft without a confession or even concrete evidence, showing similar clumsy frameworks used to ensure a conviction in European witchcraft trials.⁶⁴ Records from Cameroon suggest that state courts chose to prosecute witch doctors for falsely accusing people of being a witch, which unquestionably placed their reputation under scrutiny.

Bannister contemplates the debates surrounding the inclusion of traditional practitioners in court proceedings and questions the very notion of “recognition” concerning the attached symbolism of these figures and their inclusion in a written law.⁶⁵ The sections of the Suppression Act 3 of 1957 limiting the work of indigenous health practitioners, for example, failed to dent the influence these figures held within their respective communities.⁶⁶ Insinuating that these debates are not confined to South Africa, the World Health Organisation (WHO) has also urged governments to include established traditional healers in primary health care

⁶⁰ <https://www.justice.gov.za/legislation/acts/1957-003.pdf> (Accessed on 13 January 2020) & Wallace, “Rethinking Religion, Magic and Witchcraft in South Africa”, p. 34.

⁶¹ P. Bannister, “Regulating ‘tradition’ South African Izangoma and the Traditional Health Practitioners Act 2004”, *The Cambridge Journal of Anthropology*, 27(1), 2007/2008, p. 25.

⁶² C. F. Fisly & P. Geschiere, “Judges and Witches, or How Is the State to Deal with Witchcraft? Examples from Southeast Cameroon.”, *Cahiers d’Etudes Africaines*, 30(118), 1990, p. 140.

⁶³ Fisly & Geschiere, p. 137.

⁶⁴ Fisly & Geschiere, p. 135.

⁶⁵ Bannister, “Regulating ‘Tradition’ South African Izangoma and the Traditional Health Practitioners Act 2004”, p. 26.

⁶⁶ Wallace, “Rethinking Religion, Magic and Witchcraft in South Africa: From Colonial Coherence to Postcolonial Conundrum”, p. 35.

structures.⁶⁷ Despite existing legislations criminalising acts associated with the profession of these figures, more recently, police situated in Durban are believed to have hired “witch finders” – also referred to as “*umhlahlo*” in various witchcraft cases⁶⁸ – alluding to the fluidity of witchcraft legislations and its implementation on a grass-roots level.

Apart from the shortcomings and inadequacies of implemented witchcraft legislations, witchcraft discourses also serve as a means of renegotiating new spaces during the 20th century. Jean Comaroff, Professor of African and African-American Studies, has emphasised evident parallels between Africa and the west concerning undertones of modern changes linked to witchcraft discourses. This was performed by exploring the adaptability and social durability of practices and beliefs associated with witchcraft in numerous cultures.⁶⁹ Essentially, these studies have grappled with social, political and environmental influences such as that of globalisation and the effect these influences had on the reshaping of witchcraft beliefs and related practices within respective communities. Anthropologists Diane Ciekawy and Peter Geschiere have also written extensively about witchcraft in the post-colonial context and contemplated the meaning of witchcraft behaviours in the face of both social and political transformations and explicitly with regards to modernity.⁷⁰

Witchcraft is believed to reproduce itself following modern changes in a world where growing tensions relating to the increased visibility of modern forms of wealth remains apparent.⁷¹ Finch and others have identified likely scenarios and situations within given communities in which accusations are most likely to arise.⁷² Witchcraft-related studies of this nature have proven popular since the 1980s. Researchers have shown a renewed interest in understanding and locating witchcraft explicitly concerning modern changes.⁷³ Their work serves as a trajectory of the interdisciplinary approach used from the 1990s, studying witchcraft behaviours in the face of varying reformulations of power, new ways of accumulating wealth

⁶⁷ Bannister, “Regulating ‘Tradition’ South African Izangoma and the Traditional Health Practitioners Act 2004”, p. 31.

⁶⁸ Bannister, p. 26.

⁶⁹ Ciekawy & Geschiere, “Containing Witchcraft: Confronting Scenarios in Postcolonial Africa”, p. 2.

⁷⁰ See: Petrus, “A Proposal Towards a Theory on Witchcraft-Related Crime in Post-Colonial South Africa”; Ciekawy & Geschiere, “Containing Witchcraft: Conflicting Scenarios in Postcolonial Africa”, p. 1; Wallace, “Rethinking Religion, Magic and Witchcraft in South Africa: From Colonial Coherence to Postcolonial Conundrum”, pp. 23-51.

⁷¹ Ciekawy & Geschiere, “Containing Witchcraft: Conflicting Scenarios in Postcolonial Africa”, p. 3.

⁷² See: Fitch, “Africa’s Satanic Panic: Evangelical Christianity and Traditional Belief Systems Clash in Modernising African Nations”, pp. 22-23; Dunbar, “The Devil’s Children: *Volk*, Devils and Moral Panics in White South Africa, 1976-1993”.

⁷³ D. Kohnert, “Occult Beliefs, Globalisation and the Quest for Development in African Societies: The Example of South Africa”, *Journal for the Study of Religion*, 16(1), 2003, p. 27.

and various attempts by communities to make sense of evolving political, social and economic environs during the 1980s and 1990s.

Recognising the correlation between the changing environment and the reformulations of witchcraft discourses, scholars such as anthropologist T. S. Petrus, theologian Dale Wallace and economist Dirk Kohnert have investigated the impact of globalisation and modernisation during the latter quarter of the 20th century. These studies focused on the emergence of witchcraft in more modern sectors such as politics, numerous forms of entrepreneurship, sports and institutions of formal education, as pointed out by Ciekawy and Geschiere.⁷⁴ Witchcraft studies contemplating the renegotiation of these spaces have done so by questioning the adaptability and social durability of practices and beliefs associated with witchcraft in multiple cultures in Africa and elsewhere.⁷⁵

Therefore, these historical investigations have sought to understand how discourses about witchcraft have continued to exist and hold relevance in many communities in the modern setting, thereby challenging the colonial state's assumption that levels of education and the penetration of Christian religious doctrine would diminish the prevalence of witchcraft. Based on the prevalence and findings of witchcraft studies within the post-colonial era, Ganis, in her article "Political and Social Implications of Witchcraft and Legitimacy in South Africa", asserts that neither standards of education nor time have managed to curb witchcraft from spreading on all levels of society,⁷⁶ reaffirming the adaptability of witchcraft discourses and their purpose in providing reasoning and clarity for unfamiliar changes arising from globalisation.

The repercussions of globalisation within the oppressive and racially charged South African environment gave way to additional forms of unjust inequalities, which consequently fuelled feelings of jealousy, envy and mistrust within and between communities. Researchers have demonstrated this by drawing on discourses pertaining to the unlimited and relentless pursuit of self-greed in the globalising world and explicitly related to witchcraft. In "Witchcraft and the Exchange of Sex, Blood and Money amongst Africans in Cape Town, South Africa", cultural anthropologist Erik Bähre recognises that accusations of witchcraft tended to rise when access to resources became strained.⁷⁷ It is clear that when people do not have equal access to

⁷⁴ Ciekawy & Geschiere, "Containing Witchcraft: Conflicting Scenarios in Postcolonial Africa", p. 1.

⁷⁵ See: Petrus, "A Proposal Towards a Theory on Witchcraft-Related Crime in Post-Colonial South Africa", pp. 142-151; Ciekawy & Geschiere, "Containing Witchcraft: Conflicting Scenarios in Postcolonial Africa", pp. 1-14; Wallace, "Rethinking Religion, Magic and Witchcraft in South Africa: From Colonial Coherence to Postcolonial Conundrum", pp. 23-51.

⁷⁶ Ganis, "Political and Social Implications of Witchcraft and Legitimacy in South Africa", p. 361.

⁷⁷ E. Bähre, "Witchcraft and the Exchange of Sex, Blood and Money among Africans in Cape Town, South Africa", *Unsure*, 32(3), 2002, p. 319.

evolving forms of power, this regularly results in grave instances of widespread poverty, which, in turn, created a platform from which feelings of envy and jealousy could thrive.⁷⁸ Consequently, these feelings ensured the continued prevalence of witchcraft discourses in the post-colonial setting, which prompted scholars to investigate the rearticulation of these discourses related to obsessions with acquiring new opportunities for accumulating power, wealth and status.⁷⁹

Research accounting for these persisting inequalities and the resulting strained relationships between people who depended on each other have been investigated through evaluating occult systems in light of trans-local social spaces and modes of production, as seen in the case of economist Dirk Kohnert.⁸⁰ In Southern Africa, racially oppressive societal structures ensured continuance of unequal access to wealth and opportunities allowing the historically oppressed to find expression in “occult economies”, also understood as the reverse of formal capitalism.⁸¹ The consequence of witchcraft being used in this fashion frequently manifested in blocking individual enterprise, which often led to stagnation for both individuals and communities at large.⁸² Also referred to as one of the greatest hurdles to development, witchcraft beliefs preventing the natural progression of societies through public disharmony often serve as an instrument of social control.⁸³

Feelings of political, social and economic dissatisfaction arising within these historically oppressive structures have forced historians and anthropologists to probe more deeply into alternative forms of power perceived to be available to those willing to use it. Given that power operates in diverse forms on all levels of society within and amongst communities, so too did these alternative forms of power, such as that of bewitchment, *muti*, the use of magical charms and the manipulation of the environment. These were all harnessed to acquire what those who were racially privileged could otherwise easily obtain. These alternative ways of obtaining power within the 20th century served as a means of gaining agency and control over oppressive circumstances where these substances if used correctly, served as mystical antidotes for the dissatisfaction of social and political order. In “Occult Beliefs, Globalisation

⁷⁸ Ciekawy & Geschiere, “Containing Witchcraft: Conflicting Scenarios in Postcolonial Africa”, p. 3.

⁷⁹ Ciekawy & Geschiere, p. 6.

⁸⁰ Kohnert, “Occult Beliefs, Globalisation and the Quest for Development in African Societies: The Example of South Africa”, p. 27.

⁸¹ Ciekawy & Geschiere, “Containing Witchcraft: Conflicting Scenarios in Postcolonial Africa”, p. 9.

⁸² Fisly & Geschiere, “Judges and Witches, or How Is the State to Deal with Witchcraft? Examples from Southeast Cameroon”, p. 143.

⁸³ K. Horsthemke, “African and Afrikaner ‘Ways of Knowing’: Truth and the Problems of Superstition and ‘Blood Knowledge’”, *Theoria: A Journal of Social and Political Theory*, 57(123), 2010, p. 43. See also: M. Green, “Confronting Categorical Assumptions about Power of Religion in South Africa”, *Review of African Political Economy*, 33(110), 2006, p. 641.

and the Quest for Development in African Societies: The Examples of South Africa”, Kohnert asserts that these alternative forms of acquiring power and turning to magic were done in the pursuit of obtaining upward economic mobility and development, only afforded to a minute fraction of South African society.⁸⁴

By manipulating objects, people and the environment, historiography on witch familiars became especially prominent during the latter 20th century.⁸⁵ In “Witches of the Transvaal Lowveld and Their Familiars: Conceptions of Duality, Power and Desire”, anthropologist Isak Niehaus investigates the fluid relationship between witches and their familiars among the Tsonga and Sotho-speaking societies during the latter 20th century.⁸⁶ Located in the Green Valley, Niehaus situates witchcraft beliefs within their evolving broader social, political and economic surroundings to understand the complex relationship and symbolic meanings and significance of witches and familiars. He argues that these mystical figures can only be adequately understood within local modes of articulation relating to the concepts of desire, duality and power. This is related to labour migration, the resulting fragmentation of communal and familial relations and the desire to obtain wealth in socially and economically deprived contexts. Based on interviews, local indigenous knowledge and existing anthropological literature, Niehaus focuses on the communal conceptualisation of both the “*mamlambo*” and “*tokolose*” and, in so doing, reaffirms the correlation between the acquired connotations of these figures. These figures were representative of broader communal tensions and anxieties which threatened the social harmony amongst these communities. This study has very similar findings, which date back to the end of the 19th century in the Transkeian Territories.

Investigating witchcraft narratives among Xhosa migrants in Cape Town, Bähre reiterates this correlation by drawing on the social significance and validity of witch familiars in terms of communal anxieties, desires and conflicts through the exchanges of blood sex and money.⁸⁷ In the context of acquiring wealth, Bähre elaborates on the attached communal connotations of witch familiars linking to volatile relations characteristic of rearticulated sexual

⁸⁴ Kohnert, “Occult Beliefs, Globalisation and the Quest for Development in African Societies: The Examples of South Africa”, p. 28.

⁸⁵ Bähre, “Witchcraft and the Exchange of Sex, Blood, and Money among Africans in Cape Town, South Africa”, p. 301; Fordred-Green, “*Tokoloshe* Tales Reflections on the Cultural Politics of Journalism in South Africa”, p. 701; J. Tropp, “The Python and the Crying Tree: Interpreting Tales of Environmental and Colonial Power in the Transkei”, *The International Journal of African Historical Studies*, 36(3), 2003, p. 516 & I. Niehaus, “Witches of the Transvaal Lowveld and Their Familiars: Conceptions of duality, Power and Desire (Sociers de la Région du Lowveld au Transvaal)”, *Cahiers d’Etudes Africaines*, 35(138/139), 1995, p. 514.

⁸⁶ Niehaus, “Witches of the Transvaal Lowveld and Their Familiars: Conceptions of Duality, Power and Desire (Sorciers de la region du Lowveld au Transvaal)”, p. 514.

⁸⁷ Bähre, “Witchcraft and the Exchange of Sex, Blood, and Money among Africans in Cape Town, South Africa”, p. 301.

relations, the impact of violence and widespread economic insecurities linked to the repercussions of modernisation within historically oppressive structures. Here, the representation of witch familiars, as in the case of Niehaus, speaks to hardships arising from gross inequalities. In the same vein, anthropologist Lesley Fordred-Green expands on the reportage of these figures during the 1990s and links the related connotations to cultural politics and realistic narratives, again indicative of anxieties present within the varying contexts in which they appear.⁸⁸ Moreover, these communal anxieties and the persisting inequalities often infringed on close intrapersonal relations whereby accusations of witchcraft threatened neighbourly and familial bonds.⁸⁹ By extension, this study shows that this dates back to the latter 19th century in the Transkeian Territories.

Within these turbulent settings, the continuation of witchcraft beliefs and practices coupled with the state's failure to adequately address witchcraft fears and activities placed African Initiated Churches (AIC), from the 1970s onwards, as an institution willing to provide refuge and support against lurking invisible forces.⁹⁰ During this time, a specialised branch to deal with the witchcraft problem during the 1970s created a platform from which African voices could be heard. This exposed communal grievances and created a way to contemplate, reflect and acknowledge communal injustices.⁹¹ The proclaimed power over witchcraft within these religious institutions gave validity to witchcraft discourses and ensured these African churches were intricately linked to social obligation, power and notions of success, thereby positioning themselves strategically as an important new social resource against occult forces.⁹² The importance of religious studies relating to witchcraft discourses has been captured most crisply

⁸⁸ Fordred-Green, "Tokoloshe Tales Reflections on the Cultural Politics of Journalism in South Africa", p. 701.

⁸⁹ Ciekawy & Geschiere, "Containing Witchcraft: Conflicting Scenarios in Postcolonial Africa", p. 4; P. Geschiere, "Witchcraft as the Dark Side of Kinship: Dilemmas of Social Security in New Contexts", *Etnofoor*, 16(1), 2003, p. 43; F. Wood, "Kinship, Collegiality and Witchcraft: South African Perceptions of Sorcery and the Occult Aspects of Contemporary Academia", *Tydskrif vir Letterkunde*, 51(1), 2014, p. 153; E. Leistner, "Witchcraft and African Development", *African Security Review*, 23(1), 2014, p. 58; A. S. Ajala & E. N. Ediomu-ubong, "'It's My Stepmother': Witchcraft, Social Relations, and Health Security in Ibibio, South-South Nigeria", *Anthropos*, 105(2), 2010, p. 456; Harnischfeger, "Witchcraft and the State in South Africa", p. 102; E. Fottrell, S. Tollman, P. Byass, F. Golooba-Mutebi & K. Kahn, "The Epidemiology of 'bewitchment' as a Lay-Reported Cause of Death in Rural South Africa", *Journal of Epidemiology and Community Health*, 66(8), 2012, p. 704 & P. Geschiere & F. Nyamnjoh, "Witchcraft as an Issue in the 'Politics of Belonging': Democratization and Urban Migrant Involvement with the Home Village", *African Studies Review*, 41(3), 1998, p. 70.

⁹⁰ African Initiated Churches were formed out of a need for African support as a consequence of European occupation in Southern Africa. These churches emerged following the severing ties with originally mission-based churches. See: S. I. Britt, "'Sacrifice Honours God': Ritual Struggle in a Liberian Church", *Journal of the American Academy of Religion*, 76(1), 2008, p. 3; S. S. Walker, "Witchcraft and Healing in an African Christian Church", *Journal of Religion in Africa*, 10(2), 1979, p. 137; O. Kalu, "Pentecostal and Charismatic Reshaping of the African Religious Landscape in the 1990s", *Mission Studies*, XX, 2003, p. 86 & Wallace, "Rethinking Religion, Magic and Witchcraft in South Africa: From Colonial Coherence to Postcolonial Conundrum", p. 26.

⁹¹ J. Badstuebner, "'Drinking the Hot Blood of Humans': Witchcraft Confessions in a South African Pentecostal Church", *Anthropology and Humanism*, 28(1), 2003, p. 9.

⁹² S. Newell, "Pentecostal Witchcraft: Neoliberal Possession and Demonic Discourse in Ivoirian Pentecostal Churches", *Journal of Religion in Africa*, 37, 2007, p. 461.

by historian Stephan Ellis and professor of Religion and Development Gerrie ter Haar. Within the context and events of fragmented political institutions witnessed by many African countries, they assert that religious discourses are often employed as a means of attempting to provide a remedy involving the reordering of power.⁹³ Proposed antidotes for suspected witchcraft activities often took on religious undertones encouraging African community members to turn to the newly established AICs.

Historian Ogbu Kalu notes that the emergence and prominence of Charismatic and Pentecostal religiosity, which in itself has become popular in Nigeria in recent decades, has regularly been compared to similar developments in both Asia and Latin America alluding to a more global trend.⁹⁴ Churches, such as the Liberian church discussed in “‘Sacrifice Honors God’: Ritual Struggle in a Liberian Church” by theologian Samuel I. Britt, show evident parallels between the emergence of animal sacrifice and notions of witchcraft. These sacrificial rituals provided an effective strategy to counteract threats of witchcraft where particular importance was placed on two forms of sacrifice, namely “Sin Sacrifice” and “Life Sacrifice”.⁹⁵ These rituals were seen as a means of accessing instant earthly power obtained through the spilling of blood.⁹⁶ This is partially explained by the connection between blood and the alliance to ancestors.⁹⁷

Religion can, therefore, serve as an instrument of political mobilisation. The AICs served more than one function to various community members seeking both security and spiritual protection. The newly developed religious institutions in African countries, such as The Republic of Liberia, presented themselves as the “answer” to the globalising and ever-evolving urban occult, asserting power over witchcraft and “securing hope” for a safer future.⁹⁸ From the 1980s, transformations in the Pentecostal churches did away with varying forms of sacrifice by including elements of the Holy Spirit. In “Pentecostal Witchcraft: Neoliberal Possession and Demonic Discourse in Ivoirian Pentecostal Churches”, anthropologist Sasha Newell critically analyses the role and significance of Pentecostal churches in the Ivory Coast

⁹³ S. Ellis & G. ter Haar, “Religion and Politics in Sub-Saharan Africa”, *The Journal of Modern African Studies*, 36(2), 1998, p. 176.

⁹⁴ Kalu, “Pentecostal and Charismatic Reshaping of the African Religious Landscape in the 1990s”, p. 84.

⁹⁵ Britt, “‘Sacrifice Honors God’: Ritual Struggle in a Liberian Church”, p. 1.

⁹⁶ Ellis & ter Haar, “Religion and Politics in Sub-Saharan Africa”, p. 197.

⁹⁷ Bähre, “Witchcraft and the Exchange of Sex, Blood, and Money among Africans in Cape Town, South Africa”, p. 307 & Author Unknown, “Missionary News: Facts & Queries from Our Own Field”, *The Christian Express*, 1 March 1894, p. 37.

⁹⁸ “Urban occult” in this context links to what has already been said about new sectors arising from globalisation and contributing to gross inequalities. See: Badstuebner, “‘Drinking the Hot Blood of Humans’: Witchcraft Confessions in a South African Pentecostal Church”, p. 11.

during the latter 20th-century.⁹⁹ Although she acknowledges the popularity of these churches based on their ability to combat witchcraft, Newell controversially argues that this branch of Christianity can itself be regarded as an alternative form of witchcraft. This premise is based on the dualistic characteristics of these institutions concerning power where she asserts, the church is both capable of destroying witches whilst able to produce individual health and wealth through means of the Holy Spirit.¹⁰⁰

On other fronts, the state's failure to recognise witchcraft as a legitimate issue often prompted communities to take their own precautions against those believed to be practising witchcraft.¹⁰¹ Historical studies about communal anti-witchcraft initiatives have primarily focused on how communities have taken a stand against witchcraft-related practices often represented in the form of communal witchcraft cleansing practices. Based on the idea that such practices centred on replication and purification, the act was, therefore, performed in the context of life crisis rituals.¹⁰² This alternative allowed people to protect themselves from evil forces during times of "bad luck". In the case of Tanzania, the symbolic shaving of hair in purification practices is talked about in terms of "shaving witchcraft", in other words, shedding themselves of witchcraft affiliations.¹⁰³ Such instances occurred mainly to periods of great change and upheaval, a trend already discussed. Studies suggest that these purification rituals were primarily directed at witches and served to portray feelings of discontent with the existing cultural code.¹⁰⁴

Witchcraft violence in South Africa during the 1980s and 1990s serve as an example of another manifestation in which communities challenged racially oppressive systems and displayed discontent for existing cultural codes as expressed through witchcraft discourses.¹⁰⁵ This is confirmed in "Witchcraft and Transitional Social Spaces: Witchcraft Violence, Reconciliation and Development in South Africa's Transition Process", where Kohnert argues that globalisation, perceived to have accelerated the democratic process, accompanied by the

⁹⁹ Newell, "Pentecostal Witchcraft: Neoliberal Possession and Demonic Discourse in Ivoirian Pentecostal Churches", pp. 461-462.

¹⁰⁰ Newell, p. 462.

¹⁰¹ Brit, "'Sacrifice Honors God': Ritual Struggle in a Liberian Church", p. 2; M. Green, "Witchcraft Suppression Practises and Movements: Public Politics and the Logic of Purification", *Comparative Studies in Society and History*, 39(2), 1997, p. 319 & Badstuebner, "'Drinking the Blood of Humans': Witchcraft Confessions in a South African Pentecostal Church", p. 10.

¹⁰² Green, "Witchcraft Suppression Practises and Movements: Public Politics and the logic of Purification", p. 332.

¹⁰³ Green, p. 320.

¹⁰⁴ Green, p. 322.

¹⁰⁵ See: I. A. Niehaus, "The ANC's Dilemma: The Symbolic Politics of Three Witch-Hunts in the South African Lowveld, 1990-1995", *African Studies Review*, 41(3), 1998, p. 99; Kohnert, "Occult Beliefs, Globalisation and the Quest for Development in African Societies: The Example of South Africa", p. 28; Geschiere & Nyamnjoh, "Witchcraft as an Issue in the 'Politics of Belonging': Democratization and Urban Migrants' Involvement with the Home Village", p. 73 & Leistner, "Witchcraft and African Development", p. 61.

added tension arising from South Africa's transition from the apartheid regime, largely accounted for violent conflicts arising during the 1990s.¹⁰⁶ Therefore, evolving social, political, economic and religious spaces are assumed to give rise to increasingly innovative and systematic forms of perpetrating witchcraft crimes as witnessed during the 1980s and 1990s.

Economist Erich Leistner also reflects on the widespread prevalence of large scale killings and violent witch-hunts in the Eastern Cape, Northern provinces and Lebowa Homeland during the late 1980s and early 1990s.¹⁰⁷ In his article "Witchcraft and African Development", Leistner describes these displays of violence as representing, to some extent, the desire to "clean out" the racially oppressive past to pave the way for a more prosperous future whilst seeking revenge persecution and violent murder of the opposition.¹⁰⁸ The resurgence of these tensions coincided with the Sekhukhuneland revolt in 1986, where forms of resistance had become more articulated during much of the 1980s.¹⁰⁹ The climax of these collective witch-hunts occurred in 1990, coinciding with the release of Nelson Mandela.¹¹⁰

Witchcraft violence in witch-hunts, assaults and murders during the 1980s and 1990s served a political and social function rooted in notions of power. Petrus reiterated this, linking instances of ritualised forms of violent witch-hunts to the broader liberation struggle transpiring in South Africa during the 1990s.¹¹¹ Described as "multifaceted social dramas", Niehaus investigates three witch-hunts in the South African Lowveld between 1990 and 1995. He probes the significance of the violence and the varying modes of participation representing different meanings to a diverse audience.¹¹² Acting as a form of African resistance against historically oppressive political and social structures, Niehaus locates these acts of violence within a racially charged environment exposing the fragmentation and reformulations of power between varying political structures. Through these rearticulations of power, Niehaus contemplates those considered "comrades", the assumed position taken on by these young men.

Journalist Steffen Jensen and associate professor of social sciences and business Lars Buur investigate societal conceptualisation of "the people" to determine those considered

¹⁰⁶ D. Kohnert, "Witchcraft and Transitional Social Spaces: Witchcraft Violence, Reconciliation and Development in South Africa's Transition Process", *Journal of Modern African Studies*, 41(2), 2003, p. 217.

¹⁰⁷ Historically incorporating the 'self-governing' homelands of Lebowa, Gazankulu and Venda, the Northern Province was later named Limpopo Province. Leistner, "Witchcraft and African Development", *African Security Review*, 23(1), p. 61.

¹⁰⁸ Leistner, p. 61.

¹⁰⁹ Kohnert, "Witchcraft and Transnational Social Spaces: Witchcraft Violence, Reconciliation and Development in South Africa's Transition Process", p. 222 & Delius, "Witches and Missionaries in Nineteenth Century Transvaal", p. 429.

¹¹⁰ Harnischfeger, "Witchcraft and the State in South Africa", p. 99.

¹¹¹ Petrus, "A Proposal Towards A Theory on Witchcraft-Related Crime in Post-Colonial South Africa", p. 147.

¹¹² Niehaus, "The ANC's Dilemma: The Symbolic Politics of Three-Hunts in the South African Lowveld, 1990-1995", p. 96.

victims, as opposed to perpetrators, in witchcraft violence.¹¹³ Similarly, distinguishing between those who inspire anxiety and fear through acts of violence, as opposed to those unable to defend themselves, is explored by anthropologists Petrus and Niehaus in terms of the acquired influential political position held by “the comrades”.¹¹⁴ Social anthropologist Khavkanani N. Mavhungu also highlights the role of “comrades” and the complex political environment in which these figures operated.¹¹⁵ Outbursts of ritualised violence have, to a great extent, been interpreted as tell-tale signs of political intimidation and intergenerational conflicts, which allude to the use of violence serving as a means to obliterate misfortune and evil.¹¹⁶

Through these rearticulations of power, notions of gender became central features in witchcraft violence during the 1980s and 1990s. Investigating those accused of witchcraft and killed for their presumed involvement exposed the gender and generational bias nature of witchcraft accusations.¹¹⁷ Located within historically hierarchical structures, the unbanning of the ANC during 1990 allowed for the recognition of the Women’s League, symbolising the women’s first official engagement with contemporary politics.¹¹⁸ These changing power structures relating to women’s newly acquired agency partially explains why two-thirds of those brutally murdered in witch-hunts were women aged above 60, whereas the “comrades” were predominately males between 16 and 25 years.¹¹⁹

Petrus, amongst others, has investigated the psychological repercussions of witch-killings in communities in which they occurred, their lasting effects and broader implications for future development.¹²⁰ Power, regarded as the fundamental aspect of witchcraft discourses, operates in many forms on all levels of society and infiltrates communal, familial and neighbourly spheres. In the post-colonial setting and ever-modernising world, accumulating wealth has regularly been associated with the use of magic. This, in turn, increases the

¹¹³ S. Jensen & L. Buur, “Everyday Policing and the Occult: Notions of Witchcraft, Crime and “the People””, *African Studies*, 63(2), 2004, p. 193.

¹¹⁴ See: Kohnert, “Witchcraft and Transnational Social Spaces: Witchcraft, Violence, Reconciliation and Development in South Africa’s Transitional Process”, pp. 6-7; A. Pieters, ““The Danger Inside”: Witchcraft and Community in South African Literature”, *English in Africa*, 41(3), 2014, p. 24; Kohnert, “Occult Beliefs, Globalisation and the Quest for Development in African Societies: The Example of South Africa”, p. 12 & M. R. Mchunu, ““We Have Finished Them”: Ritual Killing and War-doctoring in Kwazulu-Natal During the 1980s and 1990s”, *African Historical Review*, 47(2), 2015, pp. 9-10.

¹¹⁵ K. N. Mavhungu, “Heroes, Villains and the State in South Africa’s Witchcraft Zone”, *The African Anthropologist*, 7(1), 2000, p. 117.

¹¹⁶ Niehaus, “The ANC’s Dilemma: The Symbolic Politics of Three-Hunts in the South African Lowveld, 1990-1995”, p. 94.

¹¹⁷ Kohnert, “Witchcraft and Transnational Social Spaces: Witchcraft Violence, Reconciliation and Development in South Africa’s Transition Process”, pp. 223-224.

¹¹⁸ Niehaus, “The ANC’s Dilemma: The Symbolic Politics of Three Witch-Hunts in the South African Lowveld, 1990-1995”, p. 96.

¹¹⁹ Kohnert, “Witchcraft and Transnational Social Spaces: Witchcraft Violence, Reconciliation and Development in South Africa’s Transition Process”, p. 224.

¹²⁰ Petrus, “A Proposal Towards A Theory on Witchcraft-Related Crime in Post-Colonial South Africa”, p. 147.

likelihood of a person becoming vulnerable to witchcraft accusations.¹²¹ Often employed to counter inequalities amongst people of the same community, witchcraft accusations, therefore, decreased amongst wealthy community members if they chose to share their wealth amongst family and friends.

Accounting for these recurrent trends and themes in witchcraft discourses in both the colonial and post-colonial context, this dissertation aims to bridge the gap between current discourses and similar evident trends during the latter 19th century. Neglected in existing witchcraft historiography of the Transkeian Territories, this study aims to contemplate the broader implications of witchcraft crime through witchcraft courtroom narratives. Power, political and economic uncertainty, politico-legislative change, disease, and symbols linked to witchcraft activity and the conflict within communities are central points of departure.

1.3 Thesis Question

“‘They have put a rope around my neck by bringing me here’: A Historical Exploration of Witchcraft Trials in Transkeian Territories, 1882-1906,” asks how was witchcraft legislation crafted in South Africa, how was it applied within the rural Transkeian Territories, what trends can be gleaned from the court proceedings and what do these court cases reveal about the communities¹²² impacted by this legislation? The main thesis question asks: What do the Bantu Affairs Commission judicial records tell us about witchcraft practices, persecution, and prosecution and the connection between policing witchcraft, colonial power, and traditional communal and familial bonds in the Transkei between 1882 and 1906? It is argued that consulted witchcraft narratives pertaining to the Transkei region between 1882-1906 express individual and communal anxieties, fears, jealousy and importantly cleavages. This sits in contrast to existing literature a decade later where evidence pointed to a direct political motive for much of the reported widespread witchcraft violence.

1.4 Methodology

Located between the Kei and Umzimkulu Rivers, the Transkeian Territories have been characteristically marked by a contentious past shaped by cultural exchanges between African

¹²¹ Leistner, “Witchcraft and African Development”, p. 61.

¹²² The colonial racial terminology of the sources, such as African and European, will be adopted in this dissertation as it has contextual significance for the study. The author acknowledges the essentialist and racist way in which these terms were applied during the 19th century and beyond.

indigenous communities and white settlers, the renegotiation of power through the political encroachment of colonial authorities, and the gradual loss of chiefly rule.¹²³ This distinctive landscape was plagued with a belligerent history moulded by the interactions between ever-changing cultural and social modes in colonial and African societies further shaped by the varying and changing relationships between the colonial authorities and indigenous African communities dependent on location, time and “tribe”.¹²⁴ The colonial process of overpowering African chiefdoms, although gradual, was rooted in Christian ideologies governed by Victorian ideas of morality and cultural decency that provided a framework from which expansion could be justified.¹²⁵

Communities residing in these territories were predominately indigenous African societies referred to by the colonial state as the “kaffir” race, which was made up of different divisions of Xhosa and Tembu “tribes”, the Bomvana, Pandomise, Baca and Xesibe, and fragments of broken clans of Zulu and Natal peoples.¹²⁶ Referred to as “Fingoes” prior to white assertion, these “tribes” lived in accordance with an “unwritten law” passed on through oral tradition and custom, which was upheld by appointed indigenous figures such as headmen and chiefs. Initially, the white settlers in these territories maintained cooperation through peace agreements and treaties from 1836 to 1847 until greater control of the territories began.¹²⁷ From the late 1850s and early 1860s, however, the white minority advanced with caution in an attempt to obtain more fruitful land already occupied by an array of chiefdoms.¹²⁸

Besides pre-existing hostilities within and between African chiefdoms in the area, the arrival of white settlers only added to tensions that were made worse by the resulting land displacements. By promoting incentives for more land, smaller chiefdoms were encouraged to relocate across the Kei River, allowing white settlers to occupy valuable land within the territories. Through these resettlement schemes, the surrounding areas of the frontier served as “dumping-grounds” for Thembu and Mfengu chiefdoms during the 1870s, which signalled the gradual inception of colonial influence from 1872.¹²⁹ By the following year, the Secretary for Native Affairs advocated for the extension of political influence beyond the Kei; although acknowledging that further infiltration should be performed only under circumstances of peace

¹²³ L. F. Braun, *Colonial Survey and Native Landscapes in Rural South Africa, 1850-1913*, (Leiden: Brill Publishers, 2014) p. 5 & Braun, “The Colonial Archive and Maps of the Western Transkei 1857-1898”.

¹²⁴ Braun, *Colonial Survey and Native Landscapes in Rural South Africa, 1850-1913*, p. 5.

¹²⁵ Burman, “Cape Politics Towards African Law in Cape Tribal Territories”, p. 1.

¹²⁶ John Noble Secretary, “Report of Commission on Native Laws and Customs”, *The Port Elizabeth Telegraph and Eastern Province Standard*, 27 January 1883, p. 3.

¹²⁷ Braun, *Colonial Survey and Native Landscapes in Rural South Africa, 1850-1913*, p. 82.

¹²⁸ Braun, p. 81.

¹²⁹ Martin, “Political and Social Theories of Transkeian Administrators in the Late Nineteenth Century”, p. 1.

to avoid African resistance.¹³⁰ The introduction of more formalised methods of colonial control within these territories initially included a coalition of African and European forms of governance. Through gradual expansion, the cooperation between chiefs and appointed magistrates ensured initial “harmony” between indigenous leaders and colonial agents.

Before the annexation of British Kaffraria to the Cape Colony in 1865, the locations of each appointed chief were divided into varying districts and sub-districts, which were placed under the control of headmen and assistant headmen. Coinciding with establishing a large colonial administration and appointed magistrates by 1879, the Colony secured greater control of African chiefdoms directly challenging the authority that established chiefs once held.¹³¹ Provisions made by proclamation for further influence and expansion also appeared during 1879 where neighbouring territories of the Transkei and Griqualand were annexed and brought within the jurisdiction of the Cape Colony administration. By this time, the colonial state had annexed Griqualand East, Fingoland and the Idutywa Reserve, which set in motion the annexations of Gcalekaland, Thembuland and Griqualand West in 1880.¹³² By 1894, areas of Mpondoland were also annexed. Despite the desire of colonial authorities to fully infiltrate their influence amongst these varying chiefdoms, state officials acknowledged the danger of imposing western ideologies too quickly or aggressively, realising relatively quickly that indigenous law and custom were interconnected with ordinary institutions and broader social conditions.

The inter-“tribal” conflicts continued to persist during this period which gave colonial authorities leverage from which to gain support from vulnerable chiefdoms in the form of colonial protection.¹³³ Serving as a testament to the diverse and differing chiefdoms, the management of the Transkeian Territories proved to be a process of experimentation for colonial authorities as social and political dynamics within these areas proved to be starkly different to that of British Kaffraria and Basutoland.¹³⁴ Based on the numerous issues encountered by appointed colonial agents, a need for a review on how to legislatively deal with the diverse “black” population became a matter of urgency.

By the 1880s, the appointed magistrates for varying districts forming part of the annexed territories worked in conjunction with the Commission on Native Laws and Customs Act of

¹³⁰ Martin, “Political and Social Theories of Transkeian Administrators in the Late Nineteenth Century”, p. 3.

¹³¹ Burman, “Cape Policies Towards African Law in Cape Tribal Territories, 1872-1883”, p. 2.

¹³² Burman, p. 2.

¹³³ Martin, “Political and Social Theories of Transkeian Administrators in the Late Nineteenth Century”, pp. 31-32.

¹³⁴ Burman, “Cape Policies Towards African Law in Cape Tribal Territories, 1872-1883”, pp. 2-3.

1883 to alter and propose a Penal code to create a more formalised system of governance.¹³⁵ Despite this system still largely representing a non-intervention and *laissez-faire* policy, African resistance against white control erupted within the Territories.¹³⁶ The “hands-off” approach soon turned more militant as territories became incorporated into the Cape Colony administration based on a hierarchically organised bureaucratic rule. To alleviate any further African resistance and the overwhelming discontent amongst annexed communities, appointed magistrates discussed their differing opinions on applying colonial law in connection to the well-established indigenous legal system. The altered legal system placed the Secretary of Native Affairs office at the head, supported by varying hierarchical administrative levels consisting of the chief magistrate and district magistrate, with government-appointed headmen at the bottom.¹³⁷

Amidst the process of re-engineering and re-organising African societies to achieve social and political reform, issues arising from the inadequacies and inaccuracies of colonial maps and confusion over boundaries created added tensions. The poor historical cartographic past of the annexed territories has produced uncertainties regarding the clumsily recorded boundaries of “Kaffraria Proper” positioned between the Kei and Mzimkulu rivers. The existing mapping system before 1900 has been described by historian Lindsay F. Braun as “highly irregular, incomplete and contingent” and is best illustrated in the map below (*Figure 1.1*) where space for interpretation of precise boundaries became the norm.¹³⁸

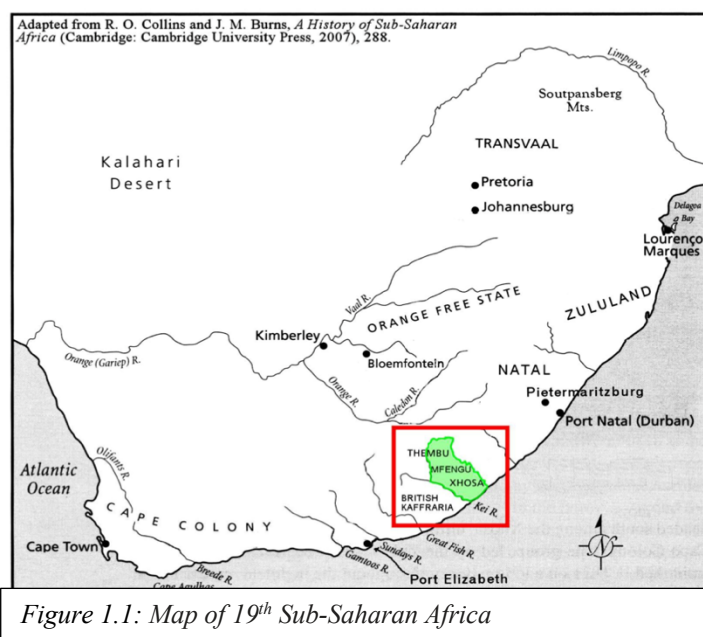


Figure 1.1: Map of 19th Sub-Saharan Africa

The shortcomings and nature of existing maps pertaining to this geographical space during the mid-19th century have resulted in great gaps in historiographical knowledge surrounding the early development of this contested area. As seen in *Figure 1.1*,¹³⁹ the lack of precise information exposing the initial boundaries and the reformations of these geographical

¹³⁵ Burman, “Cape Policies Towards African Law in Cape Tribal Territories, 1872-1883”, pp. 2-3.

¹³⁶ Martin, “Political and Social Theories of Transkeian Administrators in the Late Nineteenth Century”, p. 15.

¹³⁷ Martin, pp. 31-32.

¹³⁸ Braun, “The Colonial Archive and Maps of the Western Transkei 1857-1898”.

¹³⁹ Braun, p. 2.

spaces was further complicated by the diverse chiefdoms located in these areas. The annexation of the Transkeian Territories and surrounding areas created a need for more innovative representations of the area, primarily provided by Colley and Grant Land surveying, undertaken between 1878 and 1882. Their aim was to create a more comprehensive analysis of the annexed territories and was published around 1882 or 1883 by C. N. Thomas for the Surveyor General. Much like maps previously constructed, this presentation of the area was regularly amended and later used to include reformed subdivisions, illustrating new land grants, mission stations and stores and rearticulating and correcting the geography of people and established territories.

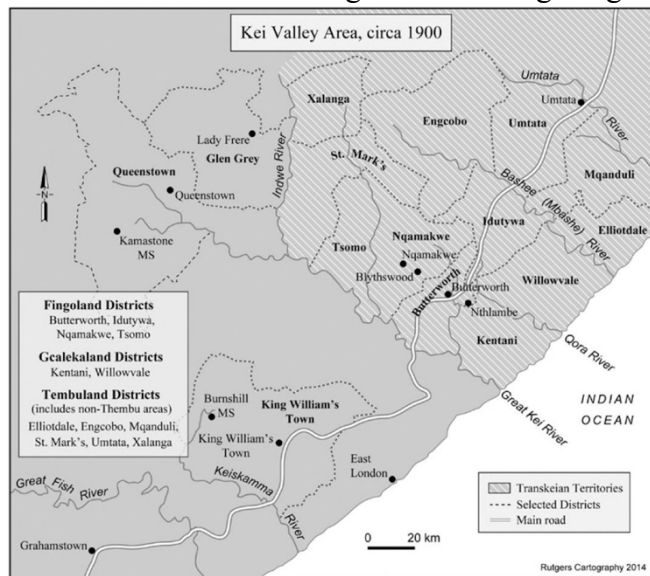


Figure 1.2: Map of the Annexed Territories within the Kei Valley Area by 1900



Figure 1.3: Map of Annexed Cape Colony, c. 1900.

Clarity surrounding these annexed areas only came at the outbreak of the South African War when boundaries became a matter of urgency.¹⁴⁰

The clarification given to this geographical era is noted in *Figure 1.2* and pertains to the Transkeian Territories during 1900.¹⁴¹ Here, one observes a clearer articulation of the contested space, which alludes to the multifaceted cultural landscape of this area. Apart from this diverse cultural setting made up of varying districts falling within the jurisdiction of the Transkeian Territories, the differing times in which colonial magistrates were appointed created additional complexities. These issues are evident in the multiple legislations employed to prosecute witchcraft. In addition, criminal records forming part of the Bantu Affairs Commission repository coincided with the appointment of magistrates for each district. For this

¹⁴⁰ Braun, *Colonial Survey and Native Landscapes in Rural South Africa, 1850-1913*, p. 85. Distinctions on graph are based on Colonial Magisterial Districts and Divisions surrounding the Kei.

¹⁴¹ Braun, p. 85. Distinctions on graph are based on Colonial Magisterial Districts and Divisions surrounding the Kei.

dissertation, eight locations falling within the boundaries of the Transkeian Territories were consulted, as demonstrated in *Figure 1.3*.¹⁴² These are representative spaces that span the three territories which were eventually consolidated into British Kaffraria.

The annexation of the Transkeian Territories took place between 1872 and 1894. With the annexation of Griqualand East in October 1879, a Magistrate's Court was established in Maclear, then called Gatberg, leading to records commencing in July 1882. Cases from the year 1902 are, however, incomplete. Documents suggest that a Magistrate's Court in Mount Fletcher was established around September 1882, with records beginning in October. Mount Frere was appointed an assistant magistrate in May 1876, with the criminal records commencing in January 1882. A Magistrate's Court was established in Endambeni, later known as Mount Ayliff in October 1886, with records only beginning in 1879 – some cases were unavailable between August 1893 and June 1899. Cases from 1902 were also incomplete. The seat of magistracy was transferred to Lusikisiki in October 1895, with criminal cases beginning in the same month. Criminal cases prosecuted from 1902 onwards are also incomplete. The British sovereignty was declared over the port and tidal estuary of the St. Johns River, followed by the appointment of a magistrate in the area on the 3rd of October 1878, with records commencing in January 1879. Again, data is incomplete from 1902 onwards. A Magistrate's Court at Idutywa was established on the 1st of February 1877, although records only commenced in January 1880. As in so many other instances, criminal cases for Idutywa from 1902 onwards are incomplete. Records relating to Kentani date back to October 1878, which was the same month a magistrate was appointed for the area. Criminal cases, however, are also not complete from 1902 onwards.¹⁴³

Given the varying and diverse nature of the establishment of these courts coupled with the consideration of incomplete records, this dissertation considers witchcraft cases recorded within these selected locations between 1880 and 1910. However, witchcraft cases only appeared from 1882-1906. This involved the consolidation of many court proceedings to reconstruct the events of the alleged crime, the procedure and the reactions of those involved in the formal judicial process. These eight locations served as a lens into how the colonial state dealt with witchcraft issues within a courtroom setting. While the author acknowledges that colonial agents construct all colonial archives, the testimonies are being read not to ascertain the validity of the claims but rather as a way of reflecting on the lives of the local communities

¹⁴² Adapted from <https://digitalcollections.lib.uct.ac.za/collection/islandora-25603> (Accessed on 10 January 2019).

¹⁴³ This information is presented in the Bantu-Affairs Commission file whereby information to annexations and the inception of colonial law recording is provided. Criminal Records located at the Western Cape Archives (KAB).

and how witchcraft was conceived amongst the local population. Furthermore, the multiple perpetrator records provide valuable insights into lesser-known factions and frictions prevalent amongst these communities during this period. While efforts were made to access letters sent to the Secretary of Native Affairs, these were of lesser value for the intended purpose as they would, once again, reflect the annoyances of magistrates rather than provide an intimate account of interactions. Where possible, some of these have been accessed. Unfortunately, the closure of the archive during the Covid-19 lockdown prevented pursuing this further.

Witchcraft legislations pertaining to these multiple districts forming part of the Transkeian Territories were prosecuted according to three different legislations prior to 1886, which included sections attached to Cape of Good Hope Act 112 of 1879, Clauses of the Transkei Regulations and the Cape of Good Hope Sections of Act 24 of 1886 all aimed towards abolishing witchcraft beliefs and practices. The formalisation of colonial political order coincided with the implementation of Act 24 of 1886 of the Penal code, which replaced all other witchcraft legislations. By the end of 1886 all the Transkeian Territories had applied this form of legislation as reiterated in the criminal records. The eight locations falling within the Districts of East Griqualand (Maclear, Mount Ayliff, Mount Fletcher and Mount Frere), Transkei (Kentani and Idutywa) and Pondoland (Port St. Johns and Lusikisiki) were selected to investigate the changing of these legislations.

The very nature of witchcraft crime suggested that the criminal records by no means accurately illustrated the number of witchcraft incidents and, therefore, does not allow one to evaluate the state of witchcraft during this time. They do, however, point to periods of significance, at least in these areas. This is apparent in Chapter 2, where these locations are contextualised within the broader statistics on witchcraft in the area. Undoubtedly, customary or traditional systems continued to operate clandestinely, but there is an assumption that the local communities were themselves part of the colonial judicial structure because it was financially lucrative to do so; therefore, the likelihood of large scale clandestine customary cases is considered minimal.

Rather, the unfolding rich and informative narratives exposed in related courtroom proceedings speak to anxieties and fears within respective communities. As already established by investigating the existing historiography on witchcraft beliefs and practices, related accusations are never without meaning. They are, rather, intricately linked and often symptomatic of broader social, political, environmental and economic processes all rooted in notions of power.

This dissertation will provide tabulated statistics based on the cases which appeared before these Transkeian colonial courts. This was done in order to create a more comprehensive image of how cases were dealt with within the formal judiciary and to identify “hotspots” as a means of understanding broader societal processes. Given the nature of colonial rule within the Transkeian Territories, the Cape Colony Blue Books were consulted as cases appearing before the selected colonial courts, which were also recorded in these statistical state records.

The nature of witchcraft crime, coupled with the incongruent and divergent conceptualisation of related behaviours and practices between colonial agents and African communities, made it necessary to consult a variety of newspapers published during 1880-1910. The consequence of these varying understandings and biases surrounding the conceptualisation and interpretation within Christian religious frameworks involved particular scrutiny. Newspapers such as *The Christian Express*, *The Journal*, *The Cape Times* and *The Port Elizabeth Telegraph* were also consulted through online databases.

1.5 Dissertation Outline

Chapter 2 will address the broader notions of witchcraft by confronting the culturally conflicting conceptualisation of occult crime during the latter 19th century. The chapter examines witchcraft in the Transkeian Territories on a state level by focusing on how the colonial state attempted to curb the “witchcraft problem” amongst the “natives”. This will be demonstrated by investigating the patchwork of colonial legislation primarily directed towards African communities. The complexities involved in bringing witchcraft matters before the courts will be shown through the thorny means by which the integration of colonial and customary law was negotiated between 1830 and 1910. Fundamental ideological differences between the well-established customary legal structure and the gradually imposed colonial system had unwittingly reversed those considered “victims” and those perceived as “perpetrators”. Without the full support of African communities, only a portion of witchcraft cases were brought before the colonial courts. The flawed and misrepresented state statistics will be compared to cases appearing in the criminal records of the Bantu Affairs Commission. By investigating the obtainable criminal records, it will be argued that although the state gradually infiltrated colonial law in the most uncertain of ways, the desire to abolish all forms of witchcraft remained a state priority, primarily illustrated through the number of convictions. Similarly, certain trends also point towards broader underlying political, social and environmental issues.

Chapter 3 illustrates the strong correlation between witchcraft and the environment. This chapter will discuss the varied contexts in which witchcraft accusations arose and the political, social and economic climates contributing to such accusations from 1880-1910. This multifaceted relationship is deeply rooted in notions of power and manipulation of natural resources for self-gain. The manipulation of the environment involving witch familiars or the manipulation of the natural environment including elements, such as lightning and hail becomes evident. These manipulations are performed through magic, serving as a form of social, political and, at times, economic agency and power. Understanding the relationship between the environment, magic and power, demonstrates how witchcraft can be employed as a weapon within and between communities. Narratives obtained through courtroom testimonies show strong correlations between perceptions of witch familiars, the use of magic and related objects and similarities in the contexts and manner in which witchcraft is used as an instrument of power as witnessed during the 19th and 20th century.

The final content chapter, Chapter 4, investigates societal power imbalances due to gradual white political encroachment. This will be undertaken by exploring the reformulations of power resulting from colonial infiltration into the Transkeian Territories. Moreover, relations formed and fragmented during witchcraft accusations amidst communal power imbalances are contemplated by investigating single versus multiple offender witchcraft cases. The resulting implications of these newly established and evolving alliances are explored within the family unit and amongst neighbours and local leaders. The breakdown of intimate bonds speaks to the potential threat of witchcraft and reveals the loss of agency amongst African communities as a result of white domination in the area. Existing studies suggest that witchcraft violence during the 1980s and 1990s can be attributed to group dynamics and notions of power relating to witchcraft discourses which can be traced back to the 19th century.

Chapter 2

Witchcraft on Trial: The Evolution of the Politico-Legal Legislation and the Persecution, Prosecution and Punishment for Witchcraft in the Transkei, 1882-1906

2.1 Introduction

In the case of Regina v. Ngutenkomo, Dunga, Sijeyi, Ubulawa, Pato, Nlibali, Singisera, Ntlaka and Alom, the first five accused were charged with consulting a witch doctor. The remaining four were accused of allowing themselves to be consulted as witch doctors.¹⁴⁴

During September 1895, in an establishment near Sinqweni in the surrounding area of Idutywa, a local headman of the location¹⁴⁵ suddenly and mysteriously fell ill. This created a sense of unease amongst the remaining members of his *kraal*.¹⁴⁶ Prompted by members of the community, five of the men rallied together and decided to seek the advice of various local witch doctors – Nlibali, Singisera, Ntlaka and Alom. One of the witch doctors enquired why one of the village elders had not accompanied them, a standard practice at the time. The men recounted how the elder had refused to seek their help, stating that it was against colonial law to consult a witch doctor. They even pointed out that “he insisted” on not breaking the law and was unwilling to pursue the matter. He did, however, allow his son, one of the accused, to consult with the witch doctors. Subsequently, another elder was “smelt out” by the witch doctors and blamed for the headman’s illness. News of these consultations reached the authorities, and all nine men were arrested and charged accordingly.

Furthermore, another headman testified that he had heard clapping on the day the witch doctors were consulted. This practice normally indicated that a witch had been identified. All five men accused of consulting a witch doctor denied any involvement in the saga. All the suspected witch doctors also denied “smelling out” a witch. Despite all of these denials, the suspects openly discussed the expected payment for the consultation of the witch doctors in the courtroom. This culminated in an argument between the men. In an unexpected turn of events, the case was subsequently dropped, and the men were dismissed.

¹⁴⁴ KAB 1/IDW 1/1/1/14 [PART I] Bantu-Affairs Commission Records, Case 66/ October 1895, Regina v. Ngutenkomo, Dunga, Sijeyi, Ubulawa, Pato, Nlibali, Singisera, Ntlaka & Alom.

¹⁴⁵ “Location” here refers to the broader area in which clusters of *kraals* are located.

¹⁴⁶ *Kraal* refers to the homestead.

This case involved the prosecution of numerous people and served as an example of multiple offender cases brought before the colonial courts and recorded in the criminal records of the Bantu Affairs Commission (BAC) during 1895. In this case, the two identifiable groups were each charged with different sections of Act 24 of 1886 Cape of Good Hope, forming part of the Black Territories' Penal code. Although these men inadvertently admitted to the crime by openly discussing the payment in court, this was insufficient to secure a conviction. One is also confronted with how certain elders were more amenable to accepting colonial conventions than the younger men, who, as will be shown in Chapter 3, competed for positions of authority after being aggrieved by the selection process meted out by the colonial authorities.

As is also to be expected, the colonial system was bent on punishing those implicated in finding the witch. Thus, the case was also dismissed, yet the literature would suggest that this was a morally reprehensible crime for colonial agents, which needed to be punished. This case, therefore, straddles various discourses relating to power, patriarchal structures, politics and culture, which will be vigorously unpacked in this dissertation through the lens of similar such cases.

It is not clear how this case was reported to the authorities; however, it should be noted that headmen were often paid employees of the colonial agents.¹⁴⁷ There is a clear indication that some friction existed between the headman and other village elders. This should be read in the context of British colonial expansion, where certain headmen were strategically appointed and placed in positions of authority to uphold colonial policy in rural areas. This favouritism would undoubtedly lead to resentment and conflict within these small communities and it is, therefore, plausible that the accused elder reported the matter to the authorities.¹⁴⁸

The notion of scapegoating, as discussed by scholars such as historian Clifton Crais, speaks to the breakdown of close interpersonal relationships.¹⁴⁹ There is a clear indication of fragmentation and mistrust between community members. This case, therefore, serves to

¹⁴⁷ See: John Noble Secretary, "Report of Commission on Native Laws and Customs", *The Port Elizabeth Telegraph and Eastern Province Standard*, 27 January 1883, p. 3.

¹⁴⁸ This is further probed in Chapter 4.

¹⁴⁹ See: Ciekawy & Geschiere, "Containing Witchcraft: Conflicting Scenarios in Postcolonial Africa", p. 4 & P. Geschiere, "Witchcraft as the Dark Side of Kinship: Dilemmas of Social Security in New Contexts", *Etnofoor*, 16(1), 2003, p. 43; F. Wood, "Kinship, Collegiality and Witchcraft: South African Perceptions of Sorcery and the Occult Aspects of Contemporary Academia", *Tydskrif vir Letterkunde*, 51(1), 2014, p. 153; E. Leistner, "Witchcraft and African Development", *African Security Review*, 23(1), 2014, p. 58; A. S. Ajala & E. N. Ediomobong, "'It's My Stepmother': Witchcraft, Social Relations, and Health Security in Ibibio, South-South Nigeria", *Anthropos*, 105(2), 2010, p. 456; Harnischfeger, "Witchcraft and the State in South Africa", p. 102; E. Fottrell, S. Tollman, P. Byass, F. Golooba-Mutebi; K. Kahn, "The Epidemiology of 'bewitchment' as a Lay-Reported Cause of Death in Rural South Africa", *Journal of Epidemiology and Community Health*, 66(8), 2012, p. 704 & P. Geschiere & F. Nyamnjoh, "Witchcraft as an Issue in the 'Politics of Belonging': Democratization and Urban Migrant' Involvement with the Home Village", *African Studies Review*, 41(3), 1998, p. 70.

exhibit the richness of court proceedings and the various ways in which an intimate reading into how traditional systems and colonial law coexisted can be observed. In addition, these cases also allow reflection on the significance of the official colonial statistics published in the Cape Colony Blue Books (BB) from 1882-1906.¹⁵⁰

This chapter firstly addresses the complex political context of the Transkei and the patchwork of legislation that was applied until consolidation under the Penal code of 1886 and the Witchcraft Suppression Act of 1895. Attention will then shift to the recorded cases of witchcraft in the BAC and the observations which can be made about witchcraft persecution, prosecution and punishment. Moreover, consideration regarding how western terminology is represented in the colonial legislation will be discussed in contrast to traditional meanings attached to these terms. It will be argued that despite the chaotic legislative system which unfolded, conviction rates for witchcraft were high. While the number of matters brought before the courts, from the selected case studies, is small within the greater statistics, particular trends are still observed. These trends can indicate broader societal processes happening elsewhere within the region, and the discussion of this will form the basis of Chapter 3. Furthermore, how traditional and colonial terminologies differ tends to have a profound effect on the conceptual framing of “victim” and “perpetrator” within the judicial system.

2.2 The Eastern Frontier: White Rule, African Resistance & Formal Annexations, 1820-1895

The political, social and environmental landscapes forming part of the Transkei, Gcalekaland, Tembuland, Pondoland and Griqualand East – located in the Eastern Frontier of the Cape Colony – was shaped by colonial expansion, African resistance and inter- and intra- “tribal” conflicts.¹⁵¹ These diverse areas constituted various African chiefdoms each with their

¹⁵⁰ Colonial Statistics refer to the witchcraft figures presented in the Cape Colony Blue Books from 1882-1907.

¹⁵¹ See: L. F. Braun, *Colonial Survey and Native Landscapes in Rural South Africa, 1850-1913: The Politics of Divided Space in the Cape and Transvaal*, (Leiden: Brill, 2014), p. 5; A. Lester, “‘Otherness’ and the Frontiers of Empire: the Eastern Cape Colony, 1806-c. 1850”, *Journal of Historical Geography*, 24(1), 1998, p. 5; A. Lester, “The Margins of Order: Strategies of Segregation on the Eastern Cape Frontier, 1806-c.1850”, *Journal of Southern African Studies*, 23(4), 1997, p. 635; S. I. Blackbeard, “Acts of Severity: Colonial Settler Massacre of amaXhosa and AbaThembu on the Eastern Frontier of the Cape Colony, c. 1826-47”, *Journal of Genocide Research*, 17(2), 2015, p. 109; H. Ludlow, “In Search of ‘One Good Public School’: The Cape Colonial Education Project, 1865-1873”, *Journal of Southern African Studies*, 43(6), 2017, p. 1236; D. A. Webb, “The Historian, the Premier and Forced Labour in the Cape Colony, 1878-1879”, *Journal of Southern African Studies*, 46(3), 2020, p. 492; W. Dooling, “The Making of a Colonial Elite: Property, Family and Landed Stability in the Cape Colony, c. 1750-1834”, *Journal of Southern African Studies*, 31(1), 2005, p. 154; D. A. Webb, “‘Able to Resist the Attack of Any Enemy’? African Identity Formation, Colonial Attitudes and the Lower Kei Forts During the War of Ngqayecidbi, 1877-1878”, *South African Historical Journal*, 69(4), 2017, p. 599; D. A. Webb, “More Than Just a Public Execution: Martial Law, Crime and the Nature of Colonial Power in British Kaffraria”, *South African Historical Journal*, 65(2), 2013, p. 295; L. Van Sittert, “Bringing in the Wild: The Commodification of Wild Animals in the

own well-established customary legal systems, which differed from one “tribe” to another. The advancement and infiltration of British political assertion within these Districts before formal annexation was marked by African conflicts, mediations and treaties drawn up attempting to negotiate these evolving spaces and reduce widespread dissatisfaction amongst African chiefdoms.¹⁵² The formal annexation of these Districts proved challenging and largely formed vigorous debates amongst colonial authorities, which were realised through the eventual implementation of legislations primarily based on Victorian Christian doctrines.

The importance of chiefs in securing white interests proved crucial in overcoming issues arising from the illegitimate power held by appointed colonial agents and magistrates before formal annexation. Through engagements with African chiefs, colonial authorities realised that the “unwritten law” passed on through generations in the form of oral tradition would hinder rapid expansion as the customary legal formation permeated all aspects of African “tribal” life.¹⁵³ In order to successfully stimulate political change within these predominately African areas, state-appointed officials sought to gradually overpower and eventually undermine the established traditional legal system.¹⁵⁴ The success of this systematic colonisation rested on the inclusion of African political leaders, such as chiefs and headmen, who held considerable influence over their people. In doing so, it was crucial for colonial agents to gain the trust of these figures as well as confidence of their people for significant change to materialise.

Cape Colony/ Province c. 1850-1950”, *Journal of African History*, 46, 2005, p. 270; J. Fourie & D. Von Fintel, “The Dynamics of Inequality in a Newly Settled, Pre-Industrial Society: The Case of the Cape Colony”, *Cliometrica*, 4, 2010, p. 236; A. Gwaindepi & K. Siebrits, “‘Hit Your Man Where You Can’: Taxation Strategies in the Face of Resistance at the British Cape Colony, c. 1820 to 1910”, *Economic History of Developing Regions*, 35(3), p. 172; D. A. Webb, “African Women and the Wars of Resistance and Dispossession in the Cape Colony and Xhosaland in the Eighteenth and Nineteenth Centuries”, *Safundi*, 20(3), p. 296; A. Manson, “Christopher Bethell and Securing of the Bechuanaland Frontier, 1878-1884”, *Journal of Southern African Studies*, 24(3), 1998, p. 487; D. A. Webb, “War, Racism, and the Taking of Heads: Revisiting Military Conflict in the Cape Colony and Western Xhosaland in the Nineteenth Century”, *Journal of African History*, 56, 2015, p. 38; G. Pavlich, “Cape Legal Idioms and the Colonial Sovereign”, *International Journal for the Semiotics of Law*, 26, 2013, p. 40 & J. B. Pieres, “The Central Beliefs of the Xhosa Cattle-Killing”, *Journal of African History*, 28, 1987, p. 43.

¹⁵² See: A. Mager, “Colonial Conquest and the Tambookie Frontier: The Story of Maphasa, c. 1830-153”, *Journal of Southern African Studies*, 39(2), 2013, p. 251; J. Martens, “Decentring Shepstone: The Eastern Cape Frontier and the Establishment of Native Administration in Natal, 1842-1849”, *South African Historical Journal*, 67(2), 2015, p. 183; D. N. Boaz, “The ‘Horrors of Imputed Witchcraft’, the ‘Cruelties of Paganism’, and the Colonial Project in the Eastern Cape of South Africa, 1830s-1870s”, *South African Historical Journal*, 72(2), 2020, pp. 181-182; C. Crais, “Chiefs and Bureaucrats in the Making of Empire: A Drama from the Transkei, South Africa, October 1880”, *The American Historical Review*, 108(4), 2003, p. 1046; KAB Secretary, “Report of Commission on Native Laws and Customs”, p. 3 & S. B. Burman, “Cape Policies Towards African Law in Cape Tribal Territories, 1872-1883”, unpublished Doctoral Thesis, University of Oxford, 1973, p. 39.

¹⁵³ KAB Secretary, “Report of Commission on Native Laws and Customs”, p. 3.

¹⁵⁴ See: K. McKenzie, “‘The Laws of His Own Country’: Defamation, Banishment and the Problem of Legal Pluralism in the 1820s Cape Colony”, *The Journal of Imperial and Commonwealth History*, 43(5), 2015, p. 789 & Martens, “Decentring Shepstone: The Eastern Cape Frontier and the Establishment of Native Administration in Natal, 1842-1849”, p. 183.

2.2.1 Towards Annexation of the Eastern Frontier, 1820-1879

Prior to the formal annexation of the Transkeian Territories and surrounding areas, conflicts between African chiefdoms were ubiquitous in the jurisdiction of land and political influence. A sequence of battles in nearby Basutoland and Natal between 1820 and 1830 had driven many displaced clans into the Eastern Cape.¹⁵⁵ These groups and related clans were the Abambo, who became the first Africans to be enfranchised into the Cape's political system.¹⁵⁶ Amongst these ethnic groups were multiple divisions of the Xhosa and Tembu "tribes", of which the latter was divided into at least 200 clans.¹⁵⁷ These different ethnic groups and independent chiefdoms posed a political threat and highlighted the vast complexities faced by the colonial agents in attempting to eventually create a unified form of governance.

During the initial stages of British expansion, Governor Sir Benjamin D'Urban had been the first to modify existing indigenous law to gradually introduce western forms of governance into the eastern frontier by 1830.¹⁵⁸ By implication of these modifications, peace agreements and signed treaties allowed various chiefs and their "tribes", residing between the Keiskamma and the Great Kei to retain possession of their locations, lands and, to some degree, their spheres of influence.¹⁵⁹ Following the restoration of peace during 1835, D'Urban asserted his power more directly by making a claim to the land between Keiskamma and the Kei.¹⁶⁰ Despite the seemingly impossible task, he named this area Queen Adelaide Province and Colonel Harry Smith was commissioned to remove the Xhosa beyond the boundary of the Kei.¹⁶¹

Through these arrangements, African chiefs agreeing to place their followers under colonial protection saw this gesture as nothing more than forming influential alliances to secure a more favourable political position over other chiefdoms.¹⁶² Despite conflicting interpretations, the treaty drafted in 1835 explicitly stated that colonial laws and the imperial government involvement was to take precedence in criminal cases involving theft, treason, arson, murder and rape, and strongly forbid African communities from punishing alleged

¹⁵⁵ Burman, "Cape Policies Towards African Law in Cape Tribal Territories, 1872-1883", p. 39; S. Trapido, "African Divisional Politics in the Cape Colony, 1884-1910", *The Journal of African History*, 9(1), 1968, p. 80 & Secretary, "Report of Commission on Native Laws and Customs", p. 3.

¹⁵⁶ Trapido, "African Divisional Politics in the Cape Colony, 1884-1910", p. 80.

¹⁵⁷ A. Werner; "Native Affairs in South Africa", *Journal of the Royal African Society*, 6(22), 1907, p. 167 & Secretary, "Report of Commission on Native Laws and Customs", p. 3.

¹⁵⁸ KAB Secretary, "Report of Commission on Native Laws and Customs", p. 3.

¹⁵⁹ KAB Secretary, p. 3; Webb, "More Than Just a Public Execution: Martial Law, Crime and the Nature of Colonial Power in British Kaffraria", p. 295 & Braun, *Colonial Survey and Native Landscapes in Rural South Africa, 1850-1913: The Politics of Divided Space in the Cape and Transvaal*, p. 5.

¹⁶⁰ Burman, "Cape Policies Towards African Law in Cape Tribal Territories, 1872-1883", p. 38.

¹⁶¹ Martens, "Decentring Shepstone: The Eastern Cape Frontier and the Establishment of Native Administration in Natal, 1842-1849", p. 183.

¹⁶² Crais, "Chiefs and Bureaucrats in the Making of Empire: A Drama from the Transkei, South Africa, October 1880", p. 1046.

witches.¹⁶³ By 1836, the appointed Lieutenant-Governor of the Cape entered into new amended treaties to better accommodate European needs in the area.¹⁶⁴ Agreements entered on behalf of the Crown acknowledged the independence of several African chiefs occupying their respective territories in the Great Fish River. The African chiefs' position was characterised as the "full and entire right to adopt, adhere to their laws, or any other laws that they might see fit to substitute".¹⁶⁵ For colonial agents, these agreements further substantiated their political authority declaring those residing in these areas as British subjects governed and controlled by colonial authority and law.¹⁶⁶ Moreover, within the Xhosa locations, treaties hinted at the primary goal of imperial agents to gradually impart European values and law.¹⁶⁷ Historian Clifton Crais asserts that despite the "*de facto* jurisdiction" exercised by colonial authorities, African communities agreed to colonial protection; however, this did not mean they recognised colonial claims. Furthermore, they could not legitimately be regarded as subjects of the imperial state.¹⁶⁸

From 1840-1845, further minor amendments of existing treaties were mutually agreed upon by Governor Sir Peregrine Maitland, who made special provision for African Christian converts residing in "Kaffirland".¹⁶⁹ In doing so, he provided some form of protective measures, or at the very least verbal allowances, to those unwilling to comply with indigenous customs of forcible abduction or violation of women, circumcision, witchcraft and rain-making. Numerous conflicts between the British imperialists and the Xhosa clans residing in the Eastern Cape persisted and resulted in the confiscation of fertile African land obtained by the British after the War of the Axe, 1846-1847.¹⁷⁰ The submission of armed Africans by the end of 1847 prompted Governor Sir H. G. W. Smith, on the instruction of the Imperial Government, to issue a proclamation which was implemented on the 23rd of December of that year.¹⁷¹ This allowed the imperial agents to assert their political authority as far as the Great Kei River by annulling all previous conventions and treaties, thereby forming a separate province named "British Kaffraria", which marked the land between Keikama River and the Great Kei River.

¹⁶³ Burman, "Cape Policies Towards African Law in Cape Tribal Territories, 1872-1883", p. 39.

¹⁶⁴ KAB Secretary, "Report of Commission on Native Laws and Customs," p. 3.

¹⁶⁵ KAB Secretary, p. 3.

¹⁶⁶ KAB Secretary, p. 3.

¹⁶⁷ Burman, "Cape Policies Towards African Law in Cape Tribal Territories, 1872-1883", p. 39.

¹⁶⁸ Crais, "Chiefs and Bureaucrats in the Making of Empire: A Drama from the Transkei, South Africa, October 1880", p. 1046.

¹⁶⁹ KAB Secretary, "Report of Commission on Native Laws and Customs," p. 3.

¹⁷⁰ E. Elbourne, "'Race', Warfare, and Religion in Mid-Nineteenth-Century Southern Africa: The Khoikhoi Rebellion Against the Cape Colony and Its Uses, 1850-58", *Journal of African Cultural Studies*, 13(1), 2000, p. 18.

¹⁷¹ KAB Secretary, "Report of Commission on Native Laws and Customs", p. 3.

Both chiefs and their people residing in “British Kaffraria” were, in effect, subjected to western forms of governance where the newly acquired “subjects” were expected to follow British implemented legislation which promoted African “[...] civilization, conversion to Christianity, and general enlightenment”.¹⁷² Fully appreciating the influential position African chiefs held over their people, in civil incidents, the imperial agents allowed these traditional figures some authority, although their decisions remained liable to review. Prior to the formal annexation of territories located on the eastern frontier, the implementation of the “Imperial Act 26 and 27 Vict. Cap. 35” allowed colonial authorities to extend colonial legislations to all African communities residing within the extra-colonial territories.¹⁷³ This, in essence, empowered the governor to select special magistrates, which gave these magistrates the authority to arrest suspected offenders and bring them before the colonial courts as general regulations could not be proclaimed until formal annexation.¹⁷⁴

The advancement of imperial expansion, depending on the location, generally played out in two phases, with the first waves notable during the 1850s followed by the second during the 1870s.¹⁷⁵ Violence erupting from tensions lurking amidst the aftermath of the witchcraft eradication movement assembled by a young spiritual leader called Mlanjeni marked the start of the final Frontier War during 1850.¹⁷⁶ Uncontemplated by colonial authorities, African communities, understood legitimacy and authority as rooted in agricultural fertility and magic, thus possessing their own political grammar and interpretation.¹⁷⁷ The three-year battle (1850-1853), serving as the last of a cluster of conflicts between the Xhosa and British Cape Colony, stood out by its increasing brutality and bloodshed through the adopted scorched earth policy resulted in destroyed Xhosa occupied lands.¹⁷⁸ Acknowledging Governor Sir George Cathcart’s assurance that British subjects could continue to live under their chiefs and laws, the first appointed Secretary for Native Affairs in the Cape, Charles Brownlee, by the end of the battles, reiterated that “[...] before annulling this permission or right, we must legislate to meet the

¹⁷² KAB Secretary, p. 3.

¹⁷³ S. J. R. Martin, “Political and Social Theories of Transkeian Administrators in the Late Nineteenth Century”, Master’s Thesis, University of Cape Town, 1978, p. 151.

¹⁷⁴ Martin, p. 155.

¹⁷⁵ Crais, “Chiefs and Bureaucrats in the Making of Empire: A Drama from the Transkei, South Africa, October 1880”, p. 1045.

¹⁷⁶ Elbourne, “‘Race’, Warfare, and Religion in Mid-Nineteenth-Century Southern Africa: The Khoikhoi Rebellion Against the Cape Colony and Its Uses, 1850-58”, p. 17.

¹⁷⁷ Crais, “Chiefs and Bureaucrats in the Making of Empire: A Drama from the Transkei, South Africa, October 1880”, 1039.

¹⁷⁸ Elbourne, “‘Race’, Warfare, and Religion in Mid-Nineteenth-Century Southern Africa: The Khoikhoi Rebellion Against the Cape Colony and Its Uses, 1850-58”, p. 17.

case, but even though we should legislate upon it all rights acquired under the conditions of peace must be recognised".¹⁷⁹

The most significant repercussion of these conflicts for African chiefdoms was most simply put by Cathcart himself, who stated that conflict areas were considered "a conquered territory in military occupation".¹⁸⁰ However, by 1854, Cathcart had no problem with upholding the chiefs' authority allowing "tribal" law without restriction.¹⁸¹ Both Cathcart and his fellow imperialists wholeheartedly believed that traditional actions directly opposing the fundamental Christian ideologies would subside with the gradual introduction of civilisation.¹⁸² This would be achieved through interactions with Europeans, education and commerce. The appointed chief commissioner of "British Kaffraria", Colonel John Maclean, even tolerated witchcraft and "smelling out" during this period. Realising the political constraints faced by appointed colonial agents, Maclean acknowledged the futility of altering "tribal" custom without sufficient authority to effectively intervene.¹⁸³

A significant change in colonial legal system through vital changes in administrative techniques, advocated by Governor Sir George Grey, came to light in 1855.¹⁸⁴ The customary procedure of bringing complaints before the chief of the "tribe", resulting in fines issued by the chief and delivered by messengers, was radically amended by the colonial state.¹⁸⁵ Rather than chiefs, messengers, counsellors and in some instances plaintiffs benefitting from imposed fines, colonial authorities insisted that payments should go to the colonial state. In so doing, colonial agents hoped to eradicate any unjustly administered fines and eliminate the chance of individuals benefitting from these revenues. Undoubtedly, to help serve British interests, modifications to this process were noted during the latter 19th century in partial payments awarded to African informants in witchcraft cases. Grey's change in "tribal" policy was cemented in his opinion that it would be "[...] impossible for any people subject to such a system to advance in civilization [...]"; thereby minimising any considerable individual revenue and reduce the independent powers held by chiefs.¹⁸⁶ Despite the lack of statutory force backing implemented colonial legislations, the government insisted on taking on all inter-

¹⁷⁹ KAB N.A. 398: memorandum by Brownlee, 22 Oct. 1873.

¹⁸⁰ KAB Secretary, "Report of Commission on Native Laws and Customs", p. 3.

¹⁸¹ Burman, "Cape Policies Towards African Law in Cape Tribal Territories, 1872-1883", p. 50.

¹⁸² Burman, p. 50.

¹⁸³ Burman, p. 51.

¹⁸⁴ KAB Secretary, "Report of Commission on Native Laws and Customs", p. 3.

¹⁸⁵ KAB Secretary, p. 3.

¹⁸⁶ Du Toit, A. E., "The Cape Frontier", op. cit., 82, quoting from Cape G. H. 8/3: Manuscript entitled 'Regulations and Laws for the Government of British Kaffraria'.

location disputes and other serious cases by declaring appointed magistrates as the “paramount chief”.¹⁸⁷

By marrying the legal intent with practice, chiefs and headmen worked for the state and were paid fixed monthly sums. This granted chiefs the authority to hear issues, but they were to be supervised and assisted by European magistrates in deliberations and decisions, thereby retaining some degree of their diminished authority.¹⁸⁸ The gradual reformulation and restructuring of the customary legal system ultimately aimed at weaning the influence of chiefs. This was challenged by Maclean, who pointed out the shortfalls of this process. He contended that Grey misunderstood African attachment to the entrenched institution of chieftainship.¹⁸⁹

Nevertheless, until 1860, the existing magistrates had only encouraged “tribes” to adopt European judicial ideals and made decisions jointly with chiefs as a means of gradually winning over the “natives”’ favour of British interests and rules, although this was not the case for all “tribes”.¹⁹⁰ In the same breath, colonial agents left other disputes in the hands of the customary courts, such as quarrels pertaining to polygamy and cattle. However, they did later consider matters on dowry or *lobola*. By this stage of expansion, the locations of each chief were apportioned into Districts controlled by headmen, which consisted of sub-districts falling within the jurisdiction of assistant headmen.¹⁹¹ These state-supported headmen were paid by colonial agents, which granted them the responsibility of restoring the stolen property, maintaining order and tasked with the burden of apprehending thieves.

The Department of Native Affairs (NAD) was formed in 1862 to manage newly conquered African territories.¹⁹² The introduction of the Witchcraft Suppression Act No. 3 of 1865 allowed the imperial state to incorporate “British Kaffraria” within the Cape Colony administration and control.¹⁹³ Directives now came directly from the Cape and not Britain. British expansion was partly accelerated by the discovery of diamonds in Griqualand West in 1865 and, later, the granting of responsible rule as witnessed during 1872.¹⁹⁴ The amendments adapting “tribal” policy within areas forming part of the Colony before formal annexation, had in practice required the discretion of each official based on the social and political

¹⁸⁷ Martin, “Political and Social Theories of Transkeian Administrators in the Late Nineteenth Century”, p. 152.

¹⁸⁸ KAB Secretary, “Report of Commission on Native Laws and Customs”, p. 3.

¹⁸⁹ Burman, “Cape Policies Towards African Law in Cape Tribal Territories, 1872-1883”, p. 52.

¹⁹⁰ KAB Secretary, “Report of Commission on Native Laws and Customs”, p. 3.

¹⁹¹ KAB Secretary, p. 3.

¹⁹² Crais, “Chiefs and Bureaucrats in the Making of Empire: A Drama from the Transkei, South Africa, October 1880”, p. 1039.

¹⁹³ KAB Secretary, “Report of Commission on Native Laws and Customs”, p. 3.

¹⁹⁴ Crais, “Chiefs and Bureaucrats in the Making of Empire: A Drama from the Transkei, South Africa, October 1880”, p. 1038.

circumstances in which the community resided.¹⁹⁵ The extent and influence of colonial law was characterised by the absence of statutory rules that restricted the application of general regulations that could not legally be proclaimed until formal annexation.

During 1875, the growing power of the colonial state had extended its influence and more securely placed Transkeian Territories – such as that of Nomansland, Idutywa and Fingoland – under Cape control based on the “Basutoland-type” system.¹⁹⁶ The increasing power imbalances and the uncharted political terrain had erupted into widespread African resistance consuming much of Basutoland and the Transkei during the late 1870s to 1880.¹⁹⁷ The heightened resistance had largely grown out of the discontent arising from the state’s attempt to disarm Africans under the contested 1878 Peace Preservation Act and the implementation of the magisterial system.¹⁹⁸ The mounting dissatisfaction resulting in resistance against the intrusion of white rule coupled by the overworked imperial officials postponed annexations until the introduction of the Transkeian Annexation Act of 1877. This was followed by initiating the proclamation in 1879 employed by the state to secure formal annexation.¹⁹⁹ By implication, the proclamations of 1879 served as fundamental features of law well into the 1880s and remained so during the 1890s and beyond.

It is imperative to note that these transitions were not uncontested. During what was termed the Xhosa Wars or Cape Frontier Wars, a series of altercations between colonial agents, settlers and local groups unravelled between 1779 and 1879. Literature points to the protracted periods of nine wars and the importance of figures such as Chief Maqoma and the young prophetess Nongqawuse who, through her discussions with the ancestors, advised her people to slaughter farm animals to appease the ancestors to rid the area of the series of onslaughts, both environmentally and politically. This resulted in the cattle killings of 1856-1858.²⁰⁰ These wars also fractured African groups and led to political instability amongst the various “tribes”. While these incidents portray active resistance to white encroachment and clear indications of inter-“tribal” warfare, this study also hopes to show how resistance occurred between these

¹⁹⁵ Martin, “Political and Social Theories of Transkeian Administrators in the Late Nineteenth Century”, pp. 154-155.

¹⁹⁶ Martin, p. 150 & p. 155.

¹⁹⁷ Crais, “Chiefs and Bureaucrats in the Making of Empire: A Drama from the Transkei, South Africa, October 1880”, p. 1038.

¹⁹⁸ Crais, p. 1038.

¹⁹⁹ Martin, “Political and Social Theories of Transkeian Administrators in the Late Nineteenth Century”, p. 155.

²⁰⁰ M. Legassick, *The Struggle for the Eastern Cape 1800-1854: Subjugation and the Roots of South African Democracy* (Johannesburg: KMM Review Publishing, 2010); J. Peires, “‘Soft’ Believers and ‘Hard’ Unbelievers in the Xhosa Cattle-Killing”, *The Journal of African History*, 27(3), 1986, pp. 443-61; J. Peires, *The House of Phalo: A History of the Xhosa People in the Days of their Independence* (Johannesburg: Ravan Press, 1981); T. Stapleton, *Maqoma: Xhosa Resistance to Colonial Advance 1798-1873* (Johannesburg: Jonathan Ball Publishing, 1994).

groups in even more intimate communal and familial settings in the subsequent chapters. The range of activities also led colonial agents to pursue their so-called “civilisatory mission” because of the various inter-“tribal” conflicts, chiefly despotism and customs, which they considered primitive and morally questionable.²⁰¹

2.2.2 Annexations, African Discontent & Conflict, 1879-1890

By 1880, disempowered African communities appeared to fully comprehend the extent and far-reaching social, political and economic implications of white domination in former established chiefdoms residing on the eastern frontier. The intrusion of white occupancy and the relocation of African “tribes” created an opportunity for colonial authorities to establish governmental forest reserves and related restrictions.²⁰² Apart from environmental restrictions casting doubt on future African prosperity, the introduction of hut taxes and the denial of many indigenous customs prompted the initiation of the October 1880 rebellion, also known as Hope’s War or the Mpondomise Rebellion.²⁰³ The rebellion served as a continuation of tensions simmering as far back as the early 19th century, as is evident in other conflicts.²⁰⁴ The culmination of oppressive policies and the connection between imposed taxation and witchcraft discourses further entrenched social and political inequalities.

Following the 1877 conflicts, three magistrates were appointed to strengthen the colonial presence in the Transkeian Territories and surrounding districts. Brownlee was stationed in Griqualand East; Matthew T. Blyth, on promotion as chief magistrate, was appointed for Fingoland and magistrate of the Transkei; followed by Sir Henry Elliot, who was appointed as the magistrate for Thembuland.²⁰⁵ The gradual expansionist endeavour in the years leading up to formal annexations had significantly changed by the 1880s with the call for an innovative and more formalised legal system. The use of the proclamation of 1879 assisted in the successful annexation of both the Transkei and Griqualand during the 1880s.²⁰⁶

²⁰¹ Martin, “Political and Social Theories of Transkeian Administrators in the Late Nineteenth Century”, pp. 90-91.

²⁰² J. Tropp, “Dogs, Poison and the Meaning of Colonial Intervention in the Transkei, South Africa”, *The Journal of African History*, 43(3), 2002, p. 452.

²⁰³ S. Redding, “Sorcery and Sovereignty: Taxation, Witchcraft, and Political Symbols in the 1880 Transkeian Rebellion”, *Journal of Southern African Studies*, 22(2), 1996, p. 249. The violence had erupted in the Tsolo, Qumba, Umtata and Engcobo Districts during 1880 and 1881.

²⁰⁴ Elbourne, “‘Race’, Warfare, and Religion in Mid-Nineteenth-Century Southern Africa: The Khoikhoi Rebellion Against the Cape Colony and Its Uses, 1850-58”, p. 18.

²⁰⁵ Martin, “Political and Social Theories of Transkeian Administrators in the Late Nineteenth Century”, pp. 155-156.

²⁰⁶ KAB Secretary, “Report of Commission on Native Laws and Customs”, p. 3 & Martin, “Political and Social Theories of Transkeian Administration in the Late Nineteenth Century”, p. 155.

State-approved African chiefs and headman had retained some political and social status with the aid of a steady income. In theory, colonial law would take precedence unless only “natives” were involved in civil suits, when indigenous law could be applied.²⁰⁷ In practice, the British legal system remained foreign to the local people, who often retreated to the trusted “native law”, which also served as a cheaper option. By the late 1870s, appointed magistrates noted that communities residing in Griqualand East, the Transkei and Gcalekaland continued to largely adjudicate cases according to native law. Moreover, the years leading up to formal annexation of these territories exposed the magistrates’ jurisprudence, which prompted fierce debate amongst British imperialists and the serious contemplation of the pending “Native Territories Penal Code”.²⁰⁸

To alleviate the subjectivity of court proceedings, expensive administration costs and to create a more formalised system, the Barry Commission lobbied the idea of a “superior court record” controlled by “a high judicial officer”.²⁰⁹ Despite this proposal favoured by magistrates with the initiation of circuit courts, the idea was aborted for fear of causing further uprisings and disruptions of implemented legal procedures. Amidst these political transformations, the imperial government nevertheless restructured the system by partly co-opting chiefs and introduced the ritual of taxation into a modified system of colonial administration.²¹⁰ These issues were accompanied by the lasting effects of battles during the 1840s and 1850s, which exposed the deeply fractured African chiefdoms characterised by those considered loyalists of the state in contrast to African supporters.²¹¹

Related debates, underway during the 1880s, centred around the “native territorial system” whereby deliberations between colonial administrators and policy-makers contemplated integrating the Transkeian judicial structure of high courts, which had been successful in the Colony proper.²¹² In preparation for implementing a more unified and formalised colonial legal system, the “Commission on Native Laws and Customs” met on the 19th of February, the 22nd and 30th of August 1881 and the 15th of June 1882.²¹³ In so doing, persisting issues relating to suggestions on criminal and civil law for annexed territories of the Colony were discussed in light of an advisory method on the implementation of local self-

²⁰⁷ KAB Secretary, p. 3.

²⁰⁸ KAB Secretary, “Report of Commission on Native Laws and Customs”, p. 3.

²⁰⁹ Martin, “Political and Social Theories of Transkeian Administrators in the Late Nineteenth Century”, p. 158.

²¹⁰ Redding, “Sorcery and Sovereignty: Taxation, Witchcraft, and Political Symbols in the 1880 Transkeian Rebellion”, p. 250.

²¹¹ Elbourne, “‘Race’, Warfare, and Religion in Mid-Nineteenth -Century Southern Africa: The Khoikhoi Rebellion against the Cape Colony and Its Uses, 1850-58”, p. 18.

²¹² Martin, “Political and Social Theories of Transkeian Administrators in the Late Nineteenth Century”, p. 160.

²¹³ KAB Secretary, p. 3.

governance. Issues linking to the legitimacy of indigenous marriage, property succession and land tenure were also considered with the input of resident magistrates, missionaries and state-supported chiefs.²¹⁴

Commissioner Sir H. Robinson, Governor of Thembuland, Gcalekaland and Bomyanaland, had been appointed the task of motioning further proclamations to secure administrative, legal footing in these areas. The Commission, first launched in 1881, highlighted the complexities of integrating colonial law with the modification of customary justice where appointed magistrates had differing opinions on its course and implementation.²¹⁵ Upon review, colonial law in practice had been administered differently depending on the jurisprudence of magistrates, thus, exposing the shortfalls of a fractured legal system that lacked clarity and consistency. By 1882 the implementation of these additional proclamations saw the further extension of Cape rules and regulations throughout the acquired territories located east of the Kei, excluding Xesibe land.²¹⁶

Fierce debates in parliament gave voice to the varying ways and the extent to which colonial law was implemented and practised. On review, the Honourable Mr Charles Brownlee had implemented colonial legislations with special provisions for instances of witchcraft and spoor law. This was contrasted by Major Elliot, the Chief Magistrate of Tembuland, who maintained that traditional criminal laws could not easily be defined within colonial legal terms and lobbied to continue “native law”.²¹⁷ Treading lightly, appointed magistrates affirmed that the pending Penal code was necessary to clarify court procedures and proceedings. Despite being willing to adopt “native law” for criminal cases, no comprehensive system was available and presented in its entirety, thereby warranting further colonial intervention. The desire to continue to reform the existing colonial system and further modify the “unwritten law” by this time was still done with caution. It was clear that drastic legal reform would result in the loss of the chiefs’ support for colonial authorities and, ultimately, the support of their increasingly oppressed people.²¹⁸

By 1885, discussions surrounding the abolition of chief magisterial courts were well underway. With the repercussions of early 1880s rebellions still fresh in the minds of colonial agents, Mr Walter Earvest Stanford raised his concerns surrounding the growing desire for a refined and progressive assimilation of the existing colonial legal system as witnessed in the

²¹⁴ KAB Secretary, “Report of Commission on Native Laws and Customs”, p. 3.

²¹⁵ KAB Secretary, p. 3.

²¹⁶ Martin, “Political and Social Theories of Transkeian Administrators in the Late Nineteenth Century”, p. 158.

²¹⁷ KAB Secretary, p. 3.

²¹⁸ KAB Secretary, p. 3.

Cape proper.²¹⁹ By this stage, colonial officials continued to surmise that appointed magistrates had to combine both administrative and judicial functions to ensure the contentment and peace of those residing within the territories.²²⁰ This was confirmed during the initiation of the Commission, which stated that a permanent executive officer, working on behalf of the Department of Secretary for Native Affairs, should be appointed to ensure order and be charged with all administrative duties.²²¹ In theory, the desire was to implement a “Territorial Native Council” powered by three chief magistrates and governors who would be accompanied by 15 “native councillors”, five of which would be communally elected in Tembuland, Griqualand East and the Transkei.²²²

The culmination of constitutional, legal and cultural setbacks was coupled with the preference of many Africans for the “tribal” courts persisting into the late 1880s and early 1890s. In response, the Chief Magistrate of Tembuland, Elliot, stated that “[...] in very many instances, natives who feel themselves aggrieved are deterred from seeking redress in the Courts of the Territory from a fear of the costs [...]”.²²³ In truth, the lack of African colonial support rested on court cost constraints and the inability of colonial law to adequately deal with African problems that had previously been dealt with through customary procedures. This was especially evident in criminal cases involving *lobola* compensation and witchcraft-related incidents. In light of the Commission, colonial authorities had no desire to abolish the widely practised polygamy in fear of inciting further uprisings and approached the matter modestly by only introducing some measures of restriction.²²⁴ Given that the implementation of law rested on the “universal principles of morality and humanity”, instances of infanticide or suttee,²²⁵ witchcraft and “smelling out” – perceived by officials to be against Christian feeling, practice, and justice – were to be dealt with by the colonial state.²²⁶

Despite many civil cases being adjudicated through the use of “native law” from the onset, the so-called pretended practice of witchcraft was forbidden and prosecutable.²²⁷ In this sense, witchcraft-related instances were grouped with crimes such as treason, rape, murder and

²¹⁹ Martin, “Political and Social Theories of Transkeian Administrators in the Late Nineteenth Century”, p. 162.

²²⁰ Martin, p. 163.

²²¹ Author Unknown, Untitled Article, *The Port Elizabeth Telegraph and Eastern Province Standard*, 8 February 1883, p. 3.

²²² Author Unknown, p. 3.

²²³ KAB, C.M.T. 1/83: Elliot to U.S.N.A., 7 June 1887.

²²⁴ Author Unknown, Untitled Article, *The Port Elizabeth Telegraph and Eastern Province Standard*, 8 February 1883, p. 3.

²²⁵ Suttee relates to a practice whereby a wife sacrifices herself soon after her husband’s death.

²²⁶ KAB Secretary, “Report of Commission on Native Laws and Customs,” p. 3 & Author Unknown, Untitled Article, *The Port Elizabeth Telegraph and Eastern Province Standard*, 8 February 1883, p. 3.

²²⁷ KAB Secretary, p. 3.

acts of arson. A provincial framework of permitted sentences and through the implementation of Act 40 of 1882, allowed criminal cases tried according to colonial law to be reviewed if the sentences were considered “severe” for the proposed offence.²²⁸ The Act allowed for defendants to appeal their sentences before chief magistrates within the colonial high court setting. The action of appeals was evident in witchcraft-related cases brought before the colonial courts and recorded in the BAC. Motions of appeal exposed the differing colonial perceptions of witchcraft behaviours and shed light on many motivations driving convictions.

Much like the vigorous debates surrounding the implementation of colonial law, cases relating to witchcraft offences were also subject to these discussions based on varying interpretations of legal accountability. Insights into these interpretations were evident in a witchcraft case brought before the Magisterial Court of Mount Ayliff where the resident magistrate W. P. Leary had asserted that:

[...] the smelling out of a man is a most serious matter...and the accusing of a man of witchcraft is as serious, it brings him into contempt with others and at no time is his life safe, he may live down the first smelling out if he is fortunate enough to escape but later on in his life he is soon to be smelt out again [...] the practice of witchcraft is not allowed [...].²²⁹

Here, there is a clear indication that being dismissed by the colonial court could not guarantee the protection of the dismissed accused when it came to communal retribution. In a sense, it was not merely the act of witchcraft that was on trial but also the need to protect those now labelled as vulnerable targets. This was based on a magistrate’s engagement with the community, who witnessed the devastation and far-reaching implications of being indicated by local witch doctors and other trusted members of society. Magistrates, such as Leary, had little tolerance for state-supported African figures who engaged in activities deemed to be witchcraft. This was evident in a case brought before the courts where a headman had consulted a local witch doctor. Supported by the colonial state, all witchcraft activities were strongly prohibited under any circumstance. This was reiterated by Magistrate Leary, who stated that the headman “knew when he sent to the witch doctor that he was committing an indicated offence”. Leary further stated that “[...] severe measures are the only remedy to check for the pursuit and eventually stop this custom of going to a witch doctor”.²³⁰

²²⁸ Martin, “Political and Social Theories of Transkeian Administrators in the Late Nineteenth Century”, p. 160. These regulations permitted that no sentence exceeding 1-month imprisonment or fine of £5 or 12 lashes can be carried out without the case being transmitted for consideration of the appointed chief magistrate who had the power to alter, confirm or reverse the judgement.

²²⁹ KAB 1/MTA 1/1/2 Bantu-Affairs Commission Records, Case 42/ December 1884, Crown v. Qunu.

²³⁰ KAB 1/MTA 1/1/2 Bantu-Affairs Commission Records, Case 43/ December 1884, Crown v. Zweni.

Upon review, the chief magistrate stationed in Kokstad decided to dismiss the defendant of all charges because of insufficient evidence substantiating the claim of practising witchcraft. In doing so, he stated that:

[...] The object of the laws is to punish and put down these who practice as witch doctors, and who thereby, incite an evil and dangerous influence over people. But there is no provision made for those who, in their faith are foolish enough to countenance such witch doctors by sending to consult them. In this case, the witch doctor who was consulted is the person who practised witchcraft, and who is liable for punishment.²³¹

Apart from recognising witch doctors as those responsible for the continuation of witchcraft accusations, these statements highlight the differing responses and perceptions regarding the crime of witchcraft. The delicate “give and take” progressive political stance adopted by the colonial state exposed the complexities intertwined with notions of politics and culture. On the one hand, acknowledging the futility of attempting to abolish traditional practices; on the other, aiming to disempower traditional figures, such as the witch doctor, became particularly challenging. The jurisprudence of magistrates and the challenges faced in abolishing a political structure rooted in all aspects of African culture was by no means simple. The ongoing debates and the varying opinions regarding the implementation and practice of colonial law were always threatened by the growing discontent amongst African communities.

2.2.3 A Patchwork of Witchcraft Legislation, 1882-1895

In the context of pre-colonial political systems amongst the Southern Bantu-speaking peoples, the “tribe” was the political community; where the members collectively owned the land on which they resided.²³² Theoretically, the Paramount chief was to distribute land, assist in local disputes and, on occasion, impose fines. In practice, however, the headman, also known as the chief’s deputy, carried out these duties.²³³ A small council made up of the headman’s prominent male members and other significant head members of the family assisted in these duties.

Prior to the spread of colonial influences, chiefs had the authority to exercise power and settle lawsuits, except in cases involving witchcraft, murder or serious assaults.²³⁴ The established customary system placed significant importance on both the chief and the priest-

²³¹ KAB 1/MTA 1/1/2 Bantu-Affairs Commission Records, Case 43/ December 1884, *Crown v. Zweni*.

²³² Trapido, “African Divisional Politics in the Cape Colony, 1884-1910”, p. 82.

²³³ Trapido, p. 83.

²³⁴ C. Crais, *The Politics of Evil: Magic, State Power, and the Political Imagination in South Africa*, (Cambridge: Cambridge University Press, 2009), p. 18.

diviner who acted as mediators in disputes. If a witchcraft matter was to be reported to the chief, the chief would evaluate the incident to establish whether or not it was indeed a witchcraft related matter or merely a communal or familial dispute. If the matter was deemed to be witchcraft, the chief would consult the priest-diviner and the matter would be dealt with accordingly. The suspected witch or wizard would then be tried and if found guilty, would be expected to either pay a fine or in some cases, driven out of the community. On other fronts, African chiefs were instrumental in their societal responsibilities extending from religious obligations to providing necessary security and justice, which, by implication, ensured communal harmony.²³⁵ Thus, the restructuring of the African political community restricted chiefs from dispersing land which had previously made them powerful figures amongst their followers.²³⁶

Early agreements between chiefs and colonial officials suggest that the colonial territory fell under the general jurisdiction of European magistrates, although African subjects remained subordinate to their chiefs from the 1850s onwards.²³⁷ The formation of the Department of Native Affairs (NAD) in 1862 marked the start of what was to become a more organised bureaucracy within the Cape government and signalled the political reassertion of the colonial state in the Territories.²³⁸ The state's position was further cemented by establishing administrative boundaries and the ongoing land disputes, as mentioned in Chapter 1. Historian Jeff Pieres describes the implementation and influence of the established rule in the "old Transkei" as being, "[...] sustained by colourful personalities imposing themselves on unwilling subjects using a gigantic confidence trick, a form of arbitrary personal rule subsequently euphemised by the rhetoric of benevolent paternalism".²³⁹

The reach of the colonial judiciary was vast. Transkeian colonial Magistrate Charles Brownlee claimed that, by mid-1876, more than 450 000 Africans had "willingly" placed themselves under the protection of the colonial state to secure order and peace.²⁴⁰ The nature of

²³⁵ Redding, "Sorcery and Sovereignty: Taxation, Witchcraft, and Political Symbols in the 1880 Transkeian Rebellion", p. 254.

²³⁶ Trapido, "African Divisional Politics in the Cape Colony, 1884-1910", p. 82.

²³⁷ Crais, *The Politics of Evil: Magic, State Power, and the Political Imagination in South Africa*, p. 17.

²³⁸ Crais, "Chiefs and Bureaucrats in the Making of Empire: A Drama from the Transkei, South Africa, October 1880", p. 1039.

²³⁹ J. Pieres, "Nostalgia and the Native Commissioners: A Hundred Years in the Old Transkei", *Kronos*, 35(1), 2009, p. 244.

²⁴⁰ Martin, "Political and Social Theories of Transkeian Administrators in the Late Nineteenth Century" p. 4. See: C. J. Rhodes, 'Speech to the House on the Second Reading of the Glen Grey Act' (27 July 1894), in *Cecil Rhodes: His Political Life and Speeches, 1881-1900*, ed. F. Verschoyle (Chapman and Hall Limited: South Africa, 1900).

these “agreements” is naturally contested, but it is clear that the traditional system continued to co-exist, even if increasingly more clandestine, with the colonial system.²⁴¹

In the context of suspected witchcraft activities, a stark difference can be noted in the manner in which these behaviours were understood and, in turn, how these issues were handled and dealt with. Historian Alan R. Booth refers to the introduction of laws into colonial Southern Africa as being a “cultural project” forming part of a larger scheme in an attempt to contain and control the fragmented and largely independent African population residing in the Cape Colony and, more specifically, the Transkeian Districts and surrounding territories.²⁴²

Our understanding of the traditional procedure and extent of cases of witchcraft is limited due to restricted archival evidence. It is clear that there was variability in these proceedings, which was largely determined by tradition and the whims of new traditional leaders. These patchworks of traditional systems continued to exist even during colonial conquest. The colonial process was, however, somewhat different.

The Witchcraft Act of 1735, implemented in Britain, shaped the initial introduction of the 1895 Witchcraft Suppression Act in the Cape Colony. This Act served as the first of three such attempts implemented in the 19th century in the Cape. Despite this Act only being implemented in 1895, the BAC showcases numerous patchwork legislative attempts by the colonial state to eradicate witchcraft long before this date. The criminal records reviewed for the selected locations from 1882-1906 revealed that numerous legislations were used inconsistently and interchangeably depending on location between 1882-1886. Interestingly, 1886 proved to be a turning point signalling the formalisation of witchcraft legislations in prosecuting cases appearing before the Transkeian colonial courts as already discussed in the previous chapter.

Given that the implementation of more formalised colonial legislations largely coincided with the appointing of magistrates in varying Districts within the Transkeian Territories, the various Annexation Acts allowed for the implementation of Cape laws. The NAD served judicial and executive functions and acted as a political body holding principle influence over related jurisdictions.²⁴³ This colonial initiative emerged within a broader complex political system whereby the Transkeian Territories acted as a dependency of the Cape

²⁴¹ Crais, “Chiefs and Bureaucrats in the Making of Empire: A Drama from the Transkei, South Africa, October 1880”, p. 1046.

²⁴² A. R. Booth, ““European Courts Protect Women and Witches’: Colonial Law Courts as Redistributors of Power in Swaziland 1920-1950”, *Journal of Southern African Studies*, 8(2), 1992, p. 256.

²⁴³ Martin, “Political and Social Theories of Transkeian Administrators in the Late Nineteenth Century”, p. 31.

Colony proper, possessing its status and administrative structure.²⁴⁴ Although a variety of acts, clauses and proclamations were used to secure witchcraft convictions, they all served to achieve the same objectives. This complex structure of the Cape Colony legal system was required due to the numerous uncertainties attached to witchcraft-related behaviours.

Between 1882 and 1886, two sets of legislation were implemented in the 1886 Penal code, which was used inconsistently in Pondoland, East Griqualand and the Transkei. These legislations included sections forming part of Proclamation No. 112 of 1879 and Clauses of the Transkeian Regulations as seen in the criminal records of the BAC.²⁴⁵ Criminal records pertaining to other locations were recorded as being prosecuted under sections forming part of Act 24 of 1886. Evidence alludes to a clear shift in the usage of witchcraft legislation during 1886 as all selected locations made use of Act 24 throughout the Cape Colony until the closing of 1886.

From 1882 to 1886, sections related to Proclamation No. 112 of 1879 consisted of the same fundamental objectives to that of the clauses forming part of the Transkei Regulations, which allowed for prosecuting those guilty of accusing another of witchcraft. These sections also included the prohibition of practising witchcraft which often, amidst other offences, included forms of bewitchment, consulting witch doctors and prosecuting witch doctors for “smelling out” witches and providing information about witchcraft medicines. Cases reflecting the use of the Transkeian Regulations were only seen in instances of single perpetrator cases within the selected sample; in other words, cases involving one defendant before the courts. By extension, one cannot know whether this was merely coincidental, in the sense that no group cases reached a District Magistrate within the area or whether these regulations were indeed reserved for single offender cases. As the state became more sophisticated in dealing with suspected witchcraft activities, a more formalised set of legislation was used to legitimise the state’s eradication process, as witnessed by the end of 1886. Therefore, as the state became more refined in its prosecution of witchcraft crime, legislations used in colonial court proceedings were limited to sections forming part of the 1886 Penal code. Witchcraft sections forming part of Act 24 of 1886 formed the basis from which most witchcraft cases, within the Transkei Territories and surrounding districts, were prosecuted from 1882 to 1906. Furthermore, other prior witchcraft acts were dissolved and were never used in conjunction with the newly established laws following 1886.

²⁴⁴ Martin, “Political and Social Theories of Transkeian Administrators in the Late Nineteenth Century”, p. 66.

²⁴⁵ The BAC showed the use of sections forming part of Proclamation No. 112 of 1879 were evidently used in Mount Ayliff, Mount Fletcher and Mount Frere whilst criminal records for Idutywa showed the use of Clauses consisting of the Transkei Regulations.

The introduction of the 1886 Penal code allowed the practice of witchcraft to be prosecuted as an offence under sections 171-175 of Act 24 of 1886 as found in the BAC.²⁴⁶ This was ascended to in 1887. Of these sections, accusing another to be a witch or wizard, because of their suspected use of non-natural means to cause any illness or disease in any person or animal (Sec. 171), was evidently the most common offence in this study. This section also created an opportunity to prosecute those responsible for injury involving both people and property. Similarly, Section 173 prosecuted members of the community for soliciting or employing a witch doctor or witchfinder, often connected to the desire to obtain answers for disasters or misfortunes experienced by ordinary working African people.

Sections 172 and 174 of Act 24 of 1886 focused primarily on the actions of witch doctors and witchfinders who had a considerably influential role within communities who feared the capabilities of “evildoers”. Section 172 was directed at individuals who were understood to be “by habit and repute” witch doctors and witchfinders who underwent the process of “smelling out”. This involved the ritual of accusing a person who was responsible for the client’s misfortune as a witch or wizard. Section 174 of the law referred to the action of professing knowledge of so-called witchcraft or the use of charms to administer general advice, with the intention of harm to cattle, property or persons, to any person(s). Section 175 of Act 24 of 1886 made a point of punishing a person, who on the advice of the reputed witch doctor, caused injury to other people or their property. The injury spoken about in this context can also involve the intention to cause grave misfortunes to those for whom the medicines prescribed were intended. Two observations need to be made. Firstly, these patchworks led to an uneven application of the laws around witchcraft. Significant attempts to consolidate legislation were made in both 1887 and 1895. Secondly, the validity of any attempt to quantify witchcraft accusation trials across the span of 1882-1906 was put into question.

Only a small number of “crimes” of any nature appear before the courts. However, through statistical analysis, certain trends are made apparent and allow for further discussion. It is not the intention of this research to quantify the levels of witchcraft activity but rather to reflect on the process and the significant shifts that are suggestive of change in a broader context. The narratives produced within these trials also indicate the conflicts that have arisen within the African groups appearing before the courts.

²⁴⁶ Bantu-Affairs Commission, Criminal Records located at the Western Cape Archives (KAB).

2.3 Witchcraft Trials and Statistics, 1882-1906

There are two ways in which the statistics of witchcraft practice can be ascertained. The most easily accessible statistics are located in the colonial Blue Books, which recorded statistics of witchcraft-related matters as defined by colonial law.²⁴⁷ They are tabulated using the Cape Colony Registers.²⁴⁸

By the 1880s, the integration of colonial law into the Transkeian Territories allowed the state to record loosely gathered information about witchcraft cases brought before the courts. These accumulated figures showed the total witchcraft cases and included markers about race and gender.²⁴⁹ Factual insight into specific cases and the locations of witchcraft activity were, however, omitted.²⁵⁰ Thus, no indication relating to the number of defendants per case was included. Information surrounding the precise date or the sections of legislation applied to each case was also not provided. This made identification of the type of alleged offence (witch doctor, witchfinder, etc.) impossible.²⁵¹ Cases in the Transkei were recorded separately, but the distribution of cases within the vast territory was neglected.²⁵² This made it impossible to discern where exactly these accusations were most prevalent and by consequence, they do not allow for one to contemplate *why* these accusations were taking place.

By the late 1880s, state statistics specified race and gender on an accumulative level, and loosely mentioned the location of these accumulative findings according to district.²⁵³ The generalised findings still made no mention of which offence was being prosecuted, although this was changed by introducing the Penal code from 1886, which allowed for cases to be categorised as “Convicted and Transmitted Cases”.²⁵⁴ The Cape Colony Blue Books also specified the types of punishments handed down by the colonial courts although no specification of the crime was included.²⁵⁵

This level of reporting is understandable if the aim is to ascertain the prevalence of witchcraft in the Transkei. However, the aim of this study, is to investigate the prevalence of

²⁴⁷ The Cape Colony Blue Books is a lengthy document comprising of, amongst other things, varying topics surrounding the contextualisation of the land, Colony exports, population figures and vague summaries of criminal data collection formulated as a means of reporting “progress” in the Transkeian Territories.

²⁴⁸ The Colony Blue Books presented all the available and obtainable information in forms of lists for comparative reasons.

²⁴⁹ The distinction of race and gender was based on a prisoner either being Black or White, male or female.

²⁵⁰ Blue Books: Cape of Good Hope, 1882, p. 779.

²⁵¹ Blue Books: Cape of Good Hope, 1883, p. 686.

²⁵² Blue Books: Cape of Good Hope, 1883, p. 45.

²⁵³ Blue Books: Cape of Good Hope, 1887/8, p. 253.

²⁵⁴ Blue Books: Cape of Good Hope, 1886, p. 255.

²⁵⁵ Blue Books: Cape of Good Hope, 1896, p. 295.

witchcraft activity but within specific districts since it progresses from the premise that these witchcraft practices are representative of certain causal factors, as discussed in Chapter 1.

The BAC records, a second source of information, proved to be particularly useful for this goal. This archive contains the court proceedings of all cases which were heard in this region during this period. These case files, like most, contained a plethora of testimonies, charge sheets, rulings and alike. These narratives, therefore, had to be pieced together. The locations were selected to ensure that all three districts were represented, and the associated case files were systematically worked. Here, comparable and more revealing statistics could be formulated, and the courtroom narratives could be analysed.

The following statistical analysis refers to the series of graphs that were formulated for this research. These are located in Appendix A.

In *Figure 2.1: Witchcraft Trials in Selected Locations in Relation to Total Witchcraft-Related Trials in the Transkei, 1882-1906*,²⁵⁶ the number of cases which appeared before the colonial courts, as tabulated from the BAC archives, are compared with those of the Blue Books. Despite the small sample size accessed for this study, a peak period of witchcraft accusations throughout the Transkei in 1895 was observed. This peak period coincides with the implementation of the Witchcraft Suppression Act, although it cannot be confirmed that this was a direct consequence. The number of cases during this peak period was relatively erratic and consisted of various peaks and troughs.²⁵⁷

There are also no official statistics for 1882 and 1883 in the BBs, yet the BAC archives contain four court trails. This poses questions about the validity and efficiency of the recording system. This is compounded by the fact that annual figures were sometimes adjusted, at times quite significantly. For example, the initially recorded statistic of witch trials for Transkei in 1886 was 45. This was subsequently changed to 15 in the annual report of 1888. The annual figure for 1887 shifted from 12 to 42 in the annual report of 1889. That of 1888 shifted from 56 to 86 in 1890. This posed a methodological issue, so the latest recorded figure was used to formulate these statistics. However, in the absence of any official statistics for 1882 and 1883, with clear evidence that such cases exist in the BAC archive, only the case studies could be reflected in *Figure 2.1*. This will also have consequences for the percentage rates in *Figure 2.2*, so this has been reflected as a negative, as clearly, these years cannot be factored into the

²⁵⁶ Refer to Appendix A.

²⁵⁷ The author is aware that the scale of the alleged offences is minimal and does not justify the use of the terms “peaks” and “troughs”. These terms of reference are employed to make quick reference to noticeable shifts, no matter how negligible.

analysis. A similar note can be made about the BAC archives in 1903. While there is a regional statistic, no cases were recorded for these case studies.

The cumulative total of the case studies reflect slight variations in the regional trends, but there is a clear indication that 1898 was a significant year, especially in Idutywa, Port St. Johns, Mount Fletcher, Mount Frere, Lusikisiki and Mount Ayliff. This is considered in Chapter 3 because this cannot be explained in terms of changing Penal code or legislation and thus suggests a broader contextual shift between 1897 and 1898. The peak within the BBs records for the Transkei is also quite high during this period, thus also suggesting a broader trend.

Figure 2.2: Percentage of Witchcraft Trials in the Selected Locations in Proportion to the Total Number of Witchcraft Trials for the Transkei, 1882-1906 shows the percentage of the case studies concerning the region. This is quite significant. While there is a general peak in cases during 1898, here, one can see that the proportion of these cases peak above 20% of the total cases in 1886 and again in 1898. This will be contextualised in Chapter 3.

The greatest marker of the vigilance and efficiency of the deterrent mechanisms of a court is their conviction rate. *Figure 2.3: Number of Convictions in the Selected Locations, 1882-1906*, shows that there is a remarkable conviction rate for cases of witchcraft in the selected case studies. The extent of this is made apparent in *Figure 2.4: Conviction Rate in Selected Locations, 1882-1906*. Of significance are the 100% conviction rates in 1882, 1885, 1904 and 1905. The remaining are just as vigilantly monitored, which is unsurprising considering the moral repugnance towards witchcraft practices demonstrated by the colonial agents. One is reminded that these men were untrained, complained that they had no guidelines and were left to administer justice according to their moral compass. It is, therefore, noteworthy to reflect on moments when the conviction rate dipped below 50%. This includes 1883, 1888, 1890, 1895 and 1902. These years might coincide with a broader level of uncertainty and added judicial care if tensions were mounting in these areas.

While these statistics speak to the prevalence of visible cases brought before the courts, the statistics from the BBs refrain from reflecting on the number of cases that involved multiple “perpetrators”. This is significant because these types of cases reflect a broader communal or familial conflict that manifests in the form of a witchcraft accusation, as will be discussed in Chapter 4. *Figure 2.5: Distribution of Single and Multiple Offender Cases in Relation to Total Cases Appearing before the Court in the Selected Locations, 1882-1906* shows that in 1885, there were equal numbers of single and multiple perpetrator cases. The overall total is minimal, so one cannot place too much significance on this. Similarly, in 1888, there is more multiple than single offender cases. There were no multiple offender cases in 1891 and 1904-1906.

Several years also saw 50% or more distribution between the two: 1882, 1883, 1892, 1894 and 1895. Therefore, there are several cases involving multiple people accused in one witchcraft event throughout the period. The significance of this forms the foundation of Chapter 4.

In addition, the locations in which these multiple offences occurred are made apparent in *Figure 2.6: Distribution of Total, Single and Multiple Offender Cases in Selected Locations, 1882-1906*. This is the cumulative total of all witchcraft offences over the 1882-1906 period to indicate which of the districts had more cases appearing before the courts. In descending order are Mount Frere, Mount Ayliff, Lusikisiki, Mount Fletcher, Idutywa, Kentani, Port St. Johns and Maclear. The majority of cases, therefore, lay in the East Griqualand area.²⁵⁸ These statistics, therefore, provide an important foundation from which Chapters 3 and 4 discuss both context and divisions that were made apparent in multiple perpetrator cases.

While some mention has been made about conviction rates, the forms of punishment are of significance. Witchcraft was not a capital offence. These magistrates had the jurisdiction to pass down sentences considered lenient. In only extreme cases were appeals sent to the Cape. It is most likely that the somewhat minimal sentences aided in the high conviction rate seen in *Figure 2.4*.

2.3.1 Punishing Witchcraft, 1882-1906

The Penal code of 1886 was formulated and implemented to create a uniform and standardised legal system applicable to all people regardless of race or class.²⁵⁹ Based on enquiries and findings obtained through the Commission of Native Laws and Customs, the Penal code was formulated in response to the inadequate legal structure.²⁶⁰ The fundamental “civilising” principles governing the revised colonial order coupled with the gradual infiltration of white interests created a legal premise from which witchcraft crime could be tackled.²⁶¹ This rested on the notion that these revised legal formulations were implemented to expand and secure colonial power. Witchcraft, rooted in power discourses itself, served as a danger amongst African communities and threatened the legitimacy and power of the colonial state. Treading

²⁵⁸ East Griqualand case studies include Maclear, Mount Ayliff, Mount Fletcher and Mount Frere. Transkei case studies include Kentani and Idutywa and Pondoland included Port St. Johns and Lusikisiki.

²⁵⁹ D. S. Koyana, “The Influence of the Native Territories Penal Code on South African Criminal Law”, unpublished Doctoral Thesis, University of South Africa, 1988, p. 68.

²⁶⁰ KAB Secretary, “Report of Commission on Native Laws and Customs,” p. 3.

²⁶¹ See: Author Unknown, “Opening of Parliament”, *The Cape Times*, 8 May 1880, p. 3; Author Unknown, “The Week: Being A Summary of South African News from Tuesday Until Tuesday: The Cost of Party Government”, *The Cape Times*, 12 April 1881, p. 5; Author Unknown, “The Native Policy of the Government”, *The Christian Express*, 1 August 1894, p. 1 & Author Unknown, “Native Affairs During 1894”, *The Christian Express*, 1 May 1895, p. 1.

lightly, fearing African resistance to radical political change, the Penal code made standardised legal provisions and guidelines to address the African witchcraft problem and, in turn, provide structure to colonial law.²⁶²

The rationale of employed punishment methods was vested in the appointed colonial agents guided by the British parliament, who advocated for cultural transformation and eventual total rule. Echoed by Sir George Grey and Cecil John Rhodes during Rhode's announcement of the Glen Grey Bill of 1894, the state aspired to combat superstition and counteract witchcraft.²⁶³ Therefore, beliefs and practices associated with witchcraft were considered mere superstition regarded by colonial agents as "uncivilised" and "backward".²⁶⁴ These perceptions, in turn, formed the premise from which legislations were formulated and punishments were inflicted.

Apart from negotiating issues arising from the necessary balancing act between customary law and the integration of colonial order before initiating the Penal code, judges, magistrates and lawyers alike had to draw on divergent statutes and provisions, which left much to the law of interpretation.²⁶⁵ Magistrates themselves often turned for guidance towards Britain because they felt so inadequately prepared. Although there had been some degree of witchcraft legislative provisions before the Penal code, all provisions relating to witchcraft were uniformly implemented in all the Transkeian Territories and came into effect on the 1st of January 1887. The Penal code was designed to eradicate all forms of witchcraft by creating five separate sections. Sir Jacob Dirk Barry, the chairman of the commission and first Judge President of the Eastern Districts Courts, and Walter Earvest Stanford are regarded as commissioners responsible for formulating these provisions during 1883.²⁶⁶

²⁶² KAB Secretary, "Report of Commission on Native Laws and Customs", p. 3.

²⁶³ Author Unknown, "The Native Policy of the Government", p. 1.

²⁶⁴ T. Petrus, "Critical Issues Regarding the Victims of Witchcraft-Related Crime in South Africa", *Southern African Journal of Criminology*, 25(1), 2012, p. 31. See: Author Unknown, Untitled Article, *The Christian Express*, 1 February 1883, p. 23; Author Unknown, Untitled Article, *The Christian Express*, 1 February 1883, p. 28; Author Unknown, "The Patagonian Mission", *The Christian Express*, 1 January 1885, p. 10; Author Unknown, Untitled Article, *The Christian Express*, 1 June 1885, p. 94; Rev. A. J. Wookey, "South Bechuanaland: Some Changes Which Have Taken Place", *The Christian Express*, 1 November 1884; Author Unknown, Untitled Article, *The Journal*, 15 March 1892, p. 3; Author Unknown, "Some Aspects of the Native Question", *The Journal*, 1 April 1892, p. 1; Rev. J. Tyler, "Retrospect of Forty Years' Missionary Life Among the Zulus: Proceedings of Natal Missionary Conference", *The Christian Express*, 1 November 1889, p. 174; Author Unknown, "Natives and Federation: From A Native Stand-Point", *Imvo Zabantsundu Bomzantsi Afrika (S. African Native Opinion)*, 7 January 1908, p. 3; Author Unknown, Untitled Article, *The Cape Times*, 18 September 1880, p. 3; Unknown Author, "Native Affairs", *The Christian Express*, 1 September 1893; Author Unknown, Untitled Article, *The Christian Express*, 1 March 1878, p. 11; Author Unknown, "Kaffir Discourses", *The Christian Express*, 1 October 1871, p. 3; Author Unknown, "Health of the Fingoes", *The Kaffir Express*, 7 March 1874, p. 5 & W. Gqoba, "The Native Tribes: Their Laws, Customs, and Beliefs: Continuation of Paper Read at the Lovedale Literary Society-PART II", *The Christian Express*, 1 September 1885, p. 141.

²⁶⁵ Koyana, "The Influence of the Native Territories Penal Code on South African Criminal Law", p. 16.

²⁶⁶ Koyana, p. 68.

These unequal societal power relations, as well as the culmination of legislative and constitutional constraints, largely shaped how the colonial state punished those implicated in witchcraft-related behaviours. Given that the jurisdiction of civil cases was limited, colonial authorities implemented punishments in criminal cases by imposing short terms of imprisonment, low fines and, at times, heavy lashes.²⁶⁷ The Penal code provided provisions for each witchcraft transgression; each section also included punishment recommendations for each offence. Naming and indicating another to be a witch or wizard responsible for illness or injury was punished with a fine not exceeding 40 shillings or imprisonment with or without hard labour for 14 days in the event that the fine was not paid.²⁶⁸ Section 172 aimed to prosecute witch doctors and witchfinders for the same action and was punishable with imprisonment with or without hard labour for a period not exceeding two years which may have also included flogging or a fine to which the magistrate could decide on any two of the available punishments.

The employment of a witch doctor or witchfinder for the reason of indicating or naming a witch or wizard was also punishable under Section 173, where those found legally responsible would be sentenced to pay a fine not exceeding £5.00. If the payment defaulted, those guilty of the offence would be imprisoned with or without hard labour for a term not exceeding two months. Witch doctors supplying advice or any witchcraft materials to inflict injury were punished with a prison term not exceeding 12 months, to which a fine could be added. The final related section of the Penal code punished those who obtained medicines from consultations to cause injury. The offence was prosecutable with a prison sentence of no longer than 12 months which in some cases could include a fine.²⁶⁹

Witchcraft prevention among legal agents in Nyasaland, otherwise known as Malawi during 1911, placed the root and continuation of witchcraft beliefs and practices in the action of accusing. According to the *Christian Express*: “[...] It was the accusation of witchcraft which set the whole machinery of superstition into operation and therefore in dealing with this fetish it was right and logical that they [magistrates] should deal with the accuser [...]”²⁷⁰ This provides some insight into the rationale driving the nature of Cape Colony witchcraft legislation and, in turn, the provisional punishments. Apart from the implemented sections providing for the prosecution of all persons involved, the notion of “nailing down” on the accuser becomes

²⁶⁷ A. Sachs, “Enter the British Legal Machine: Law, Administration and Race Relations at the Cape 1806-1910”, In *Justice in South Africa* (Berkeley: University of California Press, 1973), p. 50.

²⁶⁸ <https://policehumanrightsresources.org/content/uploads/2016/03/South-African-Territory-Penal-Code.pdf?x96812> (Accessed on 3 March 2019).

²⁶⁹ <https://policehumanrightsresources.org/content/uploads/2016/03/South-African-Territory-Penal-Code.pdf?x96812> (Accessed on 3 March 2019).

²⁷⁰ Author Unknown, “Nyasaland Legislative Council: Witchcraft Ordinance”, *The Christian Express*, 1 August 1911, p. 124.

most apparent in the punishments under Section 171 and 172. In this instance, Section 172 shows a significantly longer sentence than that of Section 171 with the possibility of flogging.

Witchcraft abilities were believed to be real threats and witchfinders and witch doctors were thought to possess the power and capabilities needed to combat these forces. Therefore, the colonial state directed harsher punishments towards witch doctors as they were considered powerful influential figures within their communities and seen as figures who reinforced and instigated further accusations. The colonial state imposed a hefty fine or the chance of a lengthy imprisonment to deter members of African communities from consulting witch doctors or witchfinders to name or indicate a witch or wizard.²⁷¹ Sections 174 and 175 also held heavy sentences and linked directly to the involvement of witch doctors and witchfinders. This further served to deter community members from consulting their local traditional figures hoping that people would discontinue these activities.

Although the specifications for these punishments were indicated for each section of the Penal code, these were only guidelines that left room for magisterial interpretations based on contextual factors. These legislative initiatives were further hampered by colonial appointed magistrates and judges who, according to former judge Albie Sachs, were intermittingly accused of being over-lenient, impetuous, lazy, prejudiced, overbearing, incompetent, theatrical, over-strict and deaf during the 19th century.²⁷² Despite these criticisms, those acting within the colonial justice system and directly engaging with African communities had to please both the white minority and maintain peaceful relations with African societies residing within the territories. Through the gradual infiltration of colonial rule, the fundamental principle of customary law being “collective liability” waned as appointed magistrates required substantial proof to impose these legal punishments.²⁷³

This process had to show elements of individual engagements with community members and satisfy the white minority who feared the spreading of witchcraft. A patron of the Barotse Mission said that “[...] superstition and witchcraft [had] spread their wings of darkness and death over every village, hamlet, hut, and individual [...]” when he recounted his perception of communities residing beyond the Zambezi.²⁷⁴ Despite the location, understandings of witchcraft resonated with other colonial agents, partly explaining the severity of related

²⁷¹ <https://policehumanrightsresources.org/content/uploads/2016/03/South-African-Territory-Penal-Code.pdf?x96812> (3 March 2019).

²⁷² Sachs, “Enter the British Legal Machine: Law, Administration and Race Relations at the Cape 1806-1910”, p. 33. Former Judge Albie Sachs served as the Constitutional Court of South Africa between November 1994 – October 2009.

²⁷³ Koyana, “The Influence of the Native Territories Penal Code on South African Criminal Law”, p. 83.

²⁷⁴ Author Unknown, “The Barotse Mission”, *The Christian Express*, 1 December 1888, p. 184.

punishments enforced through colonial legislation. The complexities of prosecuting a crime like witchcraft within a formal judiciary were best described by a missionary serving in Matebeleland who observed that witchcraft was attributed to many occurrences and passed on through generations. According to the missionary:

[...] their fathers and the elder people of the town fill their minds with notions of witchcraft. If they believe in one thing under the sun in Matebeleland, they believe in witchcraft [...] A wolf is a witch, so is an owl, and an ox of a certain colour. If a man sees blood anywhere about the kraal, that is regarded as witchcraft; if there is an eclipse of the sun or moon, or if a comet appears, it is witchcraft.²⁷⁵

The state's attempt to police witchcraft was, therefore, a mammoth challenge. Apart from the necessary mediation of indigenous belief systems, colonial agents had to create punishments designed to deter people from resorting to witchcraft in times of unrest which was noted as a trend amongst Transkeian communities.²⁷⁶ The severity of the imposed punishment also largely depended on the circumstances in which they occurred. Recognising that witchcraft discourses were entrenched in notions of power, colonial authorities aimed to punish witch doctors and witch finders more severely as these actors held influential positions within their communities and represented a strong locus of power.

Apart from the colonial perception of the superstitious "native", Cecil John Rhodes also shed light on the western assumption that African communities possessed "work-shy tendencies".²⁷⁷ This partly explains the provision of hard labour accompanying prison sentences. Moreover, by the end of the 19th century, the state had "hired out" prisoners in large numbers to both mine owners and white farmers.²⁷⁸ Sentences were, however, reviewed with the initiation of appeal courts. These appeal courts were implemented to counteract biases and compensate for many poorly-trained appointed magistrates who were previously senior officers, retired sea captains and other colonial "gentlemen".²⁷⁹ Although some magistrates were sufficiently trained, allegations of incompetence were noted by lawyers who criticised their tendency to act as both prosecutor and judge.²⁸⁰ These accumulative shortcomings of appointed magistrates were primarily rooted in the gradual transition of power where magistrates had to initially perform the role of the chief. Given the leeway afforded to magistrates in imposing sentences, the appeal courts only reviewed a tenth of convictions during

²⁷⁵ Author Unknown, "Missionary News: The Matebele and Their Country: Witchcraft", *The Christian Express*, 1 June 1892, p. 85.

²⁷⁶ Author Unknown, Untitled Article, *The Journal*, 15 December 1894, p. 3.

²⁷⁷ Rhodes, "Speech to the House on the Second Reading of the Glen Grey Act" (27 July 1894), p. 1.

²⁷⁸ Sachs, "Enter the British Legal Machine: Law, Administration and Race Relations at the Cape 1806-1910", p. 56.

²⁷⁹ Sachs, p. 50.

²⁸⁰ Sachs, p. 52. See also: Burman: "Cape Policies Towards African Law in Cape Tribal Territories, 1872-1883", p. 86.

1894; the motion of review nevertheless raised the standards of Magistrates courts.²⁸¹ Mediating between a dualistic legal system partly accounted for these shortfalls as marrying two divergent legal structures ensured criticism from either side.

In practice, the revision of punishments was undertaken when heftier sentences were imposed. Given the debates surrounding the implementation of legislation on dealing with witchcraft, many magistrates imposed sentences within the provided allocation. Without reviews, cases were undertaken at a minimum cost to the state and resolved within a relatively short time. Witchcraft cases recorded in the BAC did, however, show evidence of some cases being reviewed where the appointed chief magistrate often changed sentences to lower punishments or dismissed the cases entirely. One such case was brought before the courts of Mount Fletcher in 1891, which included an instance of a witch doctor receiving 25 lashes. Upon review, this was commuted to a shorter sentence without any lashing.²⁸² These anomalies point to how fragmented and erratic the judiciary was during this period. This was exacerbated by the terminology used in witchcraft accusations.

2.4 Two Worlds Collide: The Traditional Cultural Symbolism and the Colonial Legislated Definitions of Witchcraft Terminology in Witchcraft Trials

Scholars, like historian Adam Ashforth, have commented on the derogatory and misleading nature of terms such as “witch”, “witchdoctor” and “witchcraft” which are acquired as a result of insufficient knowledge about African traditional knowledge systems.²⁸³ Traditional customs and religious beliefs differ between African groups, which also create its own set of terminological issues whilst also giving rise to added methodological hurdles. The task of compiling a comprehensive definition becomes even more difficult as the terminology surrounding these customs and beliefs differ between linguistic communities and over time. Furthermore, they are imbued with religious undertones, a trend set in motion after early 1800s missionaries began interacting with witchcraft-practising communities during their religious expeditions. As colonial agents began their quest to eradicate witchcraft practices, legal terminology had to be created and adapted to marry an unheavenly partnership between local superstitious practices and western morality and law.

²⁸¹ Sachs, “Enter the British Legal Machine: Law, Administration and Race Relations at the Cape 1806-1910”, p. 52.

²⁸² KAB 1/MTF 1/1/1/4 Bantu-Affairs Commission Records, Case 84/ November 1891, Regina v. Leketa.

²⁸³ A. Ashforth, “An Epidemic of Witchcraft? The Implications of AIDS for the Post-Apartheid State”, *African Studies*, 61(1), 2002, p. 126.

The nature of African oral tradition – comprised of customs, traditions and beliefs passed on through generations – has predominately accounted for the scarce quantity of written sources verifying imperial writings. The objective of the thesis is not to verify terminology but rather place emphasis on the legal terminology as it is through this that people were persecuted and prosecuted. Intriguingly, criminal records on all the locations used within this dissertation showed evidence of the colonial state using the same terminology regardless of location. Terminology most often mentioned in witchcraft cases corresponded to traditional figures recognised in the implemented colonial legislations, which were: “witch”, “wizard”, “witchfinder”, “witchdoctor” and “witchdoctress”.

The various acquired connotations of these figures depended on the context in which they were embedded and largely related to a particular community based on varying religious and cultural beliefs linked to a specific time and location. During the 19th century, these contested terminologies, in the context of the Transkeian Territories, became points of contention between African communities and the colonial state based on cultural differences. The complexities associated with these terminologies will be unpacked in the following section. A focus on both the Transkeian African perspective, as hinted in the criminal records, and the colonial perception of these figures will be considered to demonstrate this cultural dissonance.

2.4.1 Witches are Born, Sorcerers are Made

Given that the colonial state implemented laws to prevent practices associated with witchcraft, the explicit mention of witches and wizards in the colonial legislation alluded to the state’s intolerance for these figures. The legislation made no mention of the type of witches prosecutable under colonial law and rather outlawed all figures associated with manipulating magic for evil intent. The act of identifying assumed witches and wizards in Transkeian African communities during the 19th century often served as a strategic weapon employed during familial conflicts, communal losses and amidst unstable environments. Naming and indicating these figures during tensions and conflicts can be linked to broader notions of witchcraft and its strong correlation to the act of scapegoating, as discussed in Chapter 1.

Although terms such as “sorcerer” and “witch” are often used interchangeably, a definite distinction can be made between them within the context of the Transkei during the 19th century. Typically, witches operated with what was perceived to be inherent occult power, whereas sorcerers were generally considered to apply their magical efforts in terms of

instruments, conjurations and substances.²⁸⁴ By extension, it has been assumed that witches gained access to their powers by either inheritance or by learning from others.²⁸⁵ Witches were feared in many communities as they were believed to have the power to manipulate evil spirits as a means to cause devastation. Criminal records of the BAC made no mention of sorcerers and only referred to these figures as either witches or wizards.²⁸⁶

Furthermore, witches were also considered to possess the ability to enter the body of their targeted subjects, forcing them to suffer from symptoms associated with various diseases.²⁸⁷ Many examples were visible in the trials before the colonial courts in the respective districts from 1882-1906. People suffering from an illness or disease often attributed their misfortune to the work of witches.²⁸⁸ As discussed by scholars such as historians Clifton Crais and Jeff Peires, and sociologist Simeon Mesaki, the notion of scapegoating was also evident in the criminal narratives of the BAC.²⁸⁹ These records revealed that a person (or persons) would typically provide a scapegoat to direct blame and accountability for unwarranted occurrences when witchcraft activity was suspected in the community. Criminal records pertaining to the Transkei implicated alleged witches and wizards in incidents relating to death, illness, crop failure and unforeseeable hardships, amongst other unfavourable happenings. This will be extensively explored in Chapter 3 in relation to varying social, political, economic and environmental contexts in which they arose. The complexities attached to acquired connotations of cultural and mystical figures are by no means limited to conceptualisations of witches and wizards and also extend to discourses on witch doctors and witch finders.

2.4.2 The Murky Waters of Witch Doctors and Witch Finders

Defining African traditional healers appears to be as challenging as attempting to comprehend the evolving perceptions of witches and wizards. The incongruent western conceptualisations in opposition to African beliefs regarding the position and activities of

²⁸⁴ E. Leistner, "Witchcraft and African Development", *African Security Review*, 23(1), 2014, p. 55.

²⁸⁵ M. Quarmyne, "Witchcraft: A Human Rights Conflict between Customary/Traditional Laws and the Legal Protection of Women in Contemporary Sub-Saharan Africa", *William and Mary Journal of Women and the Law*, 17, 2011, p. 480.

²⁸⁶ As seen in the criminal records of the Bantu-Affairs Commission Records from 1882-1907 for Idutywa, Port St. Johns, Mount Frere, Mount Ayliff, Mount Fletcher, Lusikisiki, Kentani and Maclear.

²⁸⁷ Quarmyne, "Witchcraft: A Human Rights Conflict between Customary/Traditional Laws and the Legal Protection of Women in Contemporary Sub-Saharan Africa", p. 480.

²⁸⁸ Districts forming part of this dissertation include East Griqualand, Pondoland and the Transkei from 1882-1907 within the eight selected locations.

²⁸⁹ See for example, Delius, "Witches and Missionaries in Nineteenth Century Transvaal"; Crais, "Of Men, Magic and the Law: Popular Justice and the Popular Imagination in South Africa"; Mesaki, "The Evolution and Essence of Witchcraft in Pre-Colonial African Societies" & Wallace, "Rethinking Religion, Magic and Witchcraft in South Africa: From Colonial Coherence to Postcolonial Conundrum".

traditional healers, created widespread contempt amongst Africans during the latter 19th century. The consequences of persistent colonial denial of African beliefs and customs were especially evident in legislations forming part of colonial anti-witchcraft initiatives. This was reiterated by sociologist Dale Wallace who affirmed that African practices and beliefs became associated with witchcraft legislation in several countries.²⁹⁰

The majority of witchcraft cases brought before the colonial courts differentiated between “witchfinder” and “witch doctor”, as noted in the BAC. The distinction between these two types of traditional figures was often made clear by the intention of the consultation. For example, if clients visited a doctor to ascertain the name of a witch or wizard through “smelling out”, the doctor would be termed a “witchfinder” by the colonial state. The colonial state viewed witch doctors as traditional figures allowing themselves to be consulted for health purposes.

In investigating the role of African traditional healers within witchcraft-related crime, one cannot discredit the intricate relationship between witchcraft, chiefly rule and the African monarch, which, in itself, cannot be denied or minimised, as reiterated by Booth.²⁹¹ According to economist Erich Leistner, although witches and *sangomas* were conceptually related and historically misrepresented in western literature, they were situated on opposing sides of the “magic spectrum”.²⁹² This spectrum referred to the intention for which magic was performed. Both witches and healers depended on magic which has been defined as “the manipulation of persons and things through the use of objects, words and acts thought to give one access to supernatural powers for either good or evil intent”.²⁹³ Therefore, traditional healers were perceived by their communities as possessing supernatural power strong enough to counteract witchcraft with stronger magic.

Expanding on this distinction, studies conducted amongst the Azande by anthropologist E. E. Evans-Pritchard demonstrate that distinguishing between various traditional figures is not unique to Southern Africa. Evans-Pritchard discovered a distinction between those who simply used magic and others who inherently possessed mystical powers which formed part of their personalities.²⁹⁴ The debates and dilemmas involved in defining witchcraft accompanied by European misinterpretation of African culture only added to the intricacies when evaluating

²⁹⁰ D. Wallace, “Rethinking Religion, Magic and Witchcraft in South Africa: From Colonial Coherence to Postcolonial Conundrum”, *Journal for the Study of Religion*, 28(1), 2015, p. 23.

²⁹¹ Booth, “‘European Courts Protect Women and Witches’: Colonial Law Courts as Redistributors of Power in Swaziland 1920-1950”, p. 265.

²⁹² Leistner, “Witchcraft and African Development”, p. 55.

²⁹³ Leistner, p. 55.

²⁹⁴ J. Hund, “Witchcraft and Accusations of Witchcraft in South Africa: Ontological Denial and the Suppression of African Justice”, *The Comparative and International Law Journal of Southern Africa*, 33(3), 2000, p. 371.

these figures in their original context. Discussions of this sort become central themes in evaluating the effectiveness of colonial legislations in an area and exposed the inadequacy of the intrusive witchcraft laws in the colony during the 19th century.

Further discussions about witch doctors and witch finders will be found in Chapter 4. These figures will be discussed in the context of discourses relating to the fragmentation of intrapersonal bonds and shifting of power balances between and amongst African communities. A reflection of the ongoing African and colonial power struggles will be revealed by the growing distrust between African community members. The following section investigates the terminologies used for colonial law coupled with the resulting implications of those legislations. Finally, these discussions discuss the porous nature of “victim” and “perpetrator” in witchcraft crimes.

2.4.3 Cultural Disconnect & the Impact of Western Constructed Terminologies

Upon analysing the colonial witchcraft statistics and criminal records of the BAC, not a single witch or wizard was ever prosecuted under colonial law.²⁹⁵ This was a direct consequence of the state declaring all practices and behaviours associated with witchcraft illegal. John Alan Cohan, a professor in law, accounts for this irony by noting that witchcraft was illegal, yet on the other hand, making accusations of witchcraft was also illegal.²⁹⁶ The notion of something tangible to control becomes a particular issue in witchcraft cases brought before the colonial courts. The regulation of occult belief systems is impossible to achieve, making witchcraft crime even more difficult to comprehend and appreciate the real threat suspected witchcraft activities could pose within communities. The very fact that colonial authorities denied the existence of witchcraft, in contrast to African communities believing in its validity, shaped the acceptance of who was considered a “victim” rather than a “perpetrator” before the colonial courts.

The conceptualisation of those considered victims instead of perpetrators coming before the colonial courts was directly in opposition to African cultural belief systems. Colonial law prosecuted those who *accused* others of witchcraft. This created profound implications within African communities as this meant that suspected witches or wizards were protected by colonial law. Anthropologist Theodore Petrus elaborates on the dynamic distinction between victim and perpetrator. He acknowledges that these terms are often subjected to multiple changes that

²⁹⁵ This statement is based on criminal records appearing in the Bantu-Affairs Commission from 1882-1906.

²⁹⁶ J. A. Cohan, “The Problem of Witchcraft Violence in Africa”, *Suffolk University Law Review*, XLIV (4), 2011, p. 804.

depend on the context and related symbolic meanings affiliated with witchcraft.²⁹⁷ Historically, a differentiation between the perpetrator and victim in witchcraft matters was based on the adoption of cultural norms, beliefs and values to determine what constituted a crime and who would be considered criminals as opposed to victims based on cultural orientation.²⁹⁸ This inevitably raises questions about who holds the responsibility of determining the perpetrator and the victim in witchcraft-related crimes; which are, by nature, culturally specific, and by implication, subjective.²⁹⁹

2.5 Conclusion

The political and social environment in which witchcraft cases were brought before the colonial courts during the 19th century was characterised by power struggles, gradual white intrusion and, to some extent, the denial of African customs and grievances. Amidst these simmering tensions was the contentious, complex and fluid relationship between established African leaders and colonial officials, which was made even more challenging by the evident culture differences and, at times, clashes. The gradual advancement of colonial political influence in the Transkeian Districts during the mid-1800s allowed for the establishment of colonial courts and the implementation of legislation and appointed magistrates during the latter 1870s and 1880s.

The fragile relationship and cooperation between the well-established traditional African legal system and the colonial legislation created added tensions and confusion in dealing with witchcraft cases. The state's decision to declare all acts associated with witchcraft illegal inevitably inverted the positions of those considered perpetrators as opposed to victims.³⁰⁰ Despite pleas to have "all those involved in witchcraft" prosecuted, African customs implied prosecuting the witch or witch doctor. The colonial judiciary refused. The disconnect between western and African thought processes and worldly understandings resulted in the patchwork of witchcraft legislation aimed at abolishing all behaviours and practices associated with witchcraft while protecting those accused of the act. These legislations, made up of proclamations, clauses and acts, were implemented during the 1870s and 1880s. The unusual and often plentiful ways the state brought witchcraft cases before the colonial courts speaks to the difficulties of abolishing associated behaviours. This process was further complicated by

²⁹⁷ Petrus, "Critical Issues Regarding the Victims of Witchcraft-Related Crime in South Africa", p. 33.

²⁹⁸ Petrus, p. 33.

²⁹⁹ Petrus, p. 34.

³⁰⁰ Petrus, p. 33.

the location specific, existing legislations all operating in tandem until the end of 1886. The compilation of various legislations caused uncertainties and irregularities in the recording process of colonial witchcraft statistics from 1882-1906 which was characterised by the neglect of invaluable information. This included the types of legislations used, the number of defendants in each case and the lack of clarity on the precise location of the recorded cases.

These irregularities were evident in the criminal records of the BAC and the obtainable witchcraft statistics presented in the Cape Colony Blue Books. The terminologies defining colonial law also contributed to these issues and were worsened by the varying connotations attached to mystical figures, which changed over time. Consequently, the 1895 peak in witchcraft cases recorded in the Blue Books differed from the peak recorded in the BAC during 1898. This creates a necessity to assess the cases involved in the BAC 1898 peak to understand this disparity by drawing on the evident correlation between witchcraft and the specific context in which witchcraft accusations arise, as discussed in Chapter 1.

The following chapter will explain the apparent spike in recorded witchcraft activity in 1898 by drawing on the varying political, social, environmental and economic contexts that directly shaped accusations of suspected witchcraft activities. These contextual points of departure allow for the consideration of discourses relating to witch familiars and mystical charms dependent on the context in which they are embedded.

Chapter 3

Earthly Elements, the Supernatural, Mystical Creatures and Worldly Manipulations

3.1 Introduction

On the 2nd December 1886, news that yet another child, one of many in the same kraal, had the symptoms of a bowel disorder. This news reached the concerned father, the head of the kraal, who had been elsewhere during the previous outbreaks of sickness.³⁰¹ In his absence, there were simmering tensions of jealousy surfacing between his two wives during his absence, worsened by three more cases of ill children. Both wives had been nursing their children back to health when the third child, the second child of the senior wife, was found in a state of confusion after inexplicably fainting.

In 1887, a year after these bouts of illness, the case against Mlandeli, father of the ill children, was brought before the colonial District Court of Mount Fletcher. Courtroom testimony exposed the familial tensions between the wives and was confirmed by the mother of the accused father, the grandmother of the ill children. The plaintiff, the accused wife of Mlandeli, told the court that her mother-in-law had accused her of causing the illness of her own child and the two children of the senior wife because she was treated as the favourite. Mlandeli believed the rumours and subsequently accused his younger wife of witchcraft, banishing her from his kraal. Rumours had prompted the collective decision of kraal members to consult a witch doctor regarding the children who were being killed by snakes belonging to the plaintiff. A witch doctor was consulted and confirmed that the illness was caused by “snakes” who had the same features as the wife accused of witchcraft. The case, therefore, revolved around the notion of witch familiars. Mlandeli, was charged with two witchcraft offences, namely indicating a witch and consulting a witch doctor. He was found guilty on both charges.

This case straddles two themes which are made apparent in Chapter 1. Firstly, as suggested by theologian Evan M. Zuesse, witchcraft accusations reflect pre-existing tensions within communities.³⁰² This will be discussed in greater detail in Chapter 4. The second is discussed by theorists, such as anthropologist Pamela A. Moro, who explains that magic, witchcraft and sorcery are relative to human encounters and are often drawn upon to account

³⁰¹ KAB 1/MTF 1/1/1/2 Bantu-Affairs Commission Records, Case 5/ March 1887, Regina v. Mlandeli.

³⁰² E. M. Zuesse, “On the Nature of the Demonic: African Witchery”, *Numen*, 18(3), 1971, p. 212 & A. Pieterse: “‘The Danger Inside’: Witchcraft and Community in South African Literature”, *English in Africa*, 41(3), 2014, p. 31.

for varying conditions and experiences that are otherwise difficult to comprehend.³⁰³ What is of particular importance in this chapter is how witchcraft is emblematic of unsettled political, social and economic environments. Varying notions of the “supernatural” employed as a means to explain the inexplicable, such as environmental challenges (crop failure, lightning, thunderstorms and droughts) and instances of diseases amongst cattle and communities, is also made apparent. The importance of contextualising the varying environments in which witchcraft accusations occur is suggested by social anthropologist Maia Green who investigated witchcraft in Tanzania in the latter 20th century. As seen in the case mentioned above and reiterated in the work of Green, “bad luck” can become a “[...] subjective experience of which is given an objective reality in flourishing ideologies of witchcraft [...]”.³⁰⁴ Furthermore, the action of scapegoating, as mentioned in Chapter 1 and 2, also becomes apparent in witchcraft cases appearing before the colonial courts.

As argued by anthropologist Todd Sanders, court narratives can also be read as a way of understanding “local notions of tradition” in post-colonial states.³⁰⁵ In this context, one can read the testimonies as a narrative relating to how traditions were being upheld. These include categories such as charms and witch familiars. Despite colonial attempts in eradicating witchcraft beliefs, communities continued to resist this cultural imposition.

This chapter will investigate how the contextual factors, which were made apparent in the court testimonies, shaped how challenging environments were interpreted in terms of witchcraft discourses. Court narratives will be used as a window into the contested Transkeian landscape amidst varying related incidents in surrounding areas from 1882-1906. This will allow for a discussion on how witchcraft trials portray power differentials and the continued promulgation of traditional beliefs of witchcraft symbols. This chapter argues that witchcraft accusations can be interpreted in the same manner that one interprets the history of white encroachment in the Transkeian Territories. Through historian William Beinart’s revisionist exploration of Pondoland during the political transition the history of the area is not necessarily a simple case of white encroachment, political and economic loss. Instead, he shows how local groups renegotiated the space and found new ways to remain competitive. Thus, it is a story of resistance and competitiveness, even if this was short-lived. In the same manner, literature on witchcraft speaks of how accusations manifest in reaction to political, social, economic,

³⁰³ P. A. Moro, *Witchcraft, Sorcery and Magic: The International Encyclopedia of Anthropology*, (Denmark: John Wiley & Sons, 2018), p. 1.

³⁰⁴ M. Green, “Witchcraft Suppression Practices and Movements: Public Politics and the Logic of Purification”, *Comparative Studies in Society and History*, 39(2), 1997, p. 325.

³⁰⁵ T. Sanders, “Reconsidering Witchcraft: Postcolonial Africa and Analytic (Un)Certainties”, *American Anthropologist*, 105(2), pp. 338-352.

environmental change, and competition. While this may prove adequate to explain trends in witchcraft statistics in terms of larger groups in a broader context, anomalies between these broad trends and localised spurts also suggest that witchcraft accusations are more indicative of communal or familial tensions and thus also serve as a testimony to how power at a micro-level is contested and renegotiated. This is even more apparent when headmen, paid a stipend by the colonial state, are challenged. In addition, through the persistent referral to traditional witchcraft symbols these communities maintained their traditions, even within a western judicial system that found their practices repugnant. While the following chapter will probe the actual testimonies, the focus here will be restricted to divisional observations in the eight case studies.

3.2 Treacherous Landscapes, Shifting Power Dynamics & Unpredictable Climates: 1882-1906

The end of the 19th century was marred by political tension, negotiation and annexation in the Transkeian Territories. Three particular territories are of interest in this study: East Griqualand, Transkei and Pondoland. East Griqualand consisted of the divisions of Maclear, Matatieland, Mount Ayliff (now known as EmaXesibeni), Mount Currie, Mount Fletcher, Mount Frere (now known as KwaBhaca), Qumbu, Tsolo and Umzimkulu. The area was fertile and was largely uninhabited because of the Mfecane wars of 1822-1836. By the 1850s, it was referred to as Nomansland. The Paramount Chief Faku of the Pandomise ceded area to the British and this was passed on to Adam Kok, who led a splinter group away from the northern Cape and settled in the area. By 1869, Kok requested British protection and this resulted in the annexation of the area in 1879. This was in a period of tribal conflict and loose political alliances. By 1878, the lands of the *Xesibe*, Mount Ayliff, was brought under British administration resulting in parts of the *Pandomise* being added to Mount Ayliff by 1888. The annexation of western Pondoland was completed in 1894 and included Mount Fletcher and Maclear. The Griqua were in the minority and began selling their land to the British settlers and Pondo farmers. After an abortive rising against the Cape administration in Kokstad in April 1878, more lost their lands and were forced to become rent-paying tenants on farms now owned by white settlers.³⁰⁶ Rumours of a rebellion during 1897 led to the capture and imprisonment of

³⁰⁶ R. Edgar and C. Saunders, "A.A.S. Le Fleur and the Griqua Trek of 1917: Segregation, Self-Help, and Ethnic Identity", *The International Journal of African Historical Studies*, 15(2), 1982, pp. 201-220.

Andries Abraham Stockenström le Fleur. This marked the turning point for the Griqua, who were subjugated by the turn of the century.³⁰⁷

On 15 September 1884, the Territory of Port St. Johns was annexed to the Cape. Only Port St. Johns was classified as an urban community in the area when census counts took place in 1904 and 1911.³⁰⁸ The entire region was wrought by turmoil and loose, constantly shifting alliances. Some attempts were made by German emissaries to conquer some of the territories but to no avail. By 1886, the Xesibe lands and Port St. Johns fell under British control. Continued internal battles between the Mpondo chiefs coupled with the continued interests of settlers and the Cape, led to the absorption of many of these territories into the Transkei Territories by 1884.

Originally, the Transkei included the territories of Idutywa Reserve, Fingoland and Galekaland, otherwise spelt, Gcalekaland. Annexed in 1829, this resulted in a series of wars, which left areas like Maclear depopulated in the aftermath leading to the annexation of British Kaffraria by 1866. The territories absorbed into the Transkeian Territories included the divisions of Butterworth, Tsomo, Nqamakwe, Kentani, Willowvale and Idutywa for the Idutywa Reserve.³⁰⁹

It is within these changing contexts that the statistics of *Figure 2.1* should be read. Within the Transkeian Territories, the Cape Colony Blue Books would suggest that the peak of witchcraft activity occurred in 1895, a year after the annexation of divisions in Pondoland. As seen in *Figure 2.2*, the case studies only contributed 10% to this peak. This suggests that the majority of witchcraft activity occurred outside of these areas. In *Figure 3.1*,³¹⁰ however, it is clear that some regional activity affected the cases in Mount Ayliff and Kentani, Pondoland and Transkei, respectively. The case studies contributed almost 27% to the 1886 tally, and 20% in

³⁰⁷ Edgar and Saunders, "A.A.S. Le Fleur and the Griqua Trek of 1917: Segregation, Self-Help, and Ethnic Identity", p. 204.

³⁰⁸ W. Beinart, "Production, Labour Migrancy and the Chieftaincy: Aspects of the Political Economy of Pondoland, Ca. 1860-1930", unpublished Doctoral Thesis SOAS, University of London, 1979, p. 135. Unfortunately due to the COVID lockdown, the author was unable to refer to the published version.

³⁰⁹ Geographically, Butterworth is located in Fingoland and Willowvale in Galekaland. See: Beinart, "Production, Labour Migrancy and the Chieftaincy: Aspects of the Political Economy of Pondoland, Ca. 1860-1930"; C. Bundy, "The Emergence and Decline of a South African Peasantry", *African Affairs*, 71(285), 1972, pp. 369-388; C. Bundy, "The Transkei Peasantry, c.1890-1914: 'Passing through a Period of Stress'", in R. Palmer and N. Parsons (eds.), *The Roots of Rural Poverty in Central and Southern Africa*, (Heinemann Educational Press: London, 1977), pp. 201-220; S. Trapido, "White Conflict and Non-white Participation in the Politics of the Cape of Good Hope, 1853-1910", unpublished Doctoral Thesis, University of London, 1970; S. Trapido, "African Divisional Politics in the Cape Colony, 1884 to 1910", *Journal of African History*, 10(1), 1968, pp. 79-98; A. Offenburger, "The Xhosa Cattle-Killing Movement in History and Literature", *History Compass*, (7), (6), 2009, pp. 1428-1443; J. Peires, "'Soft' Believers and 'Hard' Unbelievers in the Xhosa Cattle-Killing", *Journal of African History* 27(3), 1986, pp. 443-461; J. Peires, *The Dead Will Arise: Nongqawuse and the Great Xhosa Cattle-Killing Movement of 1856-7*, (Johannesburg: Ravan Press, 1989).

³¹⁰ Refer to Appendix B.

1898. The latter year also showed a conviction rate of almost 78% (*Figure 2.3*), which is the seventh-largest conviction rate during the entire period, thus indicating that the colonial magistrates did not reflect any visible paranoia by finding all those accused guilty.

Figure 2.6 would also suggest that the cumulative numbers of witchcraft cases per location places the majority of previous East Griqualand territories at the forefront of witchcraft activity. This resulted from them being absorbed into the jurisdiction from 1882 onwards, as shown in *Figure 3.1*. Here, the late incorporation of Lusikisiki into the magisterial jurisdiction of the colony in 1895 and the significant peak in 1898 not only suggests that these cases require further investigation, but it also shows that, comparatively speaking, it was one of the leading hotspots of the period 1895-1901. To further clarify what caused the spike of 1898, both Pondoland and East Griqualand must be scrutinised. Lusikisiki, a former territory of Pondoland, contributed 41% to 27 cases in 1898, and the former territories of East Griqualand formed 48% of the total. The tapering of cases in Transkei – Idutywa and Kentani – can be attributed to the establishment of the Chief Magistracy for the Transkeian Territories being located at Umtata by 1902.³¹¹ It is also worth noting that some divisions already fell under the magisterial district before formal annexation. Various legislative patchworks were used to evaluate these cases prior to implementing the Penal code of 1886, making statistical evaluation before this more problematic.

The Governor of the Cape in 1854, Sir George Grey, believed that over time, civil practices would win over the people from their witch doctors and overthrow witchcraft as he believed that chiefs colluded with witch doctors to overpower their rivals. Colonial control would, therefore, curb the practices which provide a noble reason for a ghastly colonial conquest.³¹² By 1894, Prime Minister Cecil John Rhodes also justified his expansionist policies by arguing that it would be in the best interests of the people. Citing one of the colonial correspondences:

[...] Murder, rapine and spoliation are practised by the chiefs and their immediate followers. The system of "smelling out", which is usually attended with tortures of the most revolting character is as freely practised at the present day as it has ever been, if not more frequently. It is a most unusual thing for Natives to revolt against their chief, no matter how cruel, oppressive or unjust he may be, but I am assured that the Pondos are so heartily tired of the treatment to which they have been subjected by the present ruling chiefs that the majority of them would hail any change of government [...].³¹³

³¹¹ Beinart, "Production, Labour Migrancy and the Chieftaincy: Aspects of the Political Economy of Pondoland, Ca. 1860-1930", p. 119.

³¹² W. Rees & L. Rees, *The Life and Times of Sir George Grey K. C. B.* (Cambridge: Cambridge University Press, 1892), pp. 232, 228.

³¹³ KAB CMT 3/952/764, Elliot to Rhodes, 16.2.1894.

Before colonial presence, chiefs in Pondoland relied on the tributes of cattle and other forms of fines passed down on subjects for transgressions and traditional ceremonies, such as brideprice or *lobola*. Non-payment would result in severe repercussions. This served as a way of securing power within these societies, especially during periods when various clans vied for political and economic influence. As expansionist policies unfolded, Beinart suggests that in colonial sources, witchcraft accusations increased in intensity immediately prior to annexation, adding that this should rather be read as a feeble attempt to justify the annexation of these territories.³¹⁴ This process is aptly captured by historian Samuel John Russel Martin when he asserts that: “In sum, endemic inter-“tribal” warfare, chiefly despotism and primitive customs morally justified white intervention, providing the *raison d'être* of the civilising mission. The task was immense, although self-imposed, but the call of duty and the satisfaction of cultural arrogance could not go unanswered”.³¹⁵ By 1894, the territories were administered directly by magistrates who relied heavily on loyal headmen who, in turn, became paid colonial officials. In moments of crisis, such as the attempted compulsory dipping of cattle during the East Coast Fever outbreak in 1909, officials felt the need to appoint a “progressive” paramount chief to ensure stability.³¹⁶

Civil war and the annexation of Pondoland occurred between 1887 and 1894. During this period the Colonial Blue Book witchcraft figures do indeed increase in 1888, 1892 and 1893,³¹⁷ with more significant shifts seen in 1895. This suggests that activities were heightened in 1887, 1891, 1892 and 1894. According to *Figure 2.2*, the periods of heightened activity occurred in 1885 (recorded in 1886) and 1897 (recorded in 1898).³¹⁸ This is not to suggest that these witchcraft accusations did not increase outside of colonial monitoring structures, but it does suggest that these reports were not based on any formal statistics.

The period in question was marred by constant political instability characterised by white encroachment and competition with white settlers, inter-“tribal” conflict and for local power vying between factional groups. Colonial expansionist policies were also renewed, and the civil strife left an opportunity for eventual conquest. Those groups who did not comply would lose their land and, while shifts did occur towards capitalist agriculture and trade, the

³¹⁴ Beinart, “Production, Labour Migrancy and the Chieftaincy: Aspects of the Political Economy of Pondoland, Ca. 1860-1930”, p. 75.

³¹⁵ S. J. R. Martin, “Political and Social Theories of Transkeian Administrators in the Late Nineteenth Century”, Master’s Thesis, University of Cape Town, 1978, pp. 90-91.

³¹⁶ Beinart, “Production, Labour Migrancy and the Chieftaincy: Aspects of the Political Economy of Pondoland, Ca. 1860-1930”, pp. 19-20.

³¹⁷ Refer to *Figure 2.1*, Appendix A.

³¹⁸ It is worth noting that the Transkeian Territories Representation Act, no. 30 was implemented in 1887 and full annexation of the case studies was completed by 1894.

competition was stiff. The establishment of the diamond and gold mines also necessitated the need for cheap black labour.³¹⁹ By 1894, the Glen Grey Act ensured that black land could not be communally owned and that a hut tax had to be paid. This saw the rise of poverty and the shift towards the migrant labour system, where black men had to seek employment in urban areas and in mines. Historian Colin Bundy has described a history of dispossession and gloom, while Beinart shows how these colonial strategies were introduced and adapted to ensure some form of independence, as shown in his study on Pondoland.³²⁰

The Mpondo Paramount Chief Faku ensured that his people did not get involved in altercations during the Mfecane, the Xhosa wars and even the infamous cattle-killing of 1857.³²¹ He absorbed many of the displaced refugees and signed a treaty with the Cape Colony in 1844 to preserve his regency. However, as new settlers arrived at the area, the chiefs became increasingly reliant on taxes, concessions, traditional tributes and fines during the 1870s and 1880s. Land shortage by 1883 led the Paramount Chief Mqikela – who succeeded Chief Faku – to remark that the Mpondo economy was under pressure. This was also the result of an ever-increasing population. He noticed that the mainstay of the economy – cattle farming and maize growing – required large spans of land. This encroachment, and loss of cattle sickness and lack of grazing grounds, exacerbated the economic crisis and some were expanding into rearing sheep. Moreover, encroachment also saw settlements and military camps sprouting at the borders by 1878, which worsened the economic situation as the competition stiffened in Natal and the international depression of 1882.³²²

These conditions further weakened the already dwindling influence of Mqikela, who became paramount chief in 1867. In Western Pondoland, for example, Ndamase, King of Western Pondoland, and later his eldest son, Nqwiliso, acted independently even when dealing with the colonial authorities. This did not go unnoticed. Mqikela was unable to keep the cohesion, as his predecessor, Faku, had done. The chiefs were careful to stay neutral even when war and rebellion broke out in the neighbouring Zulu, Griqua and Gcaleka regions between 1877 and 1878. The chiefs did, however, provide shelter for their warring neighbours. They followed the stance of Faku by remaining neutral yet engaging in emissary talks with the

³¹⁹ P. I. J. H., “Manufacturing Industry in South Africa”, *The World Today*, 4(6), 1948, p. 256 & Blue Books: Cape of Good Hope, 1882, p. 8.

³²⁰ See: Beinart, “Production, Labour Migrancy and the Chieftaincy: Aspects of the Political Economy of Pondoland, Ca. 1860-1930”; Bundy, “The Emergence and Decline of a South African Peasantry”, *African Affairs*, (71), (285), 1972, pp. 369-388 & Bundy, “The Transkei Peasantry, c.1890-1914: ‘Passing through a Period of Stress’”, in R. Palmer and N. Parsons (eds.), *The Roots of Rural Poverty in Central and Southern Africa*, (Heinemann Educational Press: London, 1977), pp. 201-220.

³²¹ Chief Faku was the first chief of East Pondoland who was succeeded by his son Chief Mqikela in 1868.

³²² Beinart, “Production, Labour Migrancy and the Chieftaincy: Aspects of the Political Economy of Pondoland, Ca. 1860-1930”, pp. 62-67.

colonial power. The Colonial Office was reluctant to extend its sphere of influence, so the deputation was denied an audience, although the Mpondo continued to protect their borders as raids increased in 1880. When Thomas Upington took power as Prime Minister of the Cape in 1884, he furthered the expansionist programme and annexed Port St. Johns. This led to retaliation by the Mpondo chief Mhlangaso, who instituted a heft levy on wagonloads leaving the harbour of Port St. Johns, heading to the hinterland.³²³

By 1885, Mhlangaso's initiatives had failed, and he lost the support of Mqikela and other chiefs who were unwilling to go to war. In addition, continued hostilities between the Bhaca and Xesibe clans against the Mpondo led to increased raiding parties between 1885 and 1886. Tension grew between these local groups and against the Colony which led to a series of wars in February to March 1886 and May 1886. By October 1886, Mhlangaso mobilised 15,000 men but his forces were dispersed by the Cape Mounted Riflemen. By November, the chiefs conceded Xesibeland and the paramount conceded his rights to negotiate with foreign powers, nor could he levy taxes on tariffs and customs.³²⁴

By September 1887, Mhlangaso tried to convince other Mpondo, Gcaleka, Thembu and southern Natal chiefs to resist colonial encroachment. Unfortunately, Mqikela's death in October 1887 left a power vacuum. Sigcau was an unlikely successor but was appointed in February 1888 chiefly to resist the attacks of Mhlangaso. He pursued a policy of conciliation and attempted to restrict Mhlangaso, which led to a civil war in 1889 between the followers of Mhlangaso and Chief Manundu.³²⁵ This culminated in a full-scale attack in April 1891, which saw Mhlangaso retreat into colonial territory. Fighting, however, continued until 1894, when the Cape eventually annexed Pondoland.³²⁶ There is evidence to suggest that these internal battles were also partly instigated by settlers and colonial agents.

The Glen Grey Act was also passed in 1894.³²⁷ Three major provisions were made to land tenure, the implementation of district councils and labour tax. Land distribution was removed from the chiefs. The Cape franchise was adjusted to ensure that Africans would not swamp the system. It was initially implemented in the Glen Grey district itself and in the four Fingoland districts of the southern Transkei with the view of extending this to other territories

³²³ Beinart, "Production, Labour Migrancy and the Chieftaincy", pp. 80-96.

³²⁴ Beinart, pp. 102-106.

³²⁵ Chief Mahlabuvelile Manundu was one of the 26 chiefs in the Bizana District of Pondoland. See: Author Unknown, "Pondos Angry at Police Treatment of Their Women: "We Will Fight Back," Chief Warns", *New Age*, 28 September 1961, p. 3.

³²⁶ Beinart, "Production, Labour Migrancy and the Chieftaincy", pp. 108-110.

³²⁷ See: C. J. Rhodes, "Speech to the House on the Second Reading of the Glen Grey Act", in F. Verschoyle (ed.), *Cecil Rhodes: His Political Life and Speeches, 1881-1900* (Chapman and Hall Limited: South Africa, 1900).

over time. Consequently, the implementation of the council system after the South African War (1899-1902) would see representatives from districts incorporated into the Transkeian Territories General Council by 1906. Paramount Chief Sigcau was not willing to accept these limitations to his authority. Furthermore, unresolved conflict between him and Mhlangaso led to the latter being forced into exile along with his allies whilst his area was absorbed into the division of Flagstaff. He was supposed to pay tribute to Sigcau but defaulted on payment; the colonial authorities refused to intervene.

By 1895, there was an attempt to implement the hut tax, but Sigcau attended the meeting with the magistrates visibly armed and was later arrested. By 1886, it was made clear that the Mpondo had to comply, marking the demise of the Mpondo. Magistrate Stanford attempted to elect headmen who had no previous spheres of control in a bid to divide and rule. Sigcau and other chiefs realised that these headmen were out of their control and had established ways to exert their own power. To reinforce colonial rule, chiefs were blocked from earning revenue from customary claims, in turn enabling internal divisions to continue to fester.³²⁸ As Beinart remarks, “[...] Once the administration had removed so much of the paramount’s independent income, these payments – death duties, immigration fees, court fines and property ‘eaten up’ after witchcraft accusations – became all the more important an element in chiefly revenues [...]”.³²⁹

Dues from witchcraft accusations were previously allowed under customary law as long as no force was used. The colonial powers felt that their intervention would destroy the “native customs” and diminish individual revenue advantages.³³⁰ Although magistrates relied on headmen to extend colonial control and regulate criminal activities, favoured headmen could now extend their administration of justice after annexation, as customary courts were no longer recognised, many officials reported that some of these activities were handled clandestinely by these headmen, hence the large absence of crimes in the formal criminal statistics. In addition, the revenue formerly received by chiefs was going to these headmen. Here, the colonial state, under the guise of some humanitarian mission, claimed to have broken the hold of chiefs over their people. What came, in turn, was a group of paid “civil servants” now conducting business as usual under the guise of colonial law. The administration also permitted chiefs to oversee civil cases and allowed them to retain whatever fines were imposed whilst creating the

³²⁸ Beinart, “Production, Labour Migrancy and the Chieftaincy: Aspects of the Political Economy of Pondoland, Ca. 1860-1930”, pp. 120-126.

³²⁹ Beinart, p. 128.

³³⁰ John Noble Secretary, “Report of Commission on Native Laws and Customs”, *The Port Elizabeth Telegraph and Eastern Province Standard*, 27 January 1883, p. 3 & A. E. Du Toit, “The Cape Frontier”, op. cit., 82, quoting from Cape G. H. 8/3: Manuscript entitled “Regulations and Laws for the Government of British Kaffraria”.

allowance of appeals to magistrates for aggrieved parties. Unfortunately, the court costs were astronomical and unaffordable for most. They also had to pay for the opening of a chief's court. As Beinart points out:

[...] Although the number of cases heard by the magistrates increased in the first decade of the century - from 299 in 1902 to 600 in 1910 in Lusikisiki, for example - many of the civil cases they heard involved Christian Africans or Europeans, and criminal prosecutions were often for breaches of regulations imposed by the colony rather than the crimes which were also common to pre-colonial society [...].³³¹

Despite administrative and judicial subordination, the British also used these conquered peoples during the South African War from 1899-1902. One such example can be seen in Gatberg on 19th November in East Griqualand. Led by Captain Herbert Elliot, General Cornelis Frederick Bezuidenhout and fifty-three men, were met with fierce resistance by armed African men when they attempted to invade the Maclear district. Whilst only a brief encounter, the incident at Gatberg on 20th November resonated amongst white communities. In this “Gentleman’s war”, “natives” were not to be armed. Again, in July 1901, Vecht-General W. D. Fouché attempted to raid horses in the Maclear district and African levies were mobilised to repel the incursion. The Griqualand Field and Mount Fletcher Force were placed under Sir Walter Stanford’s command, and the Tembuland Field Force under Captain Elliot. Elliot was deeply impressed by the scouting abilities and intelligence of the African auxiliaries and specifically that of chief Dalindybo, whom he described as “[...] having secret agents there and anywhere [...]”.³³²

In addition to these political moves, environmental issues also led to some chaotic moments in the area's history. The mainstay of the economy was initially cattle rearing and eventually agriculture. However, a series of droughts, plagues and diseases significantly affected the communities in the Transkeian area.

Lung sickness was destroying the vast majority of herds and this was attributed to broader social ills.³³³ As historian Jeff Peires describes, “[...] Embracing as it did the admitted evils of sorcery, sexual misconduct and military defeat, the idea of witchcraft thus provided an

³³¹ Beinart, “Production, Labour Migrancy and the Chieftaincy: Aspects of the Political Economy of Pondoland, Ca. 1860-1930”, pp. 130-132.

³³² P. Labuschagne, “The Skirmish at Gatberg: A Perspective and the Utilisation of Black Auxiliaries During the South African War on the Transkei Border (1899–1902)”, *Scientia Militaria – South African Journal of Military Studies*, 41(2), 2013, p. 83.

³³³ KAB 1/IDW 1/1/1/3 Bantu-Affairs Commission Records, Case 99/ December 1884, Regina v. Somxada & J. Tropp, “Dogs, Poison and the Meaning of Colonial Intervention in the Transkei, South Africa”, *The Journal of African History*, 43(3), 2002, p. 453.

interpretation of events which all Xhosa could accept and few contradict [...]”.³³⁴ This was in the context of growing distrust of colonial officials and growing disappointment with local chiefs.

The connection between cattle-killing and prophecies is made apparent by historians such as Jeff Peires and Andrew Offenburger, who often critique the narrow ways in which the connections have been explained.³³⁵ Anthropologist Monica Wilson, on the one hand, emphasises that practices relating to witchcraft and sacrifice all form part of a traditional pattern rooted in the insistence of purification. On the other hand, scholar John Zarwan viewed the widespread cattle killings as signifying a traditional form whereby local traditional leaders took the form of a diviner who shaped the traditional pattern.³³⁶ According to Peires, the “[...] Wilson-Zarwan view that the pagan reaction...was to seek supernatural aid is not very far removed from the opinion of previous writers that the Xhosa relapsed into “superstition” and “delusion” when confronted with repeated military defeats [...]”.³³⁷ Peires links lung sickness with the movement:

[...] But at its very first stop, in Xhosaland, it encountered an exceptionally battered and divided society, demoralized by the frustration of a long series of military defeats; by the social insecurity of expulsion from natal lands and pastures; by the material sufferings of migrant labour and of resettlement in cramped and ecologically deficient locations; by the new wealth of those who had climbed on the military-commercial bandwagon of settler expansionism [...].³³⁸

Lung sickness or contagious bovine pleuropneumonia is spread through droplets between infected and uninfected cattle. It is insidious as symptoms take long to manifest and thus spread rapidly.³³⁹ Peires describes the agonising death of the beast:

[...] First the affected cattle began to cough, then they gasped for air, breathing faster and more urgently. Yellowish fluid crept over their lungs which stuck to their ribs, and as the disease spread, the cattle putrefied from the inside out, becoming first constipated and then diarrhoeic. In their final agony, the beasts were unable to move or lie down at all. Their nostrils dilated for lack of air

³³⁴ J. Peires, “The Central beliefs of the Xhosa Cattle-Killing”, *Journal of African History*, (28), 1987, p. 50.

³³⁵ A. Offenburger, “The Xhosa Cattle-Killing Movement in History and Literature”, *History Compass*, 7(6), 2009, pp. 1428–1443; Peires, “‘Soft’ Believers and ‘Hard’ Unbelievers in the Xhosa Cattle-Killing”, *Journal of African History* (27), (3), 1986, pp. 443–461; Peires, *The Dead Will Arise: Nongqawuse and the Great Xhosa Cattle-Killing Movement of 1856–7*.

³³⁶ J. Peires, “The Central beliefs of the Xhosa Cattle-Killing”, p. 44.

³³⁷ J. Peires, p. 44.

³³⁸ J. Peires, p. 45.

³³⁹ See: Sandra Swart, “The World the Horses Made”: A South African Case Study of Writing Animals into Social History”, *International Review of Social History*, 55(2), 2010, pp. 241–263; Offenburger, “The Xhosa Cattle-Killing Movement in History and Literature”, pp. 1428–1443; Helen Bradford, “Akukho Ntaka Inokubhabha Ngephiko Elinye (No Bird Can Fly on One Wing): The ‘Cattle-Killing Delusion’ and Black Intellectuals, c1840–1910”, *African Studies*, 67(2), 2008, pp. 209–232; C. Andreas, “The Spread and Impact of the Lung sickness Epizootic of 1853–57 in the Cape Colony and the Xhosa Chiefdoms”, *South African Historical Journal*, 53 (1), 2005, pp. 50–72.

and their muzzles frothed with saliva until, unable to eat, they wasted away and died mere skeletons [...].³⁴⁰

The brutality of lung sickness coupled with major disasters such as drought or smallpox were usually blamed on witchcraft. However, even the execution of suspected witches could not keep the spread of lung sickness at bay. Another epidemic influencing events amidst the cattle killings during the 19th century Xhosaland more broadly speaks to smallpox, a *variola* virus that is highly contagious and whose symptoms include fever, body aches and vomiting. At its zenith, three out of ten people died.³⁴¹ Other environmental disasters such as the 1850s plagues of locusts, droughts, torrential rains and earthquakes also contributed to notions of doom and broader witchcraft rhetoric. Following these discussions, Beinart asserts that “[...] race, medicine, religion, and politics [were] mixed in a kind of primordial soup conducive to conflict on the frontier. Smallpox and its vaccine had become politicised, yet another example in South African history when disease and medicine were conflated with race and power [...]”.³⁴²

Historian Terence Ranger added that the onslaught of these environmental issues created an ecological disaster with the outcome of a “coincidence of plagues of both beasts and men”.³⁴³ By the 19th century, these plagues included epidemics of syphilis, tuberculosis, bubonic plague, yellow fever, typhus, cholera, soil parasites and malnutrition.³⁴⁴ By 1883, the Public Health Act attempted to respond to the smallpox epidemic by making inoculation compulsory, which in witchcraft discourses, made these actions ritualised in nature.³⁴⁵

Lung sickness broke out in Pondoland in 1863. Areas were cordoned off and cattle were forbidden to cross the boundary. Despite considerable losses faced by many African families, the cattle trade was not hampered in the long-term. Similar safeguards were implemented against redwater disease when it entered Pondoland in the early 1880s.³⁴⁶ Redwater (*Bovine Babesiosis*) is a tick-borne disease that is lethal for infected cattle.

³⁴⁰ Peires, “The Central beliefs of the Xhosa Cattle-Killing”, p. 47.

³⁴¹ A. Offenburger, “Smallpox and Epidemic Threat in Nineteenth-Century Xhosaland”, *African Studies*, 67(2), 2008, pp. 159-182.

³⁴² Beinart, “Production, Labour Migrancy and the Chieftaincy: Aspects of the Political Economy of Pondoland, Ca. 1860-1930”, p. 170 & J. Tropp, “Dogs, Poison and the Meaning of Colonial Intervention in the Transkei, South Africa”, p. 464.

³⁴³ T. Ranger, “Plagues of Beasts and Men: Prophetic Responses to Epidemic in Eastern and Southern Africa”, in Terence Ranger and Paul Slack (eds), *Epidemics and Ideas: Essays on the Historical Perception of Pestilence* (Cambridge: Cambridge University Press, 1992), pp. 249, 268.

³⁴⁴ Author Unknown, “The Outbreak of Disease”, *The Christian Express*, 1 December 1900, p. 1.

³⁴⁵ H. Coovadia, R. Jewkes, P. Barron, D. Sanders & D. McIntyre, “The health and health system of South Africa: Historical Roots of Current Public Health Challenges”, *The Lancet*, (374), 2009, pp. 817-834.

³⁴⁶ Beinart, “Production, Labour Migrancy and the Chieftaincy: Aspects of the Political Economy of Pondoland, Ca. 1860-1930”, p. 53.

Nevertheless, cattle and hides remained the key export from Pondoland between 1880 and 1894, suggesting that none of these diseases completely decimated cattle stocks, as had occurred in the North. The only recorded dip in the 1880s was attributed to a general economic depression in the colonies. In 1894 and 1895, an unprecedented drought swept through the territory necessitating the importation of food and grain. This was exacerbated, between 1894 and 1896, by a series of locust plagues.³⁴⁷

The next few years were prosperous with abundant harvests and good exports. However, by 1896 rinderpest had landed with force in sub-Saharan Africa.³⁴⁸ Rinderpest (*Paramyxoviridae Morbillivirus*), also known as cattle plague, was a cattle epizootic that ravaged the entire African subcontinent between 1896 and 1898.³⁴⁹ By December 1897, the disease had overrun the Pondoland and Transkeian Territories. While cattle were once again contained, colonial veterinary services convinced Paramount Chief Sigcau to establish “culture kraals”, where serum was produced to inoculate the herds based in Lusikisiki. In addition, Nqwiliso in western Pondoland was also cooperative. Unfortunately, the outbreak could not be contained, and it moved to the centre of the Territories in June 1897. By December, approximately 80% of cattle within the Territories had expired.³⁵⁰

Some groups in Pondoland were suspicious of the colonial veterinary initiatives. They suspected that rinderpest was being deliberately injected into their cattle to kill them and, in turn, dismantle African structures through the loss of prosperity. According to African perceptions, this ensured the disempowerment of their people by reducing them to the level of a labourer to serve the demands of white men. This is partly explained by the magistrate of the Transkeian district of Willowvale who noted that “[...] A bitter feeling sprung up against the *Umlungu* [white man] who, in order to reduce them to poverty with the view of enslaving them to the western province farmers and depriving them of their country had struck at the root of their life by destroying their idolised cattle [...]”.³⁵¹ Africans demanded compensation for the loss of their cattle with rumours circulating of an upcoming rebellion. Even the allies of the colonialists, the Mfengu, suspected that their cattle were being injected with “bad bile”. Similar

³⁴⁷ Beinart, “Production, Labour Migrancy and the Chieftaincy: Aspects of the Political Economy of Pondoland, Ca. 1860-1930”, p. 138.

³⁴⁸ D. Gilfoyle, “Veterinary Research and the African Rinderpest Epizootic: The Cape Colony, 1896-1898”, *Journal of Southern African Studies*, 29(1), pp. 133-154; Author Unknown, “The Outbreak of Disease”, p. 1 & Tropp, “Dogs, Poison and the Meaning of Colonial Intervention in the Transkei, South Africa”, p. 464.

³⁴⁹ P. Phoofolo, “Epidemics and Revolutions: The Rinderpest Epidemic in Late Nineteenth-Century Southern Africa”, *Past and Present*, (138), 1993, p. 113.

³⁵⁰ Beinart, “Production, Labour Migrancy and the Chieftaincy: Aspects of the Political Economy of Pondoland, Ca. 1860-1930”, pp. 138-139.

³⁵¹ Phoofolo, “Epidemics and Revolutions: The Rinderpest Epidemic in Late Nineteenth-Century Southern Africa”, p. 119.

remarks were made in Kentani.³⁵² The Cape, under Rhodes, took advantage of the rumours to institute emergency measures. Headmen and chiefs who supported the Colony during rinderpest were rewarded, those who criticised were replaced, further entrenching the political power of the Cape.³⁵³

The Mpondo of the 19th century were resilient. In response to cattle losses, they took the initiative to intensify their agricultural production. However, the deaths disrupted transportation, a vital means of sustaining the already fragile economy as more traders settled in the area and less business could be made with the decline of military and hunting activities.³⁵⁴ Pondoland was an exception as many Africans residing in the remaining territories could not respond as efficiently and were further crippled by recurring droughts between 1901 and 1904.³⁵⁵

The substantial increase of recorded witchcraft cases would suggest some correlation between this extremely difficult period and heightened suspicions. As discussed in Chapter 1, on a colonial level and even on a statistical level, one would assume that the peaks and troughs in recorded witchcraft cases reflect political, social, economic and even environmental contextual elements. These factors may have led to insecurity, uncertainty and paranoia, resulting in witch accusations. However, the narratives of the trials tell a somewhat different story. All the cases which appeared in the BAC records pertained to either the sickness or death of a person or animal; however, the former appeared far more regularly. These types of accusations would have been dealt with by the headmen. Therefore, the sicknesses referred to are normally emblematic of human diseases surfacing in the region. This would suggest that there are, rightly or wrongly, more accusations that emanate from grief or the loss of human life.

These cases also mention mitigating circumstances such as lung sickness, further entrenching Ranger's observations of the coincidences of both beast and man. The cases suggest, as mentioned by Peires on the Xhosa cattle-killing spree of the mid-19th century that these were manifestations that rather speak to how communities used commonly held traditional channels to express death. Therefore, the narratives of these cases, indicate what prevailing conditions were underway in that area at that time. They also speak to how human

³⁵² Beinart, "Production, Labour Migrancy and the Chieftaincy: Aspects of the Political Economy of Pondoland, Ca. 1860-1930", pp. 66-67.

³⁵³ Beinart, p. 83.

³⁵⁴ J. Tropp, "The Contested Nature of Colonial Landscapes: Historical Perspectives on Livestock and Environments in the Transkei", *Kronos*, (30), 2004, p. 119.

³⁵⁵ Beinart, "Production, Labour Migrancy and the Chieftaincy: Aspects of the Political Economy of Pondoland, Ca. 1860-1930", pp. 141-142.

disease ripped families and communities apart. Furthermore, traditional witchcraft symbols are transferred into the courts, thus also suggesting a continued regard for traditional practices despite the possible repercussions of such accusations being brought before western courts.

3.2.1 Suspicious Medicines, Questionable Consultations and Dying Children: A Window into the Transkei, 1882-1906

The baffling and unexpected deaths of two children were brought before the colonial courts of Idutywa on 2nd August 1882.³⁵⁶ The mother of one of the children was accused by her stepson, of causing the death of both children using witchcraft. The plaintiff was blamed because both children had been administered medicine by her prior to their deaths. However, it is clear from the sources that one of the deaths was caused by influenza.

Much of the argumentation in the case evolved around whether the plaintiff had permission to administer the medicine. Of even greater significance was more children in the surrounding areas had also died of a fever during this period. Despite this, the accused stepson claimed that the plaintiff had caused the death of his child, a third casualty. He substantiated these accusations by informing the court that his child had not been ill before the medicines had been administered. Therefore, the child had died as a result of consuming them.

The accused vehemently denied the charge against him and adamantly stated that he had only asked what kind of medicine was given to his child. He also denied the allegations that he had threatened his stepmother. The court presented evidence to the contrary, calling on witnesses who heard the stepson state that medicines were the cause of death. The court found the accused guilty of “smelling out” the plaintiff.

In such conditions, children appeared to make up many of those considered victims of their inescapable environments, as evidenced in the aforementioned case and other witchcraft cases brought before the colonial courts. This was seen in cases where many children reportedly died of fever and influenza, as heard before the Idutywa District Magistrate during 1882, where it was argued that influenza was on the rise.³⁵⁷

During the late 19th century, many African communities' livelihoods were limited to agricultural capabilities regarding land, stock and produce, and were directly threatened by

³⁵⁶ KAB 1/IDW 1/1/1/2 Bantu-Affairs Commission Records, Case 58/ August 1882, Regina v. Thomas.

³⁵⁷ KAB 1/IDW 1/1/1/2 Bantu-Affairs Commission Records, Case 58/ August 1882, Regina v. Thomas Mufundise.

numerous climatic conditions and state interventions.³⁵⁸ Complementing an already fragile mix of misfortune and hardships was the poor harvests experienced in the neighbouring Colony District of Umtata during 1881, 1883-1885 and 1889.³⁵⁹ Many undesirable environmental consequences involved spreading diseases amongst people and cattle with numerous mentions of smallpox in the Colony during the mid-1890s within the concerned district.³⁶⁰ Also, an immense loss of cattle were believed to have succumbed to lung sickness in Idutywa in 1884.³⁶¹ Accounts of unrestrained sickness discussed during an open community meeting in 1886 believed to engulf the Mount Frere neighbourhood.³⁶²

By the late 1880s, unstable living conditions were further threatened by persisting lung sickness. Cattle were continually dying, as documented in Kentani in 1889 with another mention in 1892.³⁶³ The malnourishment of livestock within the Transkeian Districts was partly attributed to overgrazing resulting from state initiatives aimed at limiting the movement of African livestock.³⁶⁴ These losses were accompanied by soil erosion and deforestation.³⁶⁵ The consequences of the intense environment appeared as common themes in witchcraft cases appearing before the District Magistrate in locations within the Transkeian Territories during the 1880s. Common societal issues also became central tropes in witchcraft cases. An example of this kind was seen in *Regina v. Mehlomane* brought before the colonial court of Idutywa in August 1887, which exposed a father's anguish for the loss of his beloved child.³⁶⁶

The realm of possibilities seemed endless in witch-fearing communities where the influences of both the supernatural and natural had to be recognised as viable considerations for undesirable occurrences within communities. Throughout the selected locations, a pattern showing the general concerns experienced within immediate environments became intertwined with accusations of witchcraft and often served as mitigating factors in such incidents. Witchcraft cases recorded in the BAC serve as indicators of what was happening on a grass-

³⁵⁸ G. A. Mbeki, "Transkei in the Making", *Historical Papers Research Archive: Hilda and Rusty Bernstein Papers, 1931-2006*, A3299, pp. 9-10.

³⁵⁹ S. Redding, "Sorcery and Sovereignty: Taxation, Witchcraft, and Political Symbols in the 1880 Transkeian Rebellion", *Journal of Southern African Studies*, 22(2), 1996, p. 266.

³⁶⁰ Author Unknown, "Cape Town: Small-Pox at Government House", *The Journal*, 27 September 1882, p. 3.

³⁶¹ KAB 1/IDW 1/1/1/3 Bantu-Affairs Commission Records, Case 99/ December 1884, *Regina v. Somxada & KAB 1/KNT 1/1/11 Bantu-Affairs Commission Records, Case 11/ February 1896, Regina v. Juanapi & Yaika.*

³⁶² KAB 1/MFE 1/1/1/5 Bantu-Affairs Commission Records, Case 43/ August 1886, *Regina v. Madzanza & Umhlotshwa.*

³⁶³ KAB 1/KNT 1/1/5 Bantu-Affairs Commission Records, Case 6/ January 1889, *Regina v. Seko & KAB 1/KNT 1/1/7 Bantu-Affairs Commission Records, Case 19/ May 1892, Regina v. Qondele.*

³⁶⁴ See: Phoofolo, "Epidemics and Revolutions: The Rinderpest Epidemic in Late Nineteenth-Century Southern Africa", p. 138.

³⁶⁵ Tropp, "The Contested Nature of Colonial Landscapes: Historical Perspectives on Livestock and Environments in the Transkei", p. 119.

³⁶⁶ KAB 1/IDW 1/1/1/6 Bantu-Affairs Commission Records, Case 64/ September 1887, *Regina v. Mehlomane.*

roots level within communities and expose the various ways people made sense of their contested landscapes.

Following an evening involving alcohol consumption, adamant accusations of suspected witchcraft activity were brought to the attention of male partygoers during a local “meat feast”.³⁶⁷ These accusations pertained to the case brought before the courts on the 2nd December 1891, related to an incident that had occurred four weeks prior whereby the plaintiff was accused of being a wizard, responsible for killing people in a surrounding kraal and causing droughts in the area. A witness verified this and confirmed that the plaintiff was blamed for the calamities by the accused.

Evidence presented for the defence exposed a history of prior witchcraft accusations faced by the plaintiff. Further testimony revealed that the accused had blamed the plaintiff and his wife for the death of two villagers following treatment from the plaintiff. After telling the court that he – the accused – had indeed blamed the plaintiff and claimed that he was a wizard responsible for killing people and cattle and destroying crop to which the accused was found guilty.

The majority of witchcraft-related cases appearing in the BAC during the 1890s were related to patterns of death, cattle loss and disease.³⁶⁸ Evidence suggests that death and illness were not confined to a single geographical area as people felt similar experiences throughout the region at varying times.³⁶⁹ Coincidentally, missionary sources relating to the Transvaal also mentioned how unfathomable natural events, death and disease were often attributed to the work of witches and, in turn, witchcraft.³⁷⁰ Devastation resulting from hardships during this decade were especially evident in cases pertaining to parents losing their children to an often sudden death resulting from disease or a tragic accident.³⁷¹

The 1890s were characterised by widespread lung sickness amongst cattle which, at the time, was especially rampant amongst African livestock.³⁷² A witness testifying before the court of Idutywa mentioned droughts which contributed to both the loss of crops and cattle in Idutywa

³⁶⁷ KAB 1/IDW 1/1/1/9 Bantu-Affairs Commission Records, Case 125/ December 1891, Regina v. Tyopo.

³⁶⁸ This statement is based on the topic of disputes during the 1890s appearing in witchcraft cases which reflected the struggles in which many African communities faced during that time.

³⁶⁹ KAB 1/MFE 1/1/1/9 Bantu-Affairs Commission Records, Case 72/July 1890, Regina v. Sodwele, Njanja, Nyameka, Tshalisa.

³⁷⁰ P. Delius, “Witches and Missionaries in Nineteenth Century Transvaal”, *Journal of Southern African Studies*, 27(3), 2001, p. 435.

³⁷¹ KAB 1/MTA 1/1/4 Bantu-Affairs Commission Records, Case 31/April 1890, Crown v. Mketehi; KAB 1/MTA 1/1/4 Bantu-Affairs Commission Records, Case 60/ June 1890, Regina v. Juluka; KAB 1/MTA 1/1/4 Bantu-Affairs Commission Records, Case 60/69/ July 1890, Crown v. Langa, Swelinkomo, Maqelewana, Mkutyana, Yeweave; KAB 1/IDW 1/1/1/8 Bantu-Affairs Commission Records, Case 90/ October 1890, Regina v. Tyopo.

³⁷² KAB 1/KNT 1/1/5 Bantu-Affairs Commission Records, Case 6/ January 1889, Regina v. Seko.

during 1891.³⁷³ Similar reports relating to Kentani during the following year spoke of the same hardships.³⁷⁴ Witness testimony was substantiated by instances in which major livestock loss was experienced, as in the case brought before the court of Mount Fletcher during the same year concerning the death of 20 sheep.³⁷⁵

The widespread implications resulting from these losses were reiterated in an instance involving a girl in Idutywa who was left orphaned during 1892 apparently due to fast-spreading illness and suspected witchcraft activities.³⁷⁶ Moreover, the multiple deaths in the area heightened tensions between family members and neighbours, a trend confirmed in cases appearing in the BAC.

Together with their cattle, African community members were still experiencing illness by the mid-1890s and were by no means spared by the unpredictable weather.³⁷⁷ There were reports of hail storms in Mount Fletcher in 1896 and again in 1898.³⁷⁸ During erratic weather fluctuations, the mealie crop was destroyed and became a point of contention in witchcraft-related matters.³⁷⁹ Available archival material also mentions lightning in Kentani in 1897 causing the death of cattle by electrocution, which held a strong correlation to related witchcraft suspicions.³⁸⁰ Damages were also felt by various African communities residing in the larger forest tracts during the 1890s and early 1900s, who regularly complained about the loss of both cattle and crops.³⁸¹ Given the location of these disasters, invading pests and predators were also often to blame for the considerable communal losses.³⁸² Although various coastal and inland districts experienced intermittent spells of locust swarms and droughts which destroyed crops, it was most severe during the mid-1890s.³⁸³ A farmer from Wellington, during 1895, advised a parliamentary committee that insect pests were noticeably spreading at a considerable rate and

³⁷³ KAB 1/IDW 1/1/1/9 Bantu-Affairs Commission Records, Case 123/ December 1891, Regina v. Tyopo.

³⁷⁴ KAB 1/KNT 1/1/7 Bantu-Affairs Commission Records, Case 19/ May 1892, Regina v. Qondele.

³⁷⁵ KAB 1/MTF 1/1/1/5 Bantu-Affairs Commission Records, Case 66/ December 1892.

³⁷⁶ KAB 1/IDW 1/1/1/10 Bantu-Affairs Commission Records, Case 206/92/ November 1892, Regina v. Bukula.

³⁷⁷ KAB 1/KNT 1/1/10 Bantu-Affairs Commission Records, Case 81/ July 1895, Regina v. Nomhoto. This case only serves as a one example of many during this time in all researched locations depicting a scene of illness and death.

³⁷⁸ KAB 1/MTF 1/1/1/8 Bantu-Affairs Commission Records, Case 60/ July 1896, The Crown v. Jacob Moulani & KAB 1/MTF Bantu-Affairs Commission Records, Case 18/ March 1898, Regina v. Jan April & Jacob Moulani.

³⁷⁹ KAB 1/MTF 1/1/1/8 Bantu-Affairs Commission Records, Case 60/ July 1896, Crown v. Jacob Moulani & KAB 1/MTF 1/1/1/10 Bantu-Affairs Commission Records, Case 18/ March 1898, Regina v. Jan April & Jacob Moulani.

³⁸⁰ KAB 1/KNT 1/1/12 Bantu-Affairs Commission Records, Case 10/ February 1897, Regina v. Mtakatana, Nteta, Mjelo, Mzondi, Qobo.

³⁸¹ Tropp, "Dogs, Poison and the Meaning of Colonial Intervention in the Transkei, South Africa", p. 453.

³⁸² See: K. Brown, "Political Entomology: The Insectile Challenge to Agricultural Development in the Cape Colony, 1895-1910", *Journal of Southern African Studies*, 29(2), 2003, p. 532 & C. Ballard, "Drought and Economic Distress: South Africa in the 1800s", *The Journal of Interdisciplinary History*, 17(2), 1986, p. 359.

³⁸³ Tropp, "Dogs, Poison and the Meaning of Colonial Intervention in the Transkei, South Africa", p. 464.

were progressively worse annually.³⁸⁴ By 1897, effects of animal and human disease – rinderpest and smallpox – were beginning to take their toll on African communities in the Transkei Territories.³⁸⁵ The peak of the rinderpest epidemic in 1896 closely coincided with the highest recorded number of witchcraft cases published in the annual Blue Books of the Cape of Good Hope.³⁸⁶

A considerable number of cases showed varying disagreements relating to land disputes and the trespassing of cattle onto neighbouring lands occupied by fellow Africans.³⁸⁷ Similar disputes often resurfaced as themes in cases from 1895 to the turn of the century.³⁸⁸ The most rampant diseases were the inflammation of the lungs, typhoid fever and widespread spells of rinderpest.³⁸⁹ Other issues such as droughts, smallpox, floods and locusts were additional environmental complications creating a context for heightened stress leading to witchcraft accusations.³⁹⁰ These multifaceted changes and varying challenges faced by many African communities created various responses and, in turn, numerous ways in which people made sense of these challenging environs. The following section discusses the various manners in which these changes were interpreted.

3.3 New forms of Agency and Mystical Antidotes (Colonial to Post-Colonial)

Power operates on all levels of society within and amongst communities. The context in which many accusations simmered appeared in communities attempting to make sense of the inexplicable. The intricate links between power, witchcraft and the environment are reiterated in discourses relating to witch familiars, manipulating objects and natural elements such as lightning, hail and droughts. This section unpacks the layered power relations at play during

³⁸⁴ K. Brown, "Agriculture in the Natural World: Progressivism, Conservation and the State. The Case of the Cape Colony in the Late 19th and Early 20th Centuries", *Environmental History*, 29, 2003, p. 114.

³⁸⁵ Author Unknown, "Cape Town: Small-Pox at Government House", p. 3; Tropp, "Dogs, Poison and the Meaning of Colonial Intervention in the Transkei, South Africa", p. 464 & Author Unknown, "Monthly Summary," *The Christian Express*, 1 February 1895, p. 28.

³⁸⁶ Blue Books: Cape of Good Hope, 1896, p. 313; Blue Books: Cape of Good Hope, 1897, p. 337 & Blue Books: Cape of Good Hope, 1898, p. 320.

³⁸⁷ KAB 1/MFE 1/1/1/28 [PART I] Bantu-Affairs Commission Records, Case 129/ September 1898, Regina v. Zukela; KAB 1/MFE 1/1/1/29 [PART I] Bantu-Affairs Commission Records, Case 220/ September 1898, Regina v. Malubazane; KAB 1/MTF 1/1/1/17 Bantu-Affairs Commission Records, Case 53/ January 1902, Crown v. Annie.

³⁸⁸ KAB 1/IDW 1/1/1/3 Bantu-Affairs Commission Records, Case 89/ November 1884, Regina v. Sofika; KAB 1/MFE 1/1/1/5 Bantu-Affairs Commission Records, Case 39/ June 1886, Regina v. Likiti; KAB 1/KNT 1/1/5 Bantu-Affairs Commission Records, Case 7/ January 1889, Regina v. Yangayanga.

³⁸⁹ Author Unknown, "The Outbreak of Disease", p. 1.

³⁹⁰ Author Unknown, "Monthly Summary", p. 28.

suspected witchcraft mischief. It demonstrates the numerous ways in which power could be manipulated for self-gain or against others, as mentioned in Chapter 1.³⁹¹

The established connection between witchcraft accusations and occurrences in the environment, as pointed out by sociologist Simeon Mesaki and anthropologist Clifton Crais, alludes to the “context-specific” nature of accusations during the 19th century.³⁹² The following section explores how people made sense of their changing social, political and economic environments. The clash and integration of traditional African systems and western influences of white rule during the colonial era and later modernisation in the 20th century have shown the resilient nature of witchcraft beliefs. The unprecedented circumstances in which people found themselves prompted them to initiate innovative ways of ascertaining a sense of agency and control over their ever-changing environments. Discourses relating to manipulating magic charms, objects and the environment serve as crucial components in contemplating power relations and reformulations of power imbalances within varying African communities. A discussion on witch familiars will follow as an extension to this argument. It is notable that the intentions of charms and other magical components such as that of witch familiars spoken about in the context of the latter 20th century were also mentioned in criminal cases from 1882-1906.

3.3.1 Bewitching Mother Nature

Witches were perceived to have the ability to manipulate their witch familiars and, in some cases, conjure even thunder, lightning and hail storms.³⁹³ In more recent years, many witch-fearing African communities have generally accused witches of being responsible for motor car accidents, deaths of young people, lightning and suicide.³⁹⁴ Some trends in communities attributing these occurrences to witchcraft are evident from 1882 to 1906 in

³⁹¹ M. Z. N. Genis, “Political and Social Implications of Witchcraft and Legitimacy in South Africa”, *Africa: Rivista Trimestrale Di Studi E Documentazione Dell’Istituto Italiano Per L’Africa E L’Oriente*, 60(3/4), 2005, p. 362.

³⁹² C. Crais, “Of Men, Magic and the Law: Popular Justice and the Popular Imagination in South Africa”, *Journal of Social History*, 32(1), 1998, pp. 1034-1056 & S. Mesaki, “The Evolution and Essence of Witchcraft in Pre-Colonial African Societies”, *Transafrican Journal of History*, (24), 1995, pp. 162-177.

³⁹³ See: C. Burke, “They Cut Segametsi Into Parts: Ritual Murder, Youth, and the Politics of Knowledge in Botswana”, *Anthropological Quarterly*, 73(4), 2000, p. 205; J. Harnischfeger, “Witchcraft and the State in South Africa”, *Anthropos*, 95(1), 2000, p. 102; R. Hutton, “Anthropological and Historical Approaches to Witchcraft: Potential for a New Collaboration?”, *The Historical Journal*, 47(2), 2004, p. 423 & E. Leistner, “Witchcraft and African Development”, *African Security Review*, 23(1), p. 54.

³⁹⁴ I. Niehaus, “Witches of the Transvaal Lowveld and Their Familiars: Conceptions of Duality, Power and Desire (Sorcières de la Région du Lowveld au Transvaal)”, *Cahiers d’Études Africanines*, 35(138/139), 1995, p. 518.

Transkeian Territories. Based on colonial legislation implemented in Natal, the Transvaal and the Cape Colony, witches were implicated in very similar affairs.³⁹⁵

Additional witchcraft cases appearing before District Magistrates showcase some individuals' supposed connections to thunder and their abilities to manipulate lightning.³⁹⁶ Some cases making mention of these elements were often used in conjunction with witch familiars or the assumed bewitchment of charms. Accusations involving the explicit mention of lightning were often connected to consultations with witch doctors in some way; during these gatherings' insight would come to light. An incident brought before the colonial courts in 1887 in the area of Idutywa concerned a woman implicated in a witchcraft matter where she was accused of being an "old witch" and suspected of manipulating lightning, amongst other things.³⁹⁷ Also referred to as the "lightning spirit", the mention of lightning was often associated with incidents resulting in illness or death as witnessed through witchcraft narratives presented before the courts. The continued mention of both the lightning spirit and lightning hinted at the idea that these elements aided in imposing the desired misfortune.

Accusations involving alternative means of bewitchment were by no means confined to thunder and lightning. Cases documenting the manipulation of storm, hail and winds were also amongst the examples gained from court testimonies. Recorded cases appearing before District Magistrates related to an incident in which an ill person was believed to be poisoned with "storm" in 1891.³⁹⁸ Another case in 1896, where sickness was present was believed to be the work of a man with the assistance of a snake, *tokoloshe* and "other things" to kill the man.³⁹⁹ This case also mentioned a hail storm that had caused substantial damage, destroying a man's garden. The same man was then indicated as the cause of both illness and the hail damage during a consultation with the witch doctor. Discourses on bewitchment and charms also relate to the conceptualisation of *muti*, elaborated upon in the next section.⁴⁰⁰

³⁹⁵ See J. Pearson, "Witchcraft Management in the Early Twentieth Century Transvaal", Master's Thesis, University of Witwatersrand, 2015.

³⁹⁶ KAB 1/IDW 1/1/14 [PART II] Bantu-Affairs Commission Records, Case 157/ April 1896, Regina v. Ajana.

³⁹⁷ KAB 1/IDW 1/1/6 Bantu-Affairs Commission Records, Case 64/ September 1887, Regina v. Mehlomane. Other things including the manipulation of snakes and *tokoloshe* resulting in killing the defendant's child. The prisoner accused another wife of his fathers as being the culprit of all the mischief.

³⁹⁸ KAB 1/IDW 1/1/9 Bantu-Affairs Commission Records, Case 20/ February 1891, Regina v. Ntshakaza.

³⁹⁹ KAB 1/MTF 1/1/8 Bantu-Affairs Commission Records, Case 60/ July 1896, Crown v. Jacob Moulani.

⁴⁰⁰ The spelling variations of the word "*muti*" are numerous and largely depend on the language from which it originates varying from one ethnic group to the next. Otherwise spelt "*muthi*", this dissertation will employ the spelling used within the colonial records.

3.3.2 Object Manipulation: Charms and Bewitchment

Terms such as “bewitchment”, stated as part of testimony given in the case as mentioned above in 1896, were commonly used in instances where charms, medicine, *muti* and others were suspected to be present. The process of bewitchment can involve the action of either bewitching something or someone. Cases involving bewitchment could even extend beyond a direct culprit, as evidence from the cases show that people were accused of hiring a qualified witch doctor to perform bewitchment on behalf of their clients. Evidence of this practice can also be contemplated in the context of colonial laws that directly addressed this action. The desire to bewitch another person, either directly or indirectly, usually served as a reaction to a certain person or situation causing aversion and feelings of distaste that prompted such behaviours.

During the 1880s, communities attempting to counteract the looming threat of bewitchment often turned to traditional healers as a means of spiritual security.⁴⁰¹ The threat of bewitchment in some communities led their members to depend on witch doctors or finders, which was rooted in the assumption that these figures had access to great power.⁴⁰² These accessible magical connections were assumed to hold powers capable of curing ailments and illness and having the ability to discern greater insights into misfortunes that would otherwise be impossible. Witch doctors and witch finders also used this power to counteract potentially powerful witchcraft. This power is the force needed to overcome what the colonial court defined as *Kafula*, which was understood as a bewitching substance presumed to cause illness.⁴⁰³ Medicines of this kind administered by African traditional healers posed many issues for the state, who held great concerns for those administering medicines as unqualified medical practitioners during the 1880s.⁴⁰⁴

Furthermore, bewitchment served as a dynamic term comprising a multitude of elements and tactics harnessed to incite ill-will. These acts of transferring misfortune onto others took on many forms delivered directly or indirectly to the intended target. Archival evidence alluded to the apparent tendency for cases to make mention of “charms”, “bad charms” or “poisonous” charms. In addition, some cases referred to the sprinkling of charms such as *ubuti* or which could be defined as dangerous substances such as poison, served as a recurrent theme in witchcraft narratives.⁴⁰⁵

⁴⁰¹ The term “traditional healer” was used in the criminal records and will be continued in this work.

⁴⁰² A. Ashforth: *Madumo: A Man Bewitched*, (Chicago: University Chicago Press, 2005). p. 59.

⁴⁰³ KAB 1/MFE 1/1/1/9 Bantu-Affairs Commission Records, Case 72/ July 1890, Regina v. Sodwele, Njanja, Nyameka & Tshabisa.

⁴⁰⁴ Author Unknown, “Current Topics”, *The Journal*, 25 September 1883, p. 2.

⁴⁰⁵ An example of a case making use of the term “*ubuti*” can be seen in KAB 1/MFE 1/1/1/13 Bantu-Affairs Commission Records, Case 24/ February 1893, Regina v. Gusha.

The many ways and contexts in which bewitchment occurred during the 1880s was vast and persisted sporadically from 1882-1906.⁴⁰⁶ A case appearing before the Idutywa District Magistrate in 1887 stands out as a particularly good example of one motive amongst others for bewitching another. A man was found guilty of consulting a witch doctor to want to bewitch the appointed headman he felt took his brother's position.⁴⁰⁷ Incidents of this nature speak more broadly to the internal fractions and power struggles occurring within African communities as a consequence of white colonial political intrusion and renegotiations of African traditional systems.

Cases appearing in the BAC involving bewitchment were not confined to people and objects but also extended to cattle where reports of "bewitched cattle" regularly resulted in death. Some recorded accusations involving the concept of bewitchment were, at times, accompanied by an allegation alluding to the suspected presence of witchcraft. This was true in a case appearing before the Mount Fletcher colonial court in 1892, where a similar claim was lodged.⁴⁰⁸

Cases involving the use of charms brought before District Magistrates during the 1880s included an array of incidents in which suspicions surrounding the administering of bewitched medicine and the bewitchment of personal belongings was most noticeable.⁴⁰⁹ An alternative means of obtaining bewitched medicines was to acquire them directly from an appropriate witch doctor as illustrated in a case brought before the Lusikisiki colonial court in 1897. The case involved a man who had accused a person of obtaining what he defined as "witch medicines from a doctor".⁴¹⁰ These prepared medicines were the reason for the death of children and cattle of the same kraal.

Another case brought before the colonial courts was prompted by a bizarre incident concerning a man entering a hut occupied by women who were sleeping. The man was accused of "possessing" one of the women he had grabbed in the hut.⁴¹¹ Witness testimony revealed that the man's "horns" were assumed to hold charms. In a similar instance in Mount Frere in 1892, an item that was believed to be bewitched came in the form of a hair found in milk intended to be drunk by a child.

⁴⁰⁶ This statement is based on the criminal records of the selected locations appearing in the BAC from 1882-1907.

⁴⁰⁷ KAB 1/IDW 1/1/1/6 Bantu-Affairs Commission Records, Case 60/ August 1887, Regina v. Mjikeliso.

⁴⁰⁸ KAB 1/MTF 1/1/1/5 Bantu-Affairs Commission Records, Case 66/ December 1892, Crown v. Nosife.

⁴⁰⁹ KAB 1/MTA 1/1/2 Bantu-Affairs Commission Records, Case 42/ December 1884, Crown v. Qunu.

⁴¹⁰ KAB 1/LSK 1/1/2 Bantu-Affairs Commission Records, Case 19/ February 1897, Regina v. Bekile.

⁴¹¹ KAB 1/MFE 1/1/1/9 Bantu-Affairs Commission Records, Case 77/ July 1890, Rex v. Umtokwana.

Furthermore, an incident defined as alleged bewitching came in suspicious nails found in the communal water source.⁴¹² The prisoner before the colonial court accused a man of attempting to cause his illness and other people and animals by “driving” bewitched wooden nails into the public spring. By implication, the man was officially labelled as a wizard by his community. Members of the location came to believe that the nails would bewitch any person or animal that drank the water. This undoubtedly raised temporary hysteria in the area that had already been beaten down by environmental hardships creating social, economic and cultural setbacks and “tribal” identity crises.

In 1898, a courtroom saga about a love quarrel evolved into accusations of witchcraft involving charms administered to an intended victim.⁴¹³ After receiving a beating from her husband, the battered woman left him for another man. The jilted lover threatened the woman with charms and death if she were to marry her new beau. Following the aggressive behaviour, the woman started to experience pain associated with the charms described as “red stuff” placed on her back. Many other cases involving the use of “charms” or “bad charms” mentioned these terms in the context of death, illness or injury to either humans, animals or property and, in some cases, land. Even more telling was what colonial legislation termed “charms with intent to injure”, which summarised the intention of the acquired substances.⁴¹⁴

In an environment overcome by conditions of drought and widespread, unexplained disease, some cases mentioned medicine being administered which was perceived to be bewitched in some way. These harsh environmental factors played a significant role in contributing to historical changes in more ways than one.⁴¹⁵ Cases implicating the presence of medicine appeared in both people and cattle incidents concerning illness and death. Some cases merely made mention of someone accusing another of possessing charms that were causing illness.⁴¹⁶ Some accusations of this nature brought before the colonial court also included voiced suspicions in witness testimony of a person “possessing lung sickness,” rampant at the time.⁴¹⁷

Other troubling means of bewitchment were present in various witchcraft cases appearing in the BAC from 1882-1906. Cases involving alternative means of “possession” or bewitchment transpired in the form of dreams. Accusations of witchcraft arising from someone dreaming of another in suspicious circumstances was not uncommon in the region during this

⁴¹² KAB 1/MTF 1/1/10 Bantu-Affairs Commission Records, Case 110/ October 1899, *Crown v. Booi Sinyeteneyete*.

⁴¹³ KAB 1/MTA 1/1/12 Bantu-Affairs Commission Records, Case 32/ March 1898, *Regina v. Jim*.

⁴¹⁴ KAB 1/MTA 1/1/12 Bantu-Affairs Commission Records, Case 32/ March 1898, *Regina v. Jim*.

⁴¹⁵ Ballard, “Drought and Economic Distress: South Africa in the 1800s”, p. 359.

⁴¹⁶ KAB 1/KNT 1/1/11 Bantu-Affairs Commission Records, Case 10/ February 1896, *Regina v. Nosayiti*.

⁴¹⁷ KAB 1/KNT 1/1/11 Bantu-Affairs Commission Records, Case 11/ February 1896, *Regina v. Juanapi & Yaika*.

time. A case brought before the Mount Fletcher colonial court in 1897 related to a dream whereby the female accused implicated the complainant as appearing in her dream alongside both the *tokoloshe* and snake.⁴¹⁸ Another peculiar way to bewitch another was recorded in the criminal records for Lusikisiki, whereby witness testimony from a case during 1901 revealed that a witchfinder on trial had allegedly indicated a man as being responsible for blowing smoke from his pipe onto the ill person.⁴¹⁹ By implication, the action of indicating another as being responsible essentially meant that he had injured the man and caused his illness. These manipulations were by no means confined to the considerations above but extended to varying forms of manipulating mother nature.

3.3.3 “Extra Special” Charms

Much like the other substances discussed, *muti* can be mentioned in multiple contexts and have different meanings depending on the ingredients used and the desired objective and supporting motives. Therefore, the concept of *muti* can be defined as an umbrella term for various distinctive types of charms or sacrifices but should by no means be mistakenly affiliated with animal sacrifices within an African religious framework.⁴²⁰ One very distinctive type of *muti* and possibly the most commonly referenced to is *muti* murder or mutilation. The action and desire to acquire body parts to strengthen witchcraft-related rituals were not uncommon in Southern Africa.

Muti often involved ritual or *muti* murder, which entailed removing body parts, usually whilst the victim was still alive for optimal effect.⁴²¹ The body parts were taken to create medicine to either economically or politically strengthen anyone who consumed it. This practice became progressively popular as a consequence of modernisation and globalisation, especially from the 1970s onwards.⁴²² Consulted criminal records appearing in the BAC from 1882-1906 showed evidence of this in a case during 1883 which not only included bizarre elements forming part of the accusation but also the presence of violence. After numerous previous unrelated disputes, the prisoner accused a man of practising witchcraft. The accused claimed that the witch had finished off his children by making biltong out of them, implying

⁴¹⁸ KAB 1/MTF 1/1/1/9 Bantu-Affairs Commission Records, Case 107/ December 1897, Regina v. Noasi.

⁴¹⁹ KAB 1/LSK 1/1/10 Bantu-Affairs Commission Records, Case 122/ October 1907, King v. Totwana.

⁴²⁰ S. I. Britt, “‘Sacrifice Honors God’: Ritual Struggle in a Liberian Church”, *Journal of the American Academy of Religion*, 76(1), 2008, p. 1.

⁴²¹ W. de Jong, “‘Makhosi a via (Chiefs Commit Ritual Murder)’ – Why Ritual Murders in Southern Africa Should be Seen as Meaningful Violence (and Not Senseless)”, *Afrika Focus*, 28(2), 2015, p. 9.

⁴²² W. de Jong, “‘Makhosi a via (Chiefs Commit Ritual Murder)’”, p. 1.

that he had dried their flesh.⁴²³ Mention of incidents of a similar nature was published in local newspapers.⁴²⁴ No additional evidence shedding light on the circumstances were provided, so the factors prompting such a heinous accusation remain speculative.

One of the most infamous cases of a *muti* murder during the 1800s relates to the murder of Hamilton Hope in the Cape Colony in 1880.⁴²⁵ Established connotations for *muti* do not necessarily include murder, as in the case of Hope. His body parts were removed based on the assumption that those parts could potentially be powerful. Given that the customary legal system was partly working in tandem with colonial law, this case serves as evidence that not all witchcraft cases were seen before a District Magistrate but also confirms that crimes of this nature were indeed transpiring.

During colonial and pre-colonial times in various areas forming part of Southern Africa, occurrences of drought were considered the work of outsiders.⁴²⁶ Metalworkers also fell prey to witchcraft suspicions as it was assumed that those involved in this occupation made use of *muti*. It was widely believed that these workers used human body parts to strengthen their materials and products, which, unsurprisingly, stretched to similar suspicions about gunsmiths.⁴²⁷ The strengthening of materials in the early 19th century also pertained to the doctoring of weapons during the gun war of 1881.⁴²⁸

Interestingly, the use of the term *muti*, as recorded in the BAC, also appeared in contexts disassociated with murder. Evidence presented in these cases mentioned *muti* as a means or substance being placed in peoples' paths and property often to disempower that person spiritually, economically or socially. This occurred when a bewitched item was placed in a specific location or physically thrown onto someone to cause them grave harm. In more recent years, much like in the case with witch familiars, the attached beliefs and ideas surrounding various terms have transformed over a long duration that coincides with social, political and financial changes within numerous communities.

These fluctuations were largely a result of unanticipated changes and power shifts within changing societies, much like the intentions of *muti* used in the later 20th century.⁴²⁹ The

⁴²³ KAB 1/MTF 1/1/1/1 Bantu-Affairs Commission Records, Case 4/83/ February 1883, Queen v. Nkani.

⁴²⁴ Author Unknown, "Australian and South African Aborigines", *The Journal*, 28 November 1891, p. 3.

⁴²⁵ Crais, "Of Men, Magic, and the Law: Popular Justice and the Political Imagination in South Africa", p. 59.

⁴²⁶ Niehaus, "Witches of the Transvaal Lowveld and Their Familiars: Conceptions of Duality, Power and Desire (Sorcières de la Région du Lowveld au Transvaal)", p. 517.

⁴²⁷ Delius, "Witches and Missionaries in Nineteenth Century Transvaal", p. 437.

⁴²⁸ Pearson, "Witchcraft Management in the Early Twentieth Century Transvaal", p. 65.

⁴²⁹ See M. R. Mchunu, "'We have finished them': Ritual Killing and War-doctoring in Kwazulu-Natal during the 1980s and 1990s", *African Historical Review*, 47(2), 2015, p. 58 & T. Bradford, "Body Parts Stolen from African Hospital for Magic Use", *Skeptical Inquirer*, 38(2), 2014, p. 12.

idea of *muti* being used to gain agency and acquire new forms of power was derived from what was thought to be a powerful substance when used in the correct context and manner. This may be explained by the widely held assumption that the unemployed, or peasants, may turn to magic, *muti* or witchcraft as a means of gaining economic upward mobility, development and the material world.⁴³⁰ This could be attributed to the lack of assistance provided by the government in terms of financial aid and security due to poor state security assistance. Traditional healers were by no means immune to witchcraft accusations, and in fact, become central in discourses relating to the crime of witchcraft.⁴³¹

Despite the influences of colonial rule and modernisation during the later 20th century, connotations and long-established beliefs in charms and other magical elements persisted. In other words, traditional categories were maintained but they evolved even during the repressive colonial onslaught. The mention of witch familiars during the later 19th century were also mentioned by historian Joel Pearson in his study on witchcraft in the Transvaal during the early 20th century.⁴³² This was also true for the notions of witch familiars and the significance they continue to hold regardless of western influences and ideas of modernisation.⁴³³ The following section grapples with the evolving perceptions of witch familiars and their social and political significance in the face of social, economic and political change.

3.4 Evolving Perceptions of Witch Familiars

Witch familiars have long been considered helpers in carrying out the evil deeds of witches and wizards. As recounted by anthropologist Isak Niehaus, familiars are characterised by their fluid and dualistic relationship, noted among the peoples of the Transvaal Lowveld during the 1930s and 1960s.⁴³⁴ For centuries in both Africa and elsewhere, these mysterious creatures have often been affiliated with witchcraft, although, unsurprisingly, their societal significance and prominence were constantly subjected to change. Subtle shifts in cultural and societal meaning and jargon accompanied by the term's fluctuating usage has also developed,

⁴³⁰ D. Kohnert, "Occult Beliefs, Globalisation and the Quest for Development in African Societies: The Examples of South Africa", *Journal for the Study of Religion*, 16(1), 2003, p. 28. See: G. ter Haar & S. Ellis, "The Occult Does Not Exist: A Response to Terence Ranger", *Journal of the International African Institute*, 79(3), 2009, p. 400.

⁴³¹ P. Bannister, "Regulating 'Tradition' South African Izangoma and the Traditional Health Practitioners Act 2004", *The Cambridge Journal of Anthropology*, 27(1), 2007/2008, p. 30.

⁴³² Pearson, "Witchcraft Management in the Early Twentieth Century Transvaal", 2015.

⁴³³ See: E. Bähre, "Witchcraft and the Exchange of Sex, Blood, and Money among Africans in Cape town, South Africa", *Journal of Religion in Africa*, 32(3), 2002, p. 302.

⁴³⁴ Niehaus, "Witches of the Transvaal Lowveld and their Familiars: Conceptions of Duality, Power and Desire (Sorcières de la région du Lowveld au Transvaal)", p. 513.

evolved and adapted over centuries. The mention of familiars within criminal records serves as an indication of the types of issues experienced within communities and as a means of understanding how people were dealing with these issues.

Varying exchanges in the environment are vital to consider when locating witchcraft within its original context. These exchanges impact how discourses on witch familiars were influenced, understood and operated within communities. Witchcraft has proved to possess the ability to change or adapt and expose broader economic, social and political factors pertaining to diverse environmental and climatic influences.⁴³⁵ This was particularly evident and reiterated in the witchcraft cases appearing in the BAC. In other words, the role, significance and implications of witch familiars within any given African community during the 19th century varied according to the changing perceptions of practices and beliefs associated with witchcraft. The nature in which witch familiars were implicated, contextualised and given communal significance in Southern Africa during the 19th century fluctuated according to external influences which varied between and within cultures. Following these changes, scholarly work such as that of Niehaus has demonstrated the continued significance witch familiars have maintained in the 1980s and 1990s in South Africa. This alluded to many parallels of inferences of these figures in 19th century sources and criminal records of the BAC.⁴³⁶ As will be dealt with in Chapter 4, these discourses also became intricately linked to discourses on single and multiple offender cases.

Witchcraft has been described as being liable to constant change, new fashions and reinterpretations in the face of varying unfamiliar changes, especially during the period under discussion in this dissertation.⁴³⁷ These complexities only added to an already complex area comprising diverse discourses on witch familiars pertaining to their assumed functions and the similar terminologies assigned to vastly different practices and beliefs. The assumed “roles” were primarily influenced by varying religious belief systems, reflecting an environment characterised by time, place and circumstance. Anthropologist Erik Bähre picked up on the various trends associated with witch familiars. He noted that the perceptions of the “*tokoloshe*”, the “*mamlambo*”, and the “*chanti*” hardly changed over the last 60 years.⁴³⁸ This becomes

⁴³⁵ P. Geschiere, “Witchcraft as the Dark Side of Kinship: Dilemmas of Social Security in New Contexts”, *Etnofoor*, 16(1), 2003, p. 46.

⁴³⁶ See: Niehaus, “Witches of the Transvaal Lowveld and Their Familiars: Conceptions of Duality, Power and Desire (Sorcières de la région du Lowveld au Transvaal)”, p. 513.

⁴³⁷ Geschiere, “Witchcraft as the Dark Side of Kinship: Dilemmas of Social Security in New Contexts”, p. 46.

⁴³⁸ Bähre, “Witchcraft and the Exchange of Sex, Blood, and Money among Africans in Cape Town, South Africa”, p. 302.

significant as more recent mentions of these familiars serve as a continuation of similar mentions during the 19th century rather than as a new phenomenon.

Evidence found in witchcraft cases brought before the colonial courts also revealed similar trends in the frequent contexts in which these familiars appeared and the similarities of attached connotations. Therefore, adequately defining these figures within all African communities is a near-impossible task due to its varied nature and ability to be influenced over time by public discourses.⁴³⁹ Nevertheless, witchcraft within both European and African contexts mentions witch familiars over centuries, at least in the case of those appearing in literature referring to witchcraft practised in Europe. An illustration accompanying a 17th century painting depicts an image of what appears to be a witch and his familiar described as being a “fierce cat”.⁴⁴⁰ Parallels can be drawn between similar mentions in Southern Africa and Europe, although they appear at varying times and often in multiple circumstances throughout historical periods.

Besides the patterns, reoccurrences, and occasional similarities between familiars in Europe and Southern Africa, archival records about the Transkei also allude to a strong correlation with these figures in the Transvaal Lowveld.⁴⁴¹ Criminal records confirmed many cases in which some of these creatures appeared and were represented in similar scenarios where an indication of the same creature was evident.⁴⁴² Parallels of this nature served as evidence in substantiating the widespread position and relevance these figures held, which, in turn, was supported by the longevity of their existence and the numerous mentions in court proceedings and public discourses.

Given that, throughout different historical periods and vast locations within Africa, the usage, meanings and understandings attached to witch familiars have been ever-changing, one must examine broader considerations that involved the environment and the consequent mitigating circumstances in which these figures were likely to appear. Criminal records of the BAC alluded to the differing religious systems and the varying contextual factors, and shed light on the patterns and links between the environment and witch familiars. More specifically, when, and how these figures were likely to be connected within the Transkeian Territories during the late 19th century and early 20th century is of particular interest. Despite regularly being mentioned in criminal records, numerous indications of witch familiars were also

⁴³⁹ Peires, “The Central Beliefs of the Xhosa Cattle-Killing”, p. 44.

⁴⁴⁰ M. A. Murray, “A Male Witch and His Familiar”, *Folklore*, 63(4), 1952, p. 227.

⁴⁴¹ I. Niehaus, E. Mohlala & K. Shokane, *Witchcraft, Power and Politics: Exploring the Occult in the South African Lowveld*, (London: Pluto, 2001), p. 45 & Murray, “A Male Witch and His Familiar”, p. 227.

⁴⁴² Niehaus, Mohlala & Shokane, *Witchcraft, Power and Politics: Exploring the Occult in the South African Lowveld*, p. 45.

published in local newspapers, hinting at the pervasive significance of these creatures within various African communities.⁴⁴³

Niehaus and others have written about witch familiars and other supernatural elements associated with witchcraft practised in Southern Africa.⁴⁴⁴ What becomes most telling is both the complex relationship between witches and their familiars, as noted by Niehaus. The variations of attached connotations affiliated with these figures have been subject to and influenced by varying contexts and historical periods. Furthermore, these attached meanings prove to be adaptable and dynamic in both public and moral panic scenarios and popular public opinion during various historical periods.⁴⁴⁵ Witchcraft cases recorded in the BAC reiterated this complex relationship and have alluded to witch familiar trends notable during the 20th century.

3.4.1 Defining Witch Familiars

Accusations involving the suspected work of witch familiars can, in themselves, shed light on the incidents that prompted accusations to occur. Mentions of witch familiars in criminal cases also indicating peoples' anxieties during times of great hardship, as alluded to in the previous sections. Communal fears about witches and their familiars served both as rumour and as an imminent looming possibility until confirmed by instances and advice of witch doctors and finders. Given the volatile history of warfare, cattle loss, disease and death, communities located in the rural Transkei and surrounding areas often attributed major disaster and misfortune episodes to sorcery by the hand of a witch.⁴⁴⁶ These disasters represented adverse happenings within various communities that could often not be explained by those experiencing the hardship. In such cases, the person(s) experiencing the misfortune would seek

⁴⁴³ Author Unknown, "More Witchcraft", *The Journal*, 6 June 1893, n.p; Author unknown: "Natives and Their Superstitions – No. 2", *The Journal*, 13 February 1897, n.p.; Author Unknown, Untitled Article, 1 April 1895, p. 55; Author Unknown, Untitled Article, *The Christian Express*, 1 May 1895, p. 79.

⁴⁴⁴ Niehaus, "Witches of the Transvaal Lowveld and Their Familiars: Conceptions of Duality, Power and Desire (Sorcières de Région du Lowveld au Transvaal)", p. 515; J. Tropp, "The Python and the Crying Tree: Interpreting Tales of Environmental and Colonial Power in the Transkei", *The International Journal of African Historical Studies*, 36(3), 2003, p. 517; M. H. Schoeman, "Imagining Rain-Places: Rain-Control and Changing Ritual Landscapes in the Shashe-Limpopo Confluence Area, South Africa", *The South African Archaeological Bulletin*, 61(184), 2006, p. 154; L. Fordred-Green: "Tokoloshe Tales Reflections on the Cultural Politics of Journalism in South Africa", *Current Anthropology*, 41(5), 2000, p. 704.

⁴⁴⁵ Moral panics in Southern Africa shows evidence of its occurrence throughout various historical periods, for the purpose of this study, such panics have been documented in both the 19th and 20th century. The most notable panics occurred during the 1890s and again on a significant scale during the 1980s and early 1990s in modern day South Africa. D. Dunbar, "The Devil's Children: *Volk*, Devils and Moral Panics in White South Africa, 1976-1993", Master's Thesis, University of Stellenbosch, 2012, p. 9.

⁴⁴⁶ Niehaus, "Witches of the Transvaal Lowveld and Their Familiars: Conceptions of Duality, Power and Desire (Sorcières de la Région du Lowveld au Transvaal)", p. 517.

insight into the cause or meaning that would take the form of a consultation with a witchfinder or witch doctor.⁴⁴⁷ This was discussed in Chapter 2 and alluded to in the fleshed-out cases, visible within courtroom narratives.

Historical work acknowledging the duality between witches and their familiars makes a complex topic even more perplexing. Additionally, similar instances in which the same familiars are mentioned, show that these figures can also be manipulated by witches to perform various acts unique to every situation. In the context of witchcraft cases appearing before the colonial courts during the latter 19th century, witches appeared in a diverse set of circumstances possessing a fluid relationship with their familiars. It is also not unusual for several witch familiars to work in cahoots to provide a means to an end. The mention of other elements also forms part of this category whereby witches and wizards were indicated as a means of achieving their, often evil, desires. It has been proposed that this dualistic relationship is shaped by the notion that both animal and human identities are manifestations of a single form.⁴⁴⁸

The differing beliefs and tendencies of witch familiars in various African communities, enhanced by speculation, challenged the multiple interpretations of these figures whilst creating an overwhelmingly and sometimes baffling cluster of opposing, ideas. Nevertheless, existing theories on whether witch familiars were separate to or merely another representation of a witch or wizard are still fiercely debated. When accounting for the various considerations, criminal cases appearing before colonial courts provide testimony that indicates how witch familiars were understood during the 19th century. The following section considers the varying mentions of these figures through available witchcraft narratives recorded in the BAC.

3.4.2 “Not All Snakes Are Poisonous and Not All Poisons Are Deadly”

The figure most frequently portrayed as a familiar is that of a snake. This is substantiated by mentions of this creature in secondary literature and related references in the consulted archival records.⁴⁴⁹ The reference to a snake in witchcraft-related cases is not confined to the Transkei. However, it is widespread with indications of the creature creeping up in many parts of Southern Africa over many centuries, but especially in recent decades.⁴⁵⁰ Given its long-held

⁴⁴⁷ See: KAB 1/PSJ 1/1/4 Bantu-Affairs Commission Records, Case 5/ January 1887, Queen v. Meete Yose & Yekane. Upon reviewing the archival material gathered, it becomes clear that the majority of cases involving the consultation of a witch doctor or witch finder normally concerned illness, death or misfortune where a person could be held responsible.

⁴⁴⁸ Niehaus, “Witches of the Transvaal Lowveld and Their Familiars: Conceptions of Duality, Power and Desire (Sorcières de la Région du Lowveld au Transvaal)”, p. 515.

⁴⁴⁹ Archival material consisting of the criminal records of the Bantu-Affairs Commission, 1882-1906.

⁴⁵⁰ Mentions of a mystical creature resembling a snake are evident in Kwa-Zulu Natal and Transvaal.

beliefs and attached connotations, cases referencing this mystical creature provide insight into communal fears and anxieties when these reappear into public consciousness.

Numerous cases brought before the colonial courts within the selected locations during the 1800s implicated a snake as being the culprit for suspected mischief, often causing or aiding in death or illness. No substantial insight can be provided in cases mentioning a creature resembling a snake from 1882-1889, although this changed during the 1890s. Moreover, archival records show the use of snakes to cause harm as an ongoing trend, with the last mention being in 1902 as seen in the BAC.⁴⁵¹ Evidence appearing in the criminal cases display a strong correlation between the mention of a snake and the onset of illness and, at times, even death.

Deciphering the authentic, evolving public perceptions of this familiar amongst witch-fearing communities in Southern Africa can only be achieved by considering the specific contexts in which these figures are most likely to appear. Given the diverse rural landscape of the Transkei region alone, the presence and sightings of snakes would not necessarily be out of place. Numerous incidents involving snake bites were reported in local newspapers during the 1880s, although such instances were more apparent amongst African communities than white colonialists.⁴⁵² A case of this nature appeared before the Mount Fletcher colonial court in 1887. Following an incident where a child fainted and experienced episodes of confusion, a witch doctor was consulted and a snake was believed to be killing the child.⁴⁵³ The consultation revealed the snake allegedly belonged to one of the father's wives after a description of her was provided by the doctor. The accusations in the context of this case were prompted by the deaths of several other children in the location after they had experienced bouts of diarrhoea.

Cases mentioning the presence, or work, of a snake familiar in illness or death during the 1890s reveal something about this creature and its secretive nature. Some cases during this period tended to include witness testimony able to expose the "ins" and "outs" of this familiar as reported in the criminal records of the BAC. Such an instance can be seen in a case involving a man who had suffered immeasurable losses, including the death of his four children and crop failure. In response to these unfortunate circumstances, he unwittingly committed a prosecutable offence by consulting a witch doctor in a desperate plea to get an explanation or an indication of a possible culprit for the unimaginable losses that he had experienced.⁴⁵⁴ The man's elder brother was implicated as being responsible for killing his children with the

⁴⁵¹ KAB 1/MFE 1/1/1/37 [PART II] Bantu-Affairs Commission Records, Case 155/ August 1902, Rex v. Masense.

⁴⁵² Author Unknown, "Current topics", p. 2 & Author Unknown, "Snake Bites", *The Journal*, 4 July 1888, p. 8.

⁴⁵³ KAB 1/MTF 1/1/1/2 Bantu-Affairs Commission Records, Case 5/ March 1887, Regina v. Mlandeli.

⁴⁵⁴ KAB 1/KNT 1/1/7 Bantu-Affairs Commission Records, Case 19/ May 1892, Regina v. Qondele.

assistance of a snake, reportedly with a switch.⁴⁵⁵ Cases of this nature also exposed traditional healers' role and significance served in legitimising witch familiars and their assumed capabilities and appetite for causing havoc.

Archival evidence points to several references to snakes in instances that include terminology such as “serpent”, supposedly referring to the same or a similar figure.⁴⁵⁶ In addition to alternative terminologies, the term “snake” in referring to this familiar showed longevity of its use. However, the mention of a “water spirit” is also mentioned in numerous cases.⁴⁵⁷ One such instance involved a case in which a man accused a woman of bewitching his two daughters and brother. He claimed that the accused woman had a snake that was suspected of being responsible for biting his relatives' throats, an incident for which he thought she was responsible.⁴⁵⁸ Much like the evolution and transformation of witch familiars as mentioned earlier in this chapter, snake inferences transformed in reaction to the varying innovative modes of accumulating power coinciding with the repercussions of white rule and later globalisation.

3.4.3 Another Green-Eyed Monster?

During the latter 20th century, this familiar has acquired added connotations relating to the lived experience of people in a modernising and globalising world where communities were trying to make sense of a changing environment. Existing historical literature making sense of the familiar have theorised how this creature served to objectify the desire for wealth in a context categorised by economic and social deprivation.⁴⁵⁹ This became especially apparent during the 20th century; however, inequalities within communities always existed, although more exaggerated with globalisation. Analogies attached to what is commonly referred to as the *mamlambo* gain prominence within communities following the introduction of wage labour.⁴⁶⁰ Relations within communities began to shift in ways neither African people nor the European authorities anticipated. This was largely a consequence of African men leaving their families to work in the mines and other European establishments to pay the implemented, non-negotiable hut tax. The shifting dynamics within communities and the society at large become

⁴⁵⁵ No specification of the “switch” is given in the case.

⁴⁵⁶ KAB 1/IDW 1/1/11 Bantu-Affairs Commission Records, Case 150/ July 1893, Regina v. Nofanti.

⁴⁵⁷ KAB 1/MTF 1/1/11 Bantu-Affairs Commission Records, Case 106/ July 1893, Regina v. Nofanti. The “water spirit” may be associated with the “*mamlambo*” which was also believed to be a creature resembling a snake that lived in the water.

⁴⁵⁸ KAB 1/MFE 1/1/12 Bantu-Affairs Commission Records, Case 103/ September 1892, Regina v. Manjaliso.

⁴⁵⁹ Niehaus, “Witches of the Transvaal Lowveld and Their Familiars: Conceptions of Duality, Power and Desire (Sorcières de la Région du lowveld au Transvaal)”, p. 515.

⁴⁶⁰ “*Mamlambo*” is a term referring to a creature described as a snake.

crucial in understanding witch familiars as their progression and importance, which can regularly be linked to evolving social instabilities.

The *mamlambo* also has a special place in discourses relating to sexual violence, which may be linked to beliefs surrounding the familiar's perceived appetite for unprecedented greed.⁴⁶¹ The times when witch familiars gained significant prominence may suggest that such fantasies offered a discourse on sexual desires, which may coincide with the progressing AIDS epidemic in Southern Africa during the 1970s.⁴⁶² These unstable and uncertain environments also created a space in which conflicts surrounding the exchange of material things and money could manifest. More generally, how money, blood and sex featured in witchcraft matters reflected a pattern of exchanges migrants were exposed to daily.⁴⁶³

Themes of this nature regularly coincided with new forms of capitalism during reformations of acquiring new forms of wealth, frequently exemplified by the effects of modernisation and globalisation. Given that witch familiars often represent communal panics and popular discourses, it is of little surprise that this specific familiar arose in times of substantial political, social and economic uncertainty. Given that witchcraft was regularly employed as a means to understand happenings within local communities, witch familiars were used in very much the same way and often served as a response or reaction to unfamiliar environmental fluctuations. Other disturbing occurrences within communities were also attributed to suspected witch familiars perceived to be preying on the most vulnerable, as demonstrated in the following familiar.

3.4.4 “No Bed Is Safe”

Despite the numerous spellings, not to mention the varying connections and related definitions, another prominent mystical creature in the African spiritual realm is the *tokoloshe*. This witch familiar is best known as a creation of both fertile imagination and African superstition.⁴⁶⁴ The *tokoloshe*'s appetite for deviant sexual desires symbolises the animalistic

⁴⁶¹ Fordred-Green, “Tokoloshe Tales Reflections on the Cultural Politics of Journalism in South Africa”, p. 708. This creature demanded regular blood sacrifices of humans.

⁴⁶² Bähre, “Witchcraft and the Exchange of Sex, Blood, and Money Among Africans in Cape Town, South Africa”, p. 330. See: I. Niehaus, “Kuru, AIDS, and Witchcraft: Reconfiguring Culpability in Melanesia and Africa”, *The International Journal of Anthropology*, 57(3), 2013, p. 26 & F. Thomas, “‘Our Families are Killing Us’: HIV/AIDS, Witchcraft and Social Tensions in the Caprivi Region, Namibia”, *Anthropology and Medicine*, 14(3), 2007, p. 281.

⁴⁶³ Bähre, “Witchcraft and the Exchange of Sex, Blood and Money Among Africans in Cape Town, South Africa”, p. 301. See, for example, G. Geis, “Lord Hale, Witches, and Rape”, *British Journal of Law and Society*, 5(1), 1978, p. 27.

⁴⁶⁴ K. Horsthemke, “African and Afrikaner ‘Ways of Knowing’: Truth and the Problems of Superstition and ‘Blood Knowledge’”, *Theoria: A Journal of Social and Political Theory*, 57(123), 2010, p. 30.

craving for unrestrained sexual expression.⁴⁶⁵ It was believed that unexplained dampness in one's bed suggested foul play arguably perpetrated by the *tokoloshe*.⁴⁶⁶ The numerous acquired and attached connotations of this familiar were tremendously diversified and expanded following the 1960s and coinciding with new ways of accumulating wealth where the emergence of new symbolisms emerged. Familiars of this nature appeared and developed as a means of explaining violent occurrences perceived by many African communities to be a direct implication of white rule and, later, modernisation.

Ideas surrounding widely held perceptions of witch familiars show predictable mitigating factors, although these are slightly altered or adjusted to characteristics within a society. These ideas appeared to remain the same and even reveal similarities between 19th century trends and patterns from the 1960s onwards in Southern Africa. More specifically, the mitigating circumstances and the contexts in which these familiars arose, for the most part, remained similar. The widespread and extensive mention and reporting of this mystical creature allude to the popularity of its influence.⁴⁶⁷

During the 1880s, however, the use of using the *tokoloshe* as a means in achieving misfortune was mentioned in more dynamic and loosely confined circumstances suggesting the possibility of a multitude of varying contexts in which this familiar could appear. Furthermore, in other surviving cases appearing in the BAC, it can be proposed that not all cases explicitly mentioned the involvement of witch familiars although possible witch familiar involvement can be suggested by the language used or the inferences made.⁴⁶⁸

In 1886, a woman was on trial at Mount Frere for accusing a man of wanting to have criminal intercourse with her, to which it was said that she would never consent.⁴⁶⁹ Here, the connection between the *tokoloshe* and undesired and unwarranted sexual behaviours becomes evident. Cases located as far as Zimbabwe reveal parallels concerning the unusual circumstances in which a woman's chastity could be compromised.⁴⁷⁰

Following the turn of the century, criminal records show a peculiar case involving the mention of a *tokoloshe* which was tried in Lusikiski during 1905. In this case the most unusual factor was the unique detail attributed to what was termed the "imaginary river boy": the

⁴⁶⁵ Niehaus, "Witches in the Transvaal Lowveld and Their Familiars: Conceptions of Duality, Power and Desire (Sorciers de la Région du Lowveld au Transvaal)", p. 515.

⁴⁶⁶ Fordred-Green, "Tokoloshe Tales Reflections on the Cultural Politics of Journalism in South Africa", p. 704. See also: Geis, "Lord Hale, Witches, and Rape", p. 26.

⁴⁶⁷ Fordred-Green, "Tokoloshe Tales Reflections on Cultural Politics of Journalism in South Africa", p. 701.

⁴⁶⁸ KAB 1/MFE 1/1/1/5 Bantu-Affairs Commission Records, Case 22/ March 1886, Regina v. Nolase.

⁴⁶⁹ KAB 1/MFE 1/1/1/5 Bantu-Affairs Commission Records, Case 22/ March 1886, Regina v. Nolase.

⁴⁷⁰ E. Thornberry, *Colonizing Consent: Rape and Governance in South Africa's Eastern Cape*, (Cambridge: Cambridge University Press, 2019, p. 12.

tokoloshe.⁴⁷¹ Witness testimony revealed that the witch doctor, the accused in this case, indicated the complainant as the cause of illness. The complainant was believed to have given herbs to a *tokoloshe* who was to administer it on his behalf to unsuspected victims. This serves as an additional substantiated instance representing not only the various names attributed to one creature but indicates yet another possible way in which witches were capable of controlling their familiars. Courtroom narratives gleaned from the criminal records also revealed isolated mentions of other familiars investigated in the next section.

3.4.5 The Wild, The Bizarre and The Mischievous

Evidence appearing in cases involving witch familiars more often than not included the mention of a snake or *tokoloshe*. However, cases appearing in Port St. Johns, Mount Fletcher and Mount Frere implicated other animals as the instigators of misfortune. The mention of other mystical creatures within witchcraft-related cases appears to be unusual and confined to limited circumstances. What is of particular interest is the location in which these incidents occurred. All mentions of other animals involved in witchcraft-related cases were confined to a relatively isolated area located in the upper northern part of the Transkei Territories.⁴⁷²

A case brought before the Port St. Johns colonial court in 1887 concerned the death of the accused's nephew whom a shark had killed in the river. The regrettable death was the subject of a consultation with a witch doctor who had "smelt out" a woman as the culprit.⁴⁷³ The episode came to the chief constable's attention after the act of "smelling out" caused the woman to leave her home in fear of her safety and well-being. Although the court dismissed this case, it served as an insightful source of information indicating the possibility of other familiars and potentially different relationships held between witches and their familiars.

The following year a case appeared before the Mount Frere District Magistrate that claimed that a man was "driving a baboon" and, by implication, was also practising witchcraft.⁴⁷⁴ This case unfolded much like the previous one tried at Port St. Johns, in that a "not guilty" verdict was handed down by the court. An acknowledgement surrounding the argument over the alleged baboon was not disputed, although the accused were confused about how the dispute could have evolved into one of witchcraft. Remarkably, mentions of baboons

⁴⁷¹ KAB 1/LSK 1/1/11 Bantu-Affairs Commission Records, Case 68/ July 1905, Regina v. Manyene.

⁴⁷² This statement is based on the criminal records of Port St Johns, Port Fletcher and Mt Frere the first recorded records of each location to the year 1910.

⁴⁷³ KAB 1/PSJ 1/1/4 Bantu-Affairs Commission Records, Case 5/ January 1887, Queen v. Meete Yost & Yekani. Similar mentions are made of a crocodile being responsible for deaths.

⁴⁷⁴ KAB 1/MFE 1/1/1/7 Bantu-Affairs Commission Records, Case 73/ July 1888, Regina v. Mali.

and bats, wild cats and dogs during the 1960s appeared to be associated with witches.⁴⁷⁵ Again, furthering the persistent link between witchcraft, animals and the use of magic which was already present in criminal records during the last quarter of the 19th century in the Transkei region.

The case involving the third mention of an animal other than a snake or *tokoloshe* appeared before the Mount Fletcher colonial court in 1896, where a dispute over the damage of a garden escalated into accusations of witchcraft.⁴⁷⁶ The records indicate a history of prior disputes involving the prisoner accusing two others of bewitching him. This had occurred after one of the accused claimed the complainant's land in this case, who had ploughed the land the previous year. During the court proceedings, additional testimony revealed that those accused of being the wizards responsible for destroying the mealie garden also rode on monkeys. It was later added that during the accusation, the accused also implicated the complainants as those responsible for the death of both his mother and child. Accompanied by these additional mentions of possible witch familiars, evidence pointing to some other dramatic and traumatic witchcraft claims were also brought before District Magistrates.

3.5 Conclusion

Scholars such as social anthropologist Maia Green and historians Adam Ashforth have drawn correlations between challenges and concerns within the environment and the subject matter characterising witchcraft cases. As mentioned by these scholars, the notion of "bad luck" has foregrounded the necessity to contemplate the social, political, economic and environmental conditions directly impacting witchcraft accusations within witch-fearing communities.⁴⁷⁷ Moreover, Ashforth has reflected on the notion of unhappiness in Soweto during the later 20th century about an array of troublesome dreams, bad luck, misfortune and other affiliations of the spirit, mind and body as having two fundamental social sources.⁴⁷⁸ He contended that these basic external forces driving accusations stemmed from jealousy experienced between neighbours and the wrath of the ancestors. These generalised categories are linked to broader notions of acquiring wealth and contending with varying changes in the immediate environment. The numerous ways these changes were interpreted are intricately linked to power

⁴⁷⁵ Niehaus, Mohlala & Shokane, *Witchcraft, Power and Politics: Exploring the Occult in the South African Lowveld*, p. 45.

⁴⁷⁶ KAB 1/MTF 1/1/1/8 Bantu-Affairs Commission Records, Case 92/ September 1896, Crown v. Stephanus Lot.

⁴⁷⁷ Green, "Witchcraft Suppression Practices and Movements: Public Politics and the Logic of Purification", p. 325.

⁴⁷⁸ A. Ashforth, "Of Secrecy and the Commonplace: Witchcraft and Power in Soweto", *Social Research*, 63(4), 1996, p. 1196.

on all levels of society, both amongst African communities and between chiefdoms and the colonial state.

Investigating the social, political, economic and environmental factors can be achieved by studying courtroom testimony in witchcraft cases alluding to broader communal concerns based on individual experiences and engagements with the environment. The notion of power and the reformation and renegotiation of power imbalances arising from white intrusion in the Transkeian Territories largely shaped witchcraft accusations. Moreover, discourses relating to witch familiars and the use of charms and magic to manipulate people and the environment are rooted in varying modes of power. As mentioned by Niehaus, the numerous ways people made sense of their environments were also affiliated with notions of communal and personal agency.⁴⁷⁹ The use and connotations attached to witch familiars in the Transvaal Lowveld in the 1930s, 1960s and 1970s resemble similar understandings of these figures in the context of the Transkeian Territories from 1882-1906.⁴⁸⁰ The continued social significance of these figures speaks to the multifaceted nature of witchcraft beliefs and actions whilst exposing their resilience of these beliefs during times of modernisation.

This chapter drew on courtroom narratives to contemplate the significance of witchcraft discourses relating to broader social and political processes. A correlation between power, witchcraft and politics was illustrated through the emergence of external factors that directly influenced how witchcraft accusations and suspicions were articulated within a given community. Using courtroom testimony as a means of locating accusations within broader political, social, economic and environmental contexts alluded to notions of individual and communal agency. These forms of power discourses were shown through the magical manipulation of the environment and other surroundings, where harnessing charms and other forms of bewitchment was evident. These forms of manipulation often infringed on discourses relating to witch familiars. These figures were employed as a means of reordering disrupted social orders and drawn upon to carry out the evil deeds of their handlers.

Given that witchcraft accusations never occur in isolation or without some hint of contextual meaning, this chapter has drawn on the changing contested landscapes which revealed the fragmentation of intrapersonal relationships and the breakdown of family relations. This creates the foundation from which Chapter 4 will proceed.

⁴⁷⁹ Niehaus, "Witches of the Transvaal Lowveld and Their Familiars: Conceptions of Duality, Power and Desire", p. 513.

⁴⁸⁰ Niehaus, p. 513.

Chapter 4

“[...] Sitting in the midst of his cheerful family to-day not imagining any danger at hand, to-morrow he may be either pierced through and through with assegais or be a lonely wanderer among a strange tribe [...]”¹: Power, Bonds and Unsettled Disputes on Trial, 1882-1906

Historian Elizabeth Thornberry explores gender and law, especially rape and sexual assault in 19th century Eastern Cape, South Africa. Through analysing court cases, she shows competing political ideologies over female sexuality during colonial rule in South Africa. She portrays the interconnectedness of ideologies, beliefs, authority, and sexuality.² Attempts at eradicating “bad” customs gained traction with the introduction of colonial authority, with legislation enshrining a set of rules that sought to curb unwelcome behaviour. Thornberry argues that despite there being an increased recognition of the nuances of African customs in this area, liberal ideas remained paramount in colonial structures, such as the criminal courts, which enforced familial control over female bodies and female sexuality.³ This led to a form of “colonial paternalism” which allowed for a separate legal structure to emerge in African territories in South Africa, including the Eastern Cape.⁴ These structures were implemented to preserve African traditions and customs, blaming the threat of detribalisation as the central motivation. Detribalisation was considered to be the cause of the violence and sexual immorality believed to be prevalent in African territories.⁵ Cleavages between African communities and colonial agents were worsened with annexation.

Problems with language interpretation and cultural understanding required African input. As with any constructed archive, this dissertation relied on these transcripts to draw on how these shifting power strategies played out in the colonial courts. But importantly, they provide a narrative on communal behaviour specific to the areas from which these court cases emanated. The subsequent chapter draws on the varying environmental conditions and the numerous responses to these broader contextual influences. This is done to investigate those implicated in suspected witchcraft activities. By drawing on the breakdown and fragmentation of familial and neighbourly bonds evident in cases brought before the colonial courts, the

¹ Author Unknown, “Notes from the Transkei upon Witchcraft. No. III”, *The Kaffir Express*, 7 March 1874, p. 4.

² E. Thornberry, *Colonizing Consent: Rape and Governance in South Africa’s Eastern Cape*, (Cambridge: Cambridge University Press, 2019), p. 82.

³ Thornberry, p. 148.

⁴ Thornberry, p. 198.

⁵ Thornberry p. 198.

context of these intrapersonal and communal fragmentations will be investigated concerning power discourses. The reconfiguration of power relations within and between African communities and the colonial state will also be contemplated. This chapter will, therefore, borrow from Thornberry's methodology in a bid to provide micro-narratives that testify to how local Africans negotiated colonial law and continued to carve out little pockets of their spheres of influence in time-honoured traditions.

4.1 19th Century Politics, Power and Witchcraft in the Transkeian Territories

A matter involving the mysterious illness of a woman in the Ciskei location was brought before the Lusikisiki colonial courts on 12th September 1898. Her husband was charged with accusing another woman from their kraal as a witch.⁶ The suspected witch told the courts that the accused had consulted several female witch doctors connected with his wife's illness. Upon returning to the kraal, he informed the plaintiff that she had been "smelt out" as a witch. The suspected witch had to seek refuge at a kraal bordering an established Christian mission station along with her husband.

Testimony presented by the concerned husband, the accused, revealed that he had attended the first "smelling out" consultation alone but had been accompanied by three other men during a second consultation with another witch doctor from the area. The local headman was among the crowd of men who sought additional confirmation surrounding the "smelling out", which, by this time, had spread through the location and surrounding areas. Upon the couple's return from the mission station, the suspected witch and her husband were confronted by the headman, who insisted that they relocate. Their hut was set ablaze by two young men, believed to have been coerced by the accused.

As the case unfolded, even more community members were implicated. This prompted the colonial authorities to initiate further inquiries into the matter, which resulted in six additional suspects being brought before the Lusikisiki colonial court on 20th September 1898. The first of these cases addressed consulting where two people – the husband of the suspected witch of the initial case and his brother – were held in custody.⁷ The prisoners admitted to consulting the witch doctors despite denying that the doctor had smelt anyone out. Apart from the questionable attendance of the headman during the consultation, it was suggested that the mysterious illness suffered by the woman who instigated the initial trial was natural. Moreover,

⁶ KAB 1/LSK 1/1/4 Bantu-Affairs Commission Records, Case 73/ September 1898, Regina v. Daza.

⁷ KAB 1/LSK 1/1/4 Bantu-Affairs Commission Records, Case 78/ September 1898, Regina v. Mabaleka & Janlusfuja.

courtroom testimony confirmed that additional family members and neighbours from the same kraal who had accompanied the consultation, regarded by the state to be a “smelling out” ceremony.

In the second case, the state brought four men before the courts on charges of consulting witch doctors in connection to the woman’s unknown illness.⁸ During the proceedings, the husband of the suspected witch, a witness, in this case, informed the courts that all four prisoners were his nephews. The witch doctor testifying on behalf of the prosecution admitted that she had been consulted by two of the prisoners adding that the other two men being charged had consulted another witch doctor concerning the same matter. Both the concerned husband of the ill woman and his brother were charged in this case by colonial authorities. In response to this, the state initiated another case to punish the remaining two nephews of the suspected witch for their decision to accompany their family members to the witch doctor.⁹

Courtroom proceedings became messy with the initiation of this case, where disputes surrounding the nature of the consultation were fiercely debated before the Resident Magistrate.¹⁰ Given that the previous cases had both made mention of the consulted witch doctors and used these figures as a means to prosecute their clients, arguments surrounding the intentions of their consultations were conjured up before the courts. The disputes unearthed the underlying cultural tensions attached to the many uncertainties and unwillingness on the state to recognise the significance of African doctors within Transkeian communities during the 19th century. The witch doctor adamantly denied the “smelling out” allegations and asserted that she had merely been consulted as a doctor rather than as a witch finder, as claimed by the state. In her defence, the witch doctor informed the court that she had only told her clients that the mysterious dreams and tremor-like symptoms were linked to the qualification process of becoming a witch doctor. Despite her pleas, colonial legislation forbids witch doctors to operate under any circumstances, which ensured her guilty verdict.

Based on the evidence obtained during all the above-mentioned cases, new evidence introduced in the initial case alluded to yet another female witch doctor being consulted concerning the woman’s illness. Therefore, the last two related cases were initiated to punish the remaining two witch doctors consulted in the matter.¹¹ Upon hearing the evidence presented

⁸ KAB 1/LSK 1/1/4 Bantu-Affairs Commission Records, Case 79/ September 1898, Regina v. Ulqawule, Wugowa, Daza & Ulbulali.

⁹ KAB 1/LSK 1/1/4 Bantu-Affairs Commission Records, Case 80/ September 1898, Regina v. Ulqawule & Ulugowa.

¹⁰ KAB 1/LSK 1/1/4 Bantu-Affairs Commission Records, Case 81/ September 1898, Regina v. Ulawuke.

¹¹ KAB 1/LSK 1/1/4 Bantu-Affairs Commission Records, Case 82/ September 1898, Regina v. Noni & KAB 1/LSK 1/1/4 Bantu-Affairs Commission Records, Case 83/ September 1898, Regina v. Ulawpulana.

in the five connected cases, the Resident Magistrate decided that all three witch doctors be charged with naming and indicating the plaintiff as a witch and, by implication, responsible for the woman's suffering. In connection to the same illness in question, the husband of the suspected witch told the courts once again that his nephews' wife was still ill. Acting as a witness for the prosecution, he confirmed that the second witch doctor, the accused in this case, told them that the illness was caused by a woman residing in their kraal, thereby sealing her fate.

Given that most of the extended family of the ill woman resided within the same kraal, the woman indicated by the respective witch doctors was likely to be a family member. As seen in this instance, the "victim", the suspected witch and those punished for consulting were all family members.¹² Moreover, the three female witch doctors resided within the same location as all those brought before the courts. The final related case included evidence presented to the court throughout the day's proceedings to prosecute the third witch doctor involved in what turned out to be a rather public display of familial mistrust and fragmentation. Despite the final two witch doctors pleading "not guilty" of smelling anyone out, the Resident Magistrate could not deny the circumstantial evidence and found both prisoners guilty as charged.

The culmination of these witchcraft cases hints at the methodological issues involved in recording state statistics, as demonstrated in Chapter 2. The accumulation of related cases surrounding one incident of illness, apart from partly accounting for the apparent rise in witchcraft cases during 1898, exposes and reiterates the correlation between witchcraft accusations and external influences.¹³ The varying political, environmental, social and economic factors directly influencing witchcraft accusations, as discussed in Chapter 3, are also evident in the aforementioned interrelated cases. Through courtroom narratives, one can contemplate and witness the interconnectedness between witchcraft accusations and the involvement of familial and neighbourly relations.¹⁴ Tensions arising within these intimate

¹² Author Unknown, "Notes from the Transkei Upon Witchcraft. No. III", *The Kaffir Express*, 7 March 1874, p. 4.

¹³ See: Appendix A, Figure 2.1.

¹⁴ See, for example, D. Ciekawy & P. Geschiere, "Containing Witchcraft: Conflicting Scenarios in Postcolonial Africa", *African Studies Review*, 41(3), 1998, p. 4; P. Geschiere, "Witchcraft as the Dark Side of Kinship: Dilemmas of Social Security in New Contexts", *Etnofoor*, 16(1), 2003, p. 43; F. Wood, "Kinship, Collegiality and Witchcraft: South African Perceptions of Sorcery and the Occult Aspects of Contemporary Academia", *Tydskrif vir Letterkunde*, 51(1), 2014, p. 153; E. Leistner, "Witchcraft and African Development", *African Security Review*, 23(1), 2014, p. 58; A. S. Ajala; E. N. Ediomu-ubong, "'It's My Stepmother': Witchcraft, Social Relations, and Health Security in Ibibio, South-South Nigeria", *Anthropos*, 105(2), 2010, p. 456; J. Harnischfeger: "Witchcraft and the State in South Africa", *Anthropos*, 95(1), 2000, p. 102; E. Fottrell, S. Tollman, P. Byass, F. Golooba-Mutebi & K. Kahn, "The Epidemiology of 'bewitchment' as a Lay-Reported Cause of Death in Rural South Africa", *Journal of Epidemiology and Community Health*, 66(8), 2012, p. 704 & P. Geschiere & F. Nyamnjoh, "Witchcraft as an Issue in the 'Politics of Belonging': Democratization and Urban Migrant' Involvement with the Home Village", *African Studies Review*, 41(3), 1998, p. 70.

social structures often speak to broader societal issues resulting from the renegotiation of power relations within and between communities. The gradual infiltration of white colonial rule, as extensively discussed in Chapter 2, not only created tensions and mistrust between African communities and colonial agents but also within and between African chiefdoms.

Long before the penetration of white rule in the Transkeian Territories, inter-and intra-“tribal” conflicts surrounding the jurisdiction of the land and political dominance were well underway.¹⁵ These pre-existing African intergroup tensions were merely exacerbated by the interference of white rule and the unforeseeable social, political and economic implications of colonialisation. The juxtaposition of political and economic prosperity between African communities and colonial agents within the Transkeian Territories and surrounding areas involved reordering African customary and patriarchal structures. The restructuring of these social and political orders was based on integrating customary and colonial legal procedures whereby the former infringed on all aspects of African daily life.¹⁶

Much like Transkeian society, Swazi cosmology married the spiritual with the secular, which infiltrated all levels of society.¹⁷ Highlighted by a contemporary article recounting the state of witchcraft amongst the “natives”, the reformulation of the existing climatic terrain during the 19th century was often explained and interpreted through witchcraft discourses. According to an article appearing in the *Umtata Herald* and republished in *The Christian Herald*: “[...] the belief in witchcraft and similar superstitions will die hard even in the Colony where for nearly a century Christian civilization has been making progress [...]”.¹⁸ This reaffirms the significance of witchcraft discourses in the face of adverse political and social changes as discussed in Chapter 1.¹⁹

¹⁵ See: J. B. Pieres, “The Central Beliefs of the Xhosa Cattle-Killing”, *Journal of African History*, 28, 1987, p. 43; A. Manson, “Christopher Bethell and Securing of the Bechuanaland Frontier, 1878-1884”, *Journal of Southern African Studies*, 24(3), 1998, p. 487; D. A. Webb, “African Women and the Wars of Resistance and Dispossession in the Cape Colony and Xhosaland in the Eighteenth and Nineteenth Centuries”, *Safundi*, 20(3), p. 296; J. Fourie & D. Von Fintel, “The Dynamics of Inequality in a Newly Settled, Pre-Industrial Society: The Case of the Cape Colony”, *Cliometrica*, 4, 2010, p. 236 & E. Elbourne, “‘Race’, Warfare, and Religion in Mid-Nineteenth-Century Southern Africa: The KhoiKhoi Rebellion against the Cape Colony and Its Uses, 1850-58”, *Journal of African Cultural Studies*, 13(1), 2000, p. 18.

¹⁶ John Noble Secretary, “Report of Commission on Native Laws and Customs”, *The Port Elizabeth Telegraph and Eastern Province Standard*, 27 January 1883, p. 3.

¹⁷ A. R. Booth, “‘European Courts Protect Women and Witches’: Colonial Law Courts as Redistributors of Power in Swaziland 1920-1950”, *Journal of Southern African Studies*, 18(2), 1992, p. 273.

¹⁸ Author Unknown, Untitled Article, *The Christian Express*, 1 May 1899, p. 76.

¹⁹ See: E. Bähre, “Witchcraft and the Exchange of Sex, Blood, and Money among Africans in Cape Town, South Africa”, *Journal of Religion in South Africa*, 32(3), 2002, p. 301; L. Fordred-Green, “*Tokoloshe* Tales Reflections on the Cultural Politics of Journalism in South Africa”, *Current Anthropology*, 41(5), 2000, p. 701; J. Tropp, “The Python and the Crying Tree: Interpreting Tales of Environmental and Colonial Power in the Transkei”, *The International Journal of African Historical Studies*, 36(3), 2003, p. 516 & I. Niehaus, “Witches of the Transvaal Lowveld and Their Familiars: Conceptions of duality, Power and Desire (Sociers de la Région du Lowveld au Transvaal)”, *Cahiers d’Etudes Africaines*, 35(138/139), 1995, p. 514.

The interwoven connectivity between politics, power and witchcraft discourses, as demonstrated thus far, partly accounts for the continuation of associated behaviours. The distinctive political grammar noted amongst African communities residing in the Transkeian Territories during the 19th century by historian Clifton Crais becomes crucial in contemplating the African communal repercussions of white colonial rule.²⁰ Intertwining elements of agricultural fertility, magic and political expansion created political, economic and social uncertainties, which often manifested in the form of African intergroup tensions. The very make up and fabric of African society ensured that inter-and intra-“tribal” hostilities regularly infiltrated intimate social circles.

Based on interactions between missionaries and African societies during the 19th century, colonial agents centralised their religious endeavours around discouraging witchcraft, reducing the intake of alcohol and legally and morally discrediting the practice of polygamy amongst African Transkeian communities.²¹ However, based on the western perceptions of varying “tribal” societies during the 19th century, authorities elsewhere, such as that of the Kauai Islands, perceived drinking, witchcraft and magic as forming “chief sins” amongst indigenous groups.²²

Abolishing these “great evils” perceived to be plaguing African life was substantiated and based on the necessity to “stamp out” practices that were perceived to be “[...] utterly subversive of justice and repugnant to the general principles of humanity [...]”.²³ The state’s eagerness to abolish these “repugnant” practices was based, amongst other things, on their ability to encourage and incite feelings of jealousy, suspicion and ill-will amongst community members. For colonial agents, informal, communal beer drinks and “native” drunkenness only fuelled feelings of jealousy, greatly contributing to suspicious whispers and, later, witchcraft accusations.²⁴ The Transkeian Territories during the 19th century were made up of dispersed homesteads separated by uninhabited land.²⁵ Much like the multiple ethnic groups residing in the Transkeian Territories, as touched on in Chapter 2, these homesteads differed from one

²⁰ See: C. Crais, “Chiefs and Bureaucrats in the Making of Empire: A Drama from the Transkei, South Africa, October 1880”, *The American Historical Review*, 108(4), p. 1039 & G. Pavlich, “Cape Legal Idioms and the Colonial Sovereign”, *International Journal of Semiotics of Law*, 26, 2013, p. 40.

²¹ Author Unknown, Untitled Article, *The Christian Express*, 1 June 1885, p. 94; Author Unknown, “Poison at Domasi”, *The Christian Express*, 1 October 1890, p. 154 & Author Unknown, “Native Affairs”, *The Christian Express*, 1 September 1893, p. 130.

²² Author Unknown, “Political Restlessness and Religious Relapse”, *The Christian Express*, 1 September 1897, p. 133.

²³ Author Unknown, Untitled Article, *The Christian Express*, 1 June 1885, p. 94.

²⁴ Rev. A. Hetherwick, “Drinking Poison at Domasi”, *The Christian Express*, 1 October 1890, p. 154.

²⁵ A. C. Lewis & A. Z. Mrara, “Rural Settlements, Mission Settlements and Rehabilitations in Transkei”, *GeoJournal*, 12(4), 1986, p. 375.

“tribe” to another, containing various indigenous lineages. In the state’s opinion, the cultural practice of polygamy and the drunken familial and neighbourly “get-togethers”, only served as poisonous ingredients to an already hostile cocktail.²⁶

A contentious environment brought on by the process of “indirect rule” and the gradual implementation of colonial law created uncertainties where witchcraft could be used to explain the inexplicable. The notion of witchcraft being employed as a weapon for self-gain or against others to level financial, political and social inequalities can be explored through courtroom narratives.²⁷ Colonial favouring through state-appointed and paid African leaders, as addressed in Chapter 2, resulting in imbalances of power, creating mistrust amongst community members and between Africans and their leaders. The blurred jurisdiction of land and chiefly rule was coupled with inter-and intra-“tribal” conflicts rooted in political power struggles. The reformulations of power and the forging of new political and social alliances disrupted African daily life, often producing a ripple effect infringing on familial and neighbourly relations. Long-standing alliances and newly formed allegiances can be “witnessed” through courtroom testimonies and the investigation of single and multiple offender cases. An exploration into these two groups will be performed in this chapter.

The fluidity of witchcraft discourses, shaped by ever-changing connotations based on cultural perceptions and moulded by a specific place and time, made the task of prosecuting associated activities challenging. As mentioned in Chapter 2, the fierce debates surrounding the prosecution of witch doctors and their clients were complex and warranted delicate approach. Criminal cases appearing in the BAC served as testimony to these legal and constitutional difficulties. Narratives gleaned from consulted cases unpack these intricacies on a grass-root level allowing one to contemplate struggles transpiring daily. In essence, the woman’s mysterious illness prompted her loved ones, initially with good intentions, to consult local witch doctors to ascertain the cause of her suffering. The respected and trusted witch doctors or witchfinders had “smelt out” the initial plaintiff, which, in turn, was taken as fact by their clients.

Acknowledging correlations between varying external factors and their influence on the nature of witchcraft accusations, as shown in Chapter 3, this chapter seeks to explore the “who”, “what” and “how” of these crimes.

²⁶ See: C. J. Rhodes, “Speech to the House on the Second Reading of the Glen Grey Act” (27 July 1894), in F. Verschoye (ed.) *Cecil Rhodes: His Political Life and Speeches, 1881-1900*, (Chapman and Hall Limited: South Africa, 1900) & Unknown, Untitled Article, *The Christian Express*, 1 May 1901, p. 71.

²⁷ M. Z. N. Ganis, “Political and Social Implications of Witchcraft and Legitimacy in South Africa”, *Africa: Rivista Trimestrale Di Studi E Documentazione Dell’Istituto Italiano Per L’Africa E L’Oriente*, 60(3/4), 2005, p. 362.

4.2 White Encroachment and Shifting (Re)Formations of Power within African Chiefdoms

An African constable on patrol crossed paths with a man and woman, the accused in this case, who were driving three goats and one sheep through the establishment of Mount Fletcher during the dead of night.²⁸ Upon interrogating the two questionable characters, the constable told the court that the accused had claimed their livestock were gifts given to them by two men on their travels. Unsatisfied with their response, the constable took the two locals into custody on suspicion of being witch doctors. Following some case technicalities and the absence of vital witnesses, the case tried 8th February 1895 was adjourned to 18th February 1895.

The case commenced with the testimony of a witness who confirmed that the constable had come to his kraal to question him about the matter. The witness went on to say that he had indeed consulted the two accused as he was aware of their abilities to divine. Another witness confirmed the facts of the first witness by telling the court that the reason for their visit was to ascertain the culprit responsible for both castrating a prized goat and causing the persisting illness of the first witness's children. The correlation between unexplained illness and witchcraft discourses was documented in an article published in *The Christian Express* where it was noted that "[...] among the uncivilised natives, illness, especially in the case of one who is young, is always attributed to witchcraft [...]"²⁹ Partly explaining the reason for divining, the witnesses took a two-teethed sheep with them as payment. However, the accused could not successfully provide the name of the person who acquired their services.

The son of the local chief, testifying for the prosecution, informed the court that his father had reported the incident to colonial authorities as he believed the accused caused trouble in the land. The proceedings became more complex and entangled when he went on to say that the accused had smelt a woman out and claimed that she had used snakes to cause sickness amongst the children of the first witness. He went on to say that the accusations had caused grave anxieties in the area, which warranted further investigation. The constable, brought before the Resident Magistrate yet again, confirmed the facts provided by the chief's son and added that upon questioning the prisoners, they admitted to earning the livestock through acts of

²⁸ KAB 1/MTF 1/1/1/7 Bantu-Affairs Commission Records, Case 11/ February 1895, *The Crown v. Nogwanya & Zimali*.

²⁹ Author Unknown, Untitled Article, *The Christian Express*, 1 May 1895, p. 70.

witchcraft. After receiving word that the witnesses thought they were being bewitched, the constable arrested the two witch doctors connected with the incident.

Given that the court had already established that the accused were witch doctors, the question rather surrounded the nature of the advice given and the provided witchcraft material as specified in the Penal code.³⁰ The conflicting testimony confused court officials and created enough reasonable doubt to discharge the accused.

Another case involving the same accused was brought to court on 18th February 1895, where the state once again attempted to prosecute the alleged witch doctors.³¹ Much like the previous case, the accused failed to take the stand in their own defence, which left only the two witnesses to inform the court of the matter at hand. Despite providing evidence of the witch doctors' actions, the woman believed to be "smelt out" refused to attend the proceedings. The case was again discharged, and the prisoners were released due to the lack of evidence presented before the Magistrate.

These two cases speak to the cultural dilemma faced by many African community members following the implementation of colonial law. This dilemma involved the prosecution of witch doctors and their clients for practices previously accepted in African customs. These cases also serve as a testament to the reformations of power within African societies due to white political assertion in the area. The reporting of the incident to colonial authorities by the local chief and the arrest of the suspected witch doctors and finders performed by the African constable speaks more broadly to these evolving power relations. The notion of "selling out" fellow African village residents also reflects the fragmentation of close communal ties and can be linked to intergenerational, neighbourly and familial tensions. The mention of illness and the questionable castration of the goat reiterates the importance of understanding the climatic tensions arising within communities, as mentioned in Chapter 3.

Moreover, the "smelling out" of the local woman and reference to the snake also speaks to issues contemplated in Chapter 3. The notion of scapegoating and the manipulation of magic harnessed for personal gain are symptomatic of strained power structures.³² In order to

³⁰<https://policehumanrightsresources.org/content/uploads/2016/03/South-African-Territory-Penal-Code.pdf?x96812> (3 March 2019).

³¹ KAB 1/MTF 1/1/1/7 Bantu-Affairs Commission Records, Case 15/ February 1895, *The Crown v. Nogwanya & Zimali*.

³² See: P. Delius, "Witches and Missionaries in Nineteenth Century Transvaal", *Journal of Southern African Studies*, 27(3), 2001, pp. 597-617; C. Crais, "Of Men, Magic and the Law: Popular Justice and the Popular Imagination in South Africa", *Journal of Social History*, 32(1), 1998, pp. 1034-1056; S. Mesaki, "The Evolution and Essence of Witchcraft in Pre-Colonial African Societies", *Transafrican Journal of History*, 24, 1995, pp. 162-177 & D. Wallace, "Rethinking Religion, Magic and Witchcraft in South Africa: From Colonial Coherence to Postcolonial Conundrum", *Journal for the Study of Religion*, 28(1), 2015, p. 26.

contemplate the juxtaposition of power, one must understand the political environment and the implications of white colonial rule in the Transkei Territories, especially from the mid to latter 19th century.

The infiltration of colonial rule in the Transkeian Territories disrupted power relations within African communities, which created far-reaching implications impacting all aspects of African life. The resulting power imbalances were made worse by the colonial exploitation of civil conflicts brought on by the unstable and foreign colonial political system.³³ In an attempt to secure strategic colonial control over African communities, officials emphasised and played on the intergroup tensions pre-existing within and amongst African “tribes”, which became evident during the Frontier Wars and major African rebellions.³⁴ The state’s desire to take advantage of the fractured African communities became clear in conflicts between the Xhosa and the Cape Colony during the final Frontier War during the 1850s. It reiterated in African rebellions during the 1880s, as mentioned in previous chapters.³⁵

Amongst an array of cultural issues precipitating conflicts between the state and varying African societies, these battles were primarily rooted in maintaining colonial rule and western social order.³⁶ Thus solidifying and ensuring the superiority of the state whilst, to some extent, undermining indigenous African political structures. Moreover, the forging of new alliances between the state and state-appointed favoured African leaders during these contentious conflicts created unrepairable fractions between those considered loyalists of the state and others who resisted the oppressive colonial encroachment.³⁷ Consequently, mistrust between African community members and their indigenous leaders were made worse by, amongst other things, environmental challenges such as drought and cattle lung sickness, fleshed out in the previous chapter.³⁸ Increased hostilities and growing political and social anxieties contributing

³³ Refer to Chapter 2.

³⁴ S. Redding, “Sorcery and Sovereignty: Taxation, Witchcraft, and Political Symbols in the 1880 Transkeian Rebellion”, *Journal of Southern African Studies*, 22(2), 1996, p. 249; Elbourne, “‘Race’, Warfare, and Religion in Mid-Nineteenth Century Southern Africa: The Khoikhoi Rebellion Against the Cape Colony and Its Uses, 1850-58”, p. 18; Tropp, “The Python and the Crying Tree: Interpreting Tales of Environmental and Colonial Power in the Transkei”, p. 513; S. I. Blackbeard, “Acts of Severity: Colonial Settler Massacre of amaXhosa and AbaThembu on the Eastern Frontier of the Cape Colony, c. 1826-47”, *Journal of Genocide Research*, 17(2), 2015, p. 109 & Webb, “African Women and the Wars of Resistance and Dispossession in the Cape Colony and Xhosaland in the Eighteenth and Nineteenth Centuries”, p. 296.

³⁵ Tropp, “The Python and the Crying Tree: Interpreting Tales of Environmental and Colonial Power in the Transkei”, & Elbourne, “‘Race’, Warfare, and Religion in Mid-Nineteenth Century Southern Africa: The Khoikhoi Rebellion against the Cape Colony and Its Uses, 1850-58”, p. 18.

³⁶ Tropp, “The Python and the Crying Tree: Interpreting Tales of Environmental and Colonial Power in the Transkei”, p. 513.

³⁷ Elbourne, “‘Race’, Warfare, and Religion in Mid-Nineteenth Century Southern Africa: The Khoikhoi Rebellion Against the Cape Colony and Its Uses, 1850-58”, p. 18.

³⁸ See: KAB 1/IDW 1/1/1/9 Bantu-Affairs Commission Records, Case 123/ December 1891, Regina v. Tyopo; C. Ballard, “Drought and Economic Distress: South Africa in the 1800s”, *The Journal of Interdisciplinary History*, 17(2), 1986; p. 359; KAB 1/MTF 1/1/1/8 Bantu-Affairs Commission Records, Case 60/ July 1896, The Crown v.

to unfamiliar landscapes created a space where witchcraft discourses held particular relevance in restructuring order.

During the 19th century, African communities assumed that colonial state officials had access to supernatural powers, as recounted by Crais.³⁹ The connection between power, politics and magic was solidified by the gradual disempowerment of local chiefs and fragmentation of well-established traditional structures.⁴⁰ According to colonial authorities, the delicate process of obtaining the support of chiefs involved some cooperation where, chiefs had voluntarily relinquished much of their authority.⁴¹ In doing so, chiefs and headmen were held accountable for controlling their people and maintaining good order within their respective jurisdictions.⁴² Liable to colonial law, these indigenous figures had to meet the expectations and demands of their people and the state. This, in turn, encouraged state paid leaders to report “repugnant” practices like witchcraft to colonial authorities. Once tasked to protect their people, chiefs and headmen now sold them out to retain their leadership positions and continue benefitting from colonial favour.

The influence indigenous chiefs and headmen held within their respective communities was often regarded as a force that threatened the stability and the fundamental principles of colonial rule.⁴³ Therefore, colonial agents acknowledged the strategic importance of working in tandem with indigenous authorities if they were to win the support of their people to maintain and extend white rule.⁴⁴ Courtroom narratives gleaned from the cases mentioned above speak to this “give and take” notion of renegotiating new contextual spaces. Information obtained during courtroom testimony serves as empirical examples of traditional figures working under

Jacob Moulani; KAB 1/MTF Bantu-Affairs Commission Records, Case 18/ March 1898, Regina v. Jan April & Jacob Moulani; Crais, “Of Men, Magic and the Law: Popular Justice and the Popular Imagination in South Africa”, pp. 1034-1056 & Mesaki, “The Evolution and Essence of Witchcraft in Pre-Colonial African Societies”, pp. 162-177.

³⁸ See: C. Burke, “They Cut Segametsi Into Parts: Ritual Murder, Youth, and the Politics of Knowledge in Botswana”, *Anthropological Quarterly*, 73(4), 2000, p. 205; Harnischfeger, “Witchcraft and the State in South Africa”, p. 102; R. Hutton, “Anthropological and Historical Approaches to Witchcraft: Potential for a New Collaboration?”, *The Historical Journal*, 47(2), 2004, p. 423 & Leistner, “Witchcraft and African Development”, p. 54.

³⁹ Pavlich, “Cape Legal Idioms and the Colonial Sovereign”, p. 40 & Crais, “Chiefs and Bureaucrats in the Making of Empire: A Drama from the Transkei, South Africa, October 1880”, p. 1039.

⁴⁰ Crais, “Chiefs and Bureaucrats in the Making of Empire: A Drama from the Transkei, South Africa, October 1880”, p. 1037.

⁴¹ KAB Secretary, p. 3.

⁴² KAB Secretary, p. 3.

⁴³ J. Pearson, “Witchcraft Management in the Early Twentieth Century Transvaal”, Master’s Thesis, University of Witwatersrand, 2015, p. 30.

⁴⁴ See: S. B. Burman, “Cape Policies Towards African Law in Cape Tribal Territories, 1872-1883”, unpublished Doctoral Thesis, University of Oxford, 1973, p. 39; A. Mager, “Colonial Conquest and the Tambookie Frontier: The Story of Maphasa, c. 1830-1853”, *Journal of Southern African Studies*, 39(2), 2013, p. 251; Crais, “Chiefs and Bureaucrats in the Making of Empire: A Drama from the Transkei, South Africa, October 1880”, p. 1046 & Secretary, “Report of Commission on Native Laws and Customs”, p. 3.

the instruction of the colonial state seen in the action of reporting and arresting.⁴⁵ Apart from the required duties, these figures were meant to perform by traditional standards, and their roles began to change to serve and suit the needs of the colonial state.

Incorporating appointed headmen and chiefs through the gradual intrusion of white rule to secure African political compliance, as demonstrated in Chapter 2, was done by integrating and strategically assimilating these figures into the colonial administrative and judicial structures.⁴⁶ By the 1880s, African grievances over white rule erupted in forms of resistance; especially following the Disarmament Act, which hinted at some degree of discontent amongst African communities.⁴⁷ Following various African rebellions during the 1880s, the introduction of legislation, such as hut taxes, served as a symbolic and a ritualised assertion of state power.⁴⁸ The symbolic representations of white colonial rule in all spheres of public life solidified the correlation between power, politics and witchcraft. These interpretations, coupled with the complexities of mediating between two opposing legal systems within the Transkeian Territories, made the position of chiefs more ambiguous.⁴⁹

The reordering of power structures within and between chiefdoms, in turn, created added complications in contemplating the role and influence of traditional witch doctors. Given that colonial authorities, by the 1880s, were adamant that “[...] superstition pervade[d] the whole of the Bantu family [...]”,⁵⁰ witch doctors were continued to be legislatively targeted by the state. In addition colonial agents aimed at disempowering and severely punishing the accuser, as mentioned in Chapter 2, further sealed the fate of witch doctors who came to be regarded as the most evil of all accusers.⁵¹ An article appearing in *The Christian Express* on 1st January 1888 described these figures as “[...] the so-called witch doctors will still declare that so-and-so has stolen what was lost, or has injured what is found injured, or has put poison into food or snuff to cause sickness or death, and the people will still believe them [...]”.⁵² Thereby

⁴⁵ KAB 1/MTF 1/1/1/7 Bantu-Affairs Commission Records, Case 11/ February 1895, *The Crown v. Nogwanya & Zimali & KAB 1/MTF 1/1/1/7 Bantu-Affairs Commission Records, Case 15/ February 1895, The Crown v. Nogwanya & Zimali.*

⁴⁶ S. J. R. Martin, “Political and Social Theories of Transkeian Administrators in the Late Nineteenth Century”, Master’s Thesis, University of Cape Town, 1978, p. 47 & Crais, “Chiefs and Bureaucrats in the Making of Empire: A Drama from the Transkei, South Africa, October 1880”, p. 1038.

⁴⁷ Martin, p. 14.

⁴⁸ Redding, “Sorcery and Sovereignty: Taxation, Witchcraft, and Political Symbols in the 1880 Transkeian Rebellion”, p. 250.

⁴⁹ Martin, “Political and Social Theories of Transkeian Administrators in the Late Nineteenth Century”, p. 38.

⁵⁰ Author Unknown, Untitled Article, *The Christian Express*, 1 July 1885, p. 110.

⁵¹ KAB 1/MTA 1/1/2 Bantu-Affairs Commission Records, Case 43/ December 1884, *Crown v. Zweni & Author Unknown, “Nyasaland Legislative Council: Witchcraft Ordinance”, The Christian Express, 1 August 1911, p. 124.*

⁵² Author Unknown, Untitled Article, *The Christian Express*, 1 January 1888, p. 11.

partly substantiating the state's rationale in dealing with those reaffirming the validity of witchcraft beliefs.

By the 1890s and early 1900s, colonial agents had progressively asserted their dominance both politically and environmentally in the annexed territories of the Transkei to squash any forms of further African resistance and discontent.⁵³ Despite this western cultural and political intrusion, African chieftainship showed elements of both resilience and vitality as noted by historian Samuel John Russel Martin.⁵⁴ Despite this resilience, chiefs only came to realise that their influence and jurisdictions had significantly diminished after placing their people under colonial protection.⁵⁵ State officials appointed headmen as those forming the foundation of colonial order in the Transkei Territories. They acted as an essential component in managing the “natives”, as the colonial authorities viewed these men as “[...] good non-commissioned officers in the military force”.⁵⁶ The seemingly minor tweak in the transference of majority power from chiefs to headmen inadvertently created fractions and power imbalances.

Contemplating the varying tensions that transpired on multiple levels of society and infiltrating the communal, familial and neighbourly relations necessitates considering both single and multiple offender cases. These varying types of witchcraft cases speak more broadly to the renegotiation of power amongst African communities and between African “tribes” and the oppressive colonial state. The notion of neighbours and family members turning on each other through public accusations of witchcraft is “witnessed” through courtroom narratives. Described at the time by Rev. Alexander Hetherwick, witchcraft accusations generally, although especially at beer drinks, represented “[...] the dark side of kinship [...]”.⁵⁷ The fragmentation and repercussions of witchcraft allegations amongst people who depended on each other and close to one another will be explored in the next section by unpacking narratives attached to single and multiple offender cases. The following section will investigate these two groups to better grasp the internal dynamics at play during so-called witchcraft activities symptomatic of environmental, social, political and economic determinants.

⁵³ J. Tropp, “Dogs, Poison and the Meaning of Colonial Intervention in the Transkei, South Africa”, *The Journal of African History*, 43(3), 2002, p. 451.

⁵⁴ Martin, “Political and Social Theories of Transkeian Administrators in the Late Nineteenth Century”, p. 39. This aspect has also been discussed in Chapter 2.

⁵⁵ Crais, “Chiefs and Bureaucrats in the Making of Empire: A Drama from the Transkei, South Africa, October 1880”, p. 1046.

⁵⁶ Martin: “Political and Social Theories of Transkeian Administrators in the Late Nineteenth Century”, pp. 41-42.

⁵⁷ Hetherwick, “Drinking Poison at Domasi”, p. 154.

4.3 Separating Single from Multiple Offender Cases

Despite colonial authorities perceiving witchcraft among the 19th century Transkeian African populations as being doctrines of irrational thought processes and barbarism, allegations of witchcraft were never without broader meaning as demonstrated in previous chapters.⁵⁸ Besides these assumed truisms on the part of the colonial state during the 19th century, based on the writings of anthropologists John and Jean Comaroff, it is proposed that the crime itself can be considered “dangerous”.⁵⁹ Dangers attached to witchcraft were published during 1888 where colonial agents contended that:

[...] the superstitious idea attached to the death referred to is, that the soul of the dead man is likely to inspire his children and friends with a spirit of witchcraft and that the public is in danger of being bewitched by his posterity and friends, who ever afterwards are the chief subjects of smelling out, and they are subjected to all kinds of torture, such as being fastened and suspended in a hut or some such place and fumigated with dense volumes of suffocating smoke. The poor victims often die of suffocation [...].⁶⁰

It is clear that witchcraft accusations and suspicions often incited violent reactions and solidified tensions causing irreparable conflicts. Furthermore, the complexities involved in prosecuting witchcraft cases posed a grave risk to both property and people whilst defying understandable and relatable legal reason.⁶¹

Therefore, investigating and separating single and multiple offender cases becomes pertinent in understanding social interdependence and reformulations of power within African communities during the late 19th century and alludes to new alliances in power structures during the latter 20th century. Social anthropologist Maia Green describes this social interconnectedness during mass participation in public anti-witchcraft practices in Southern Tanzania during the later 20th century. She argues that these communal actions are a direct consequence of the articulated relationship between villages serving as administrative units, state policy, villagers and anti-witchcraft specialists.⁶² By extension, anthropologist Isak Niehaus, amongst others, have contemplated witch-hunts and group acts of ritualised violence within the post-colonial context.⁶³ On reflection, group acts of witchcraft brought before the

⁵⁸ Author Unknown, “The Patagonian”, *The Christian Express*, 1 January 1885, p. 10.

⁵⁹ J. L. Comaroff & J. Comaroff, “Criminal Justice, Cultural Justice: The Limits of Liberalism and the Pragmatics of Difference in the New South Africa”, *American Ethnologist*, 31(2), 2004, p. 189.

⁶⁰ Author Unknown, Untitled Article, *The Christian Express*, 1 July 1885, p. 110.

⁶¹ J. L. Comaroff & J. Comaroff, “Criminal Justice, Cultural Justice”, p. 189.

⁶² M. Green, “Witchcraft Suppression Practices and Movements: Public Politics and the Logic of Purification”, *Comparative Studies in Society and History*, 39(2), 1997, p. 322.

⁶³ I. A. Niehaus, “The ANC’s Dilemma: The Symbolic Politics of Three-Hunts in the South African Lowveld, 1990-1995”, *African Studies Review*, 41(3), 1998, p. 96; T. S. Petrus, “A Proposal Towards A Theory on Witchcraft-Related Crime in Post-Colonial South Africa”, *Acta Criminologica*, 19(2), 2006, p. 147; N. Koning,

colonial courts during the late 19th century are prominent and speak to differing broader societal issues whilst giving a voice to those involved in witchcraft matters by exploring courtroom narratives.

The following sections first address the inner workings of the African familial and neighbourly structure to better understand interpersonal tensions and their impact on witchcraft allegations. The discussion then extends to information obtainable from separating single and multiple offender cases where narratives from courtroom proceedings are used to grapple with social dynamics at play during witchcraft behaviours. Finally, through these narratives and existing historiographical material, an analysis of group acts of witchcraft within Southern Africa during the 19th century will be undertaken to compare and contrast the nature and implications of collective participation in 20th century witch-hunt incidents.

4.3.1 Neighbourly Hostilities, Familial Suspicions & Witchcraft Accusations

What started as a relatively uneventful day turned disastrous when at nightfall, a hut was broken into by two intruders holding assegais in each hand. The terrified occupants of the hut, a grandmother and her two young granddaughters, were aggressively confronted by two men who resided on an adjoining farm.⁶⁴ Upon entering the hut, the men grabbed hold of the elderly woman and accused her of practising witchcraft. The matter was brought before the colonial courts of Maclear on 16th March 1899.

The elderly widow who resided with her daughter-in-law told the court that the two men had threatened to kill her until the screams of her two granddaughters were heard by other villagers. The two men accused by the plaintiff were listed as Prisoners 2 and 3 in this case. One of the men who had entered the hut that evening was the woman's grandson. Despite only two men barging into the hut, the state decided to charge three men with the incident upon hearing additional evidence. The woman testified that her grandson had told her that she had been "smelt out" by the witchfinder hired by Prisoner 1. Evidence presented before the Resident Magistrate suggested that the consultation had been organised by Prisoner 1, who had lost his child to an unknown illness.

During the attack on the elderly woman, her grandson informed her that the devastated father (Prisoner 1) ordered him to charge her with harming his child through witchcraft. The

"Witchcraft Beliefs and Witch Hunts: An Interdisciplinary Explanation", *Human Nature*, 24, 2013, p. 159 & Hutton, "Anthropological and Historical Approaches to Witchcraft Potential for a New Collaboration, p. 413.

⁶⁴ KAB 1/MCR 1/1/14 Bantu-Affairs Commission Records, Case 27/ March 1899, Regina v. Louw, Duhba & Mpande.

defendants presumed that the plaintiff had poisoned the child with “*ubuti*”.⁶⁵ The tension in the courtroom escalated with the testimony of the frightened young girls who testified on behalf of the prosecution. Recounting the evening’s ordeal, the granddaughters confirmed that the men had threatened to kill their grandmother. The sisters told the Resident Magistrate that the men had tried to calm them down by informing them that it was their grandmother they wanted, not them.

Local villagers ran to the woman’s dwelling to investigate the disrupted tranquillity of the evening. Proceedings became even more strained when the prisoners proclaimed their innocence, asserting that they had accompanied two other men to the woman’s hut only after hearing the screams. Following the evidence presented by the state, Prisoners 2 and 3 adamantly denied attacking the woman or holding assegais. Prisoner 3 added that they were always friendly to the woman and held no ill-will against her, which alluded to a lack of motive and the absence of hostilities often associated with witchcraft allegations. Further strengthening the prisoners’ defence, Prisoner 1, father of the deceased child, denied consulting a witchfinder telling the court that he knew his child had died of natural causes.

Another witness testifying on behalf of the defence, one of five men believed to have run to the hut upon hearing screams, alluded to a cattle dispute that may have prompted the accusation. Following the court’s decision to find the prisoners guilty as charged, the Resident Magistrate allowed the goaler, Henry Smith, to testify before the court. He asserted that on the prisoners’ arrival to the gaol, all three refused to wear prison clothing and stated that they would rather die.⁶⁶

This case shows the incited violence that could occur between family members as a result of witchcraft accusations. Despite this level of violence being absent in most witchcraft cases brought before the colonial courts, this group – or multiple offender – case alludes to intergenerational and familial tensions infringing on contentious neighbourly relations. Apart from the mention of a cattle dispute, the apparent lack of motive highlights the significance and influential position of traditional healers in the late 19th century in the Transkeian Territories

⁶⁵ Other examples of “*ubuti*” mentions can be found in: Author Unknown, “Current Topics”, *The Journal*, 25 September 1883, p. 2; Author Unknown, “More Witchcraft”, *The Journal*, 6 June 1893, p. 3; Author Unknown, “Natives and Their Superstitions – No. 2: The Water-Spirits, Tikoloshe The Invisible, Ingwenya, The Crocodile & The witchfinders’ School”, *The Journal*, 13 February 1897, p. 2; Author Unknown, Untitled Article, *The Christian Express*, 1 April 1895, p. 55; Author Unknown, Untitled Article, *The Christian Express*, 1 May 1895, p. 70; Rev. A. J. Wookey, “In The Protectorate”, *The Christian Express*, 1 February 1889; Rev. A. Sims, “The Congo Region”, *The Christian Express*, 1 April 1887, p. 58 & Author Unknown, Untitled Article, *The Christian Express*, 2 January 1888, p. 11.

⁶⁶ KAB 1/MCR 1/1/14 Bantu-Affairs Commission Records, Case 27/ March 1899, Regina v. Louw, Duhba & Mpande.

linking to power discourses. The refusal of the prisoners to wear colonial gaol clothing signified the disapproval of colonial law relating to varying forms of African resistance discussed in previous sections. The following section will address the complex African familial structure and the interdependence of local villagers.

4.3.2 The Intimacy of the Family and Close Neighbourly Bonds

Witchcraft perpetrated in groups or people engaging in actions defined legislatively as “witchcraft” cannot be understood without consulting discourses on intimate social relations such as family members, close neighbourly associations and the lingering influence of forefathers.⁶⁷ The nature of accusations within these intimate social structures creates a space whereby witchcraft can be employed as a tool to understand circumstances whilst also being harnessed as a weapon against others.⁶⁸ The very fabric and structure of societies influenced how people made sense of their physical environs.⁶⁹ Historians Rebekah Lee and Megan Vaughan have described African communities as living concerning the world of the dead, describing the social world as consisting of both the dead and the living.⁷⁰ In the context of witchcraft accusations, the relationships held between the ancestors and the living, if disrupted, could cause a sense of “existential insecurity”, causing further misfortune.⁷¹ Theologian Evan M. Zuesse further describes this interplay of forces by maintaining that one can consider the social aspects of witchcraft beliefs as these notions are rooted within the spiritual realm.⁷²

People who depend on each other and live closely alongside one another face the possibility of increased hostility and conflict even at the best of times.⁷³ Witchcraft arising within African communities have been described by two scholars of Public Law, T. W. Bennet and W. M. Scholtz, as providing a means through which accountability for misfortunes could be attributed.⁷⁴ This is confirmed by Zuesse, who asserts that “witchery beliefs” represent submerged yet severe – although often subconsciously projected – underlying issues and

⁶⁷ Author Unknown, Untitled Article, *The Christian Express*, 1 July 1885, p. 110; Author Unknown, “Missionary News: Facts and Enquiries from Our Own Field”, *The Christian Express*, 1 March 1894 & Author Unknown, “A Missionary Meeting in Oxford University”, *The Christian Express*, 1 March 1888, p. 46.

⁶⁸ Ganis, “Political and Social Implications of Witchcraft and Legitimacy in South Africa”, p. 362.

⁶⁹ M. F. C. Bourdillon, “Social Relations in the Understanding of Physical Events among the Eastern Korekore”, p. 61.

⁷⁰ R. Lee & M. Vaughan, “Death and Dying in the History of Africa since 1800”, *Journal of African History*, 49, 2008, P. 341.

⁷¹ Leistner, “Witchcraft and African Development”, p. 60.

⁷² E. M. Zuesse, “On the Nature of the Demonic: African Witchery”, *Numen*, 18(3), 1971, p. 213.

⁷³ Wood, “Kinship, Collegiality and Witchcraft: South African Perceptions of Sorcery and the Occult Aspects of Contemporary Academia”, p. 153 & Leistner, “Witchcraft and African Development”, p. 58.

⁷⁴ T. W. Bennett & W. M. Scholtz, “Witchcraft: A Problem of Fault and Causation”, *The Comparative and International Law Journal of Southern Africa*, 12(3), 1979, p. 288.

discontent of the societies in which they appear.⁷⁵ He acknowledges that witchcraft-related beliefs do, in many instances, become intertwined with unstated conflicts existing in given social systems.⁷⁶ This was evident in both single and multiple offender cases recorded in the BAC where supernatural forces were used to achieve personal goals. This continued to serve as a primary motivation for witchcraft accusations in the post-colonial context.⁷⁷ Based on his findings amongst the peoples of the Transvaal Lowveld during the later 20th century, anthropologist Isak Niehaus attested that both disasters and personal misfortunes impacting the community as a whole were attributed to witchcraft.⁷⁸

Although debated in the post-colonial context, the correlation between kinship and witchcraft accusations, has been discussed by anthropologist Peter Geschiere who has described witchcraft amongst the Maka in Southeast Cameroon as representing the “dark side of kinship”.⁷⁹ These eerily familiar words of Geschiere, almost identical to that of Rev. Hetherwick in 1890, echoes the strong connection between familial relations and witchcraft accusations which has long been a trend.⁸⁰ Geschiere expands on the notion of “witchcraft in the house”, referring to a unique hold that witches were presumed to have over their relatives.⁸¹ The betrayal of kinship, described by villagers as the most frightening of threats, suggests that the most dangerous attacks regularly came from within the intimacy of the cosy family unit.⁸² As seen in the BAC, the connection between witchcraft and social structures is also perceptible among the Ibibio of South-South Nigeria in more recent years.⁸³ Anthropologists such as A. S.

⁷⁵ E. M. Zuesse, “On the Nature of the Demonic: African Witchery”, p. 214.

⁷⁶ E. M. Zuesse, p. 215.

⁷⁷ M. A. Diwan, “Conflict Between State Legal Norms and Norms Underlying Popular Beliefs: Witchcraft in Africa as a Case Study”, *Duke Journal of Comparative & International Law*, 14(351), 2004, p. 354-355.

⁷⁸ Niehaus, “Witches of the Transvaal Lowveld and Their Familiars: Conceptions of Duality, Power and Desire (Sorcières de la Région du Lowveld au Transvaal)”, p. 517.

⁷⁹ Geschiere, “Witchcraft as the Dark Side of Kinship: Dilemmas of Social Security in New Contexts”, p. 43.

⁸⁰ Hetherwick, “Drinking Poison at Domasi,” p. 154.

⁸¹ Ciekawy & Geschiere, “Containing Witchcraft: Conflicting Scenarios in Postcolonial Africa”, p. 4 & Geschiere, “Witchcraft as the Dark Side of Kinship: Dilemmas of Social Security in New Contexts”, p. 43.

⁸² Geschiere, “Witchcraft as the Dark Side of Kinship: Dilemmas of Social Security in New Contexts”, p. 47 & p. 51.

⁸³ Ajala & Ediomu-ubong, “‘It’s My Stepmother’: Witchcraft, Social Relations, and Health Security in Ibibio, South-South Nigeria”, p. 456 & KAB 1/PSJ 1/1/6 Bantu-Affairs Commission Records, Case 1/ January 1895, Queen v. Mafabula; KAB 1/PSJ 1/1/7 Bantu-Affairs Commission Records, Case 65/ November 1898, Queen v. Tyalise; KAB 1/PSJ 1/1/9 Bantu-Affairs Commission Records, Case 25/ March 1901, Crown v. Zakabana; KAB 1/KNT 1/1/7 Bantu-Affairs Commission Records, Case 64/ November 1892, Regina v. Manuka; KAB 1/KNT 1/1/8 Bantu-Affairs Commission Records, Case 37/ May 1893, Regina v. Mbengwana; KAB 1/KNT 1/1/10 Bantu-Affairs Commission Records, Case 81/ July 1895, Regina v. Nomhoto; KAB 1/IDW 1/1/1/3 Bantu-Affairs Commission Records, Case 5/ January 1884, Regina v. Jack; KAB 1/IDW 1/1/1/6 Bantu-Affairs Commission Records, Case 64/ September 1887, Regina v. Mehlomane; KAB 1/IDW 1/1/1/9 Bantu-Affairs Commission Records, Case 19/ February 1891, Regina v. Gana; KAB 1/IDW 1/1/1/14 [PART II] Bantu-Affairs Commission Records, Case 157/ September 1896, Regina v. Cjana; KAB 1/IDW 1/1/1/20 Bantu-Affairs Commission Records, Case 21/ February 1900, Regina v. Henise; KAB 1/MTF 1/1/1/2 Bantu-Affairs Commission Records, Case 5/ March 1887, Regina v. Mlandeli; KAB 1/MTF 1/1/1/6 Bantu-Affairs Commission Records, Case 10/ January 1894, Regina v. Wolsack; KAB 1/MTF 1/1/1/9 Bantu-Affairs Commission Records, Case 74/ September 1897,

Ajala and E. N. Ediom-Ubong assert that the fear of being accused of witchcraft appeared to reduce tensions that were likely to arise in certain social relations.⁸⁴ This was especially visible in cases involving co-wives in polygynous families or involving tensions within the neighbourhood; a similar trend was mimicked in cases appearing in the BAC from 1882-1906.⁸⁵ Economist Erich Leistner also expands on the notion of jealousy and draws a link between issues arising from wife favouring and the onset of witchcraft accusations.⁸⁶ This correlation also became evident in the criminal records of the BAC.

Claims threatening the harmony and trust between family and neighbours often involved accusations arising from incidents such as death, illness, disease amongst cattle and people, unforeseeable environmental fluctuations and other occurrences such as lightning, hail storms, drought, pests and locusts.⁸⁷ Given the correlation between external environmental factors and witchcraft accusations shown thus far, courtroom narratives demonstrated incidents of intrapersonal tensions witnessed in witchcraft cases involving either family members or neighbours. The mere fact that many people in surrounding kraals knew one another enabled the rapid spread of gossip.⁸⁸ These close relations also increased the likelihood of the accused knowing the person complaining.

Crown v. Gwaartbooi; KAB 1/MTF 1/1/10 Bantu-Affairs Commission Records, Case 94/ September 1898, Regina v. Lekaba; KAB 1/1/11 Bantu-Affairs Commission Records, Case 106/ November 1899, Regina v. Lusizi; KAB 1/1/15 Bantu-Affairs Commission Records, Case 80/ April 1901, King v. Ngongweni; KAB 1/MFE 1/1/6 Bantu-Affairs Commission Records, Case 78/ December 1887, Regina v. Hloyila; KAB 1/MFE 1/1/9 Bantu-Affairs Commission Records, Case 12/ July 1889, Regina v. Lwalo; KAB 1/MFE 1/1/12 Bantu-Affairs Commission Records, Case 56/ April 1892, Regina v. Gqolwa; Pafula; KAB 1/MFE 1/1/13 Bantu-Affairs Commission Records, Case 43/ March 1893, Regina v. Mahodi; KAB 1/MFE 1/1/15 Bantu-Affairs Commission Records, Case 27/ February 1895, Regina v. Makusjan; KAB 1/MFE 1/1/15 Bantu-Affairs Commission Records, Case 40/ February 1895, Regina v. Dingeaweni; KAB 1/MFE 1/1/24 Bantu-Affairs Commission Records, Case 57/ March 1898, Queen v. Malangeni; KAB 1/MFE 1/1/24 Bantu-Affairs Commission Records, Case 80/ April 1898, Queen v. Nkwelo; KAB 1/MFE 1/1/32 [PART II] Bantu-Affairs Commission Records, Case 156/ June 1900, Regina v. Njinana; KAB 1/MFE 1/1/32 [PART II] Bantu-Affairs Commission Records, Case 163/ June 1900, Regina v. Hoyihoyi & Bulawa; KAB 1/MFE 1/1/36 [PART I] Bantu-Affairs Commission Records, Case 26/ March 1902, Rex v. Manbexeni; KAB 1/MFE 1/1/36 [PART II] Bantu-Affairs Commission Records, Case 142/ August 1902, Rex v. Hlukoza; KAB 1/LSK 1/1/5 Bantu-Affairs Commission Records, Case 21/ February 1899, Regina v. Ndinieni; KAB 1/LSK 1/1/8 Bantu-Affairs Commission Records, Case 132/ September 1900, Regina v. Dunani; KAB 1/LSK 1/1/9 Bantu-Affairs Commission Records, Case 12/ January 1901, Regina v. Cela; Nteto; KAB 1/LSK 1/1/9 Bantu-Affairs Commission Records, Case 75/ June 1901, Rex v. Manjekevu; KAB 1/MCR 1/1/14 Bantu-Affairs Commission Records, Case 27/ March 1899, Regina v. Louw, Duhba & Mpande; KAB 1/MTA 1/1/4 Bantu-Affairs Commission Records, Case 60/ June 1890, Regina v. Juleka; KAB 1/MTA 1/1/12 Bantu-Affairs Commission Records, Case 32/ March 1898, Regina v. Jim; KAB 1/MTA 1/1/15 Bantu-Affairs Commission Records, Case 215/ October 1899, Regina v. Jijisa; KAB 1/MTA 1/1/16 Bantu-Affairs Commission Records, Case 4/ January 1900, Regina v. Mamboyana.

⁸⁴ Ajala & Ediom-Ubong, "It's My Stepmother": Witchcraft, Social Relations, and Health Security in Ibibio, South-South Nigeria, p. 456.

⁸⁵ See: Lewis & Mrara, "Rural Settlements, Mission Settlements and Rehabilitation in Transkei", p. 376.

⁸⁶ Leistner, "Witchcraft and African Development", p. 58.

⁸⁷ Author Unknown, Untitled Article, *The Journal*, 6 February 1892, p. 2.

⁸⁸ See: KAB 1/MTF 1/1/2 Bantu-Affairs Commission Records, Case 5/ March 1887, Regina v. Mlandeli & KAB 1/MTF 1/1/10 Bantu-Affairs Commission Records, Case 47/ May 1898, Regina v. Ntownyane.

Some witchcraft accusations have attached histories of disputes between neighbours or family members over multiple sets of issues and circumstances exacerbated by imbalances of power brought on by white colonial rule and the shifting power relations amongst African communities, as already illustrated. This was, however, by no means the norm.⁸⁹ Some witchcraft accusations occurred without any apparent prior intrapersonal conflicts, as supported by evidence gleaned from the BAC. Incidents appeared in instances where witch finders were employed to ascertain the cause of misfortune by performing “smelling out” ceremonies. This often left the indicated person terrified for their lives and, at times, their families⁹⁰ For those who depended on each other, the process of “smelling out”, in itself, created contention amongst people in the Transkei Territories during the 19th century. These “smelling out” ceremonies often translated into public witchcraft accusations resulting in either banishment or the indicated witch falling victim to social isolation and damaged property, as seen in the burning of huts mentioned in the fleshed out cases above.⁹¹

Based on missionary accounts, newspaper publications and perceptions of political colonial agents, witchcraft in some incidents was severely punished through traditional means which differed according to time, location and ethnic group. An article published in *The Christian Express* in 1893 regarding “native affairs” admitted that the power of witch doctors had not yet been limited.⁹² The colonial anti-witchcraft legislation had led people to continue their “smelling out” ceremonies in secret. The object of colonial legislation was implemented, amongst other things, to “[...] put a stop to cruel deaths inflicted on those who are supposed to be guilty of witchcraft [...]”.⁹³ Colonial substantiations of this nature often related to incidents where chiefs were considered victims of witchcraft. One such incident occurred in 1892 in Matabeleland, Zimbabwe. A family accused of witchcraft was driven away, resulting in the death of two wives and their two young children.⁹⁴ Newspaper reports of 1894 asserted that after Sir Walter Currie, the resident magistrate had gone among the “natives”, witchcraft killings had decreased tremendously, although, in some incidents, suspected witches and

⁸⁹ This statement is based on the criminal records of the Bantu-Affairs Commission from 1882-1906 pertaining to the selected locations.

⁹⁰ See: KAB 1/LSK 1/1/5 Bantu-Affairs Commission Records, Case 101/ November 1898, Regina v. Golozana, Zanaye & Silwanyana; KAB 1/LSK 1/1/1 Bantu-Affairs Commission Records, Case 94/ December 1896, Queen v. Tolivana; KAB 1/MTF 1/1/1/9 Bantu-Affairs Commission Records, Case 74/ September 1897, Crown v. Gwaartbooi; KAB 1/MTF 1/1/1/10 Bantu-Affairs commission Records, Case 18/ March 1898, Regina v. Jan April & Jacob Moulani.

⁹¹ KAB 1/LSK 1/1/4 Bantu-Affairs Commission Records, Case 73/ September 1898, Regina v. Daza.

⁹² Author Unknown, “Native Affairs,” *The Christian Express*, 1 September 1893, p. 130.

⁹³ Author Unknown, “Three African Papers in ‘The Mission Field’,” *The Christian Express*, 1 December 1891, p. 196.

⁹⁴ Author Unknown, Untitled Article, *The Christian Express*, 1 June 1892, p. 86.

wizards would be sold into slavery.⁹⁵ Additional reports of other violent witchcraft inspired incidents were seen in cases where those accused of witchcraft were stripped of their cattle and beaten with *knobkerries* before being driven out of their locations.⁹⁶

Given that inter-and intra- “tribal” conflicts were well underway before the intrusion of white rule, these tensions by no means diminished as a result of colonial rule. However, the continued imbalances of political power and social status ensured the continued inequalities, which served as a repercussion of forced wage labour and later other forms of modernisation in the post-colonial context. Anthropologists Diane Ciekawy and Peter Geschiere have established the major threat from “within”, especially during the 1990s in coastal Kenya, Ghana and southern Cameroon, and maintain that the nature of witchcraft beliefs have been reproduced in tandem with modern changes.⁹⁷ The inequalities and limited opportunities acquiring wealth and power within the modernising post-colonial era have essentially left people in fear of appearing successful or being favoured over other community members.⁹⁸ Based on Southern African’s colonial and, later, racist past, the scarce opportunities available to and afforded by a minority of the population have left prosperous people vulnerable to accusations of witchcraft.

Expanding on the notions of jealousy and resulting animosities were principal motives for the continuation of witchcraft accusations. This is evident in colonial and post-colonial contexts, where suspicions often fall on enemies within respective communities, neighbours or family members.⁹⁹ Comaroff and Comaroff solidify these tensions by correlating anxieties and desires serving as consequences of modernity or globalisation with witchcraft discourses.¹⁰⁰ Given that witchcraft transpires in collaboration with the supernatural, supposedly random occurrences in both time and space can be explained by acquiring witchcraft as a moral agency framework.¹⁰¹

The accumulation of wealth and the resulting inequalities between people from the same communities threatened close intrapersonal bonds whereby kinship relations served to further bridge the social gap between urbanites and their counterparts residing in the villages.¹⁰² Amidst a world of spiritual importance, the elaborate structure and close interconnectedness, movement

⁹⁵ Author Unknown, “The West African Mission at Bihe,” *The Christian Express*, 1 January 1894, p. 5.

⁹⁶ Author Unknown, “Basutoland,” *The Christian Express*, 1 August 1889, p. 119.

⁹⁷ Ciekawy & Geschiere, “Containing Witchcraft: Conflicting Scenarios in Postcolonial Africa”, pp. 3-4.

⁹⁸ Leistner, “Witchcraft and African Development”, p. 59.

⁹⁹ Leistner, p. 58.

¹⁰⁰ Bähre, “Witchcraft and the Exchange of Sex, Blood, and Money among Africans in Cape Town, South Africa”, p. 302.

¹⁰¹ Harnischfeger, “Witchcraft and the State in South Africa”, p. 102 & Fottrell, Tollman, Byass, Golooba-Mutebi & Kahn, “The Epidemiology of ‘bewitchment’ as a Lay-Reported Cause of Death in Rural South Africa”, p. 704.

¹⁰² Geschiere, “Witchcraft as the Dark Side of Kinship: Dilemmas of Social Security in New Contexts”, p. 44.

and interaction among family members living between the countryside and the city have been termed the “rural-urban continuum” by scholar Dan Aronson. This alludes to the life-long interaction between urban and rural, which created a susceptible to witchcraft accusations.¹⁰³

Separating single from multiple offender cases facilitates understanding these communal, familial and neighbourly acts of witchcraft accusations. Within the context of the Transkeian Territories during the late 19th century, these two groupings, namely single and multiple, demonstrated the fragmentation of intrapersonal relations and exposed the renegotiation of power within African communities. The differing legislations used in these varying cases alluded to the types of witchcraft behaviours committed by single offenders instead of multiple offenders. By extension, the seven cases discussed above speak to the importance of considering these groupings as, studied in tandem, they provide a comprehensive understanding of witchcraft perpetrated on a grass-roots level. The following section will expand on the varying combinations and scenarios of both single and multiple offender cases brought before the colonial courts and recorded in the BAC from 1882-1906.

4.3.3 Variation of Single & Multiple Offender Cases

A witness standing before the court of Kentani on the 28th of January 1889 told the Resident Magistrate that the accused had asked him to attend a consultation with a local witch doctor, which he consented to.¹⁰⁴ Through word of mouth, the renowned witch doctor agreed to be consulted in connection to the accused’s confusion surrounding his mysterious illness. Upon arrival, the prisoner complained of white patches, to which the doctor confirmed that he could see the prisoner was sick. The witness told the courts that the reason for visiting the witch doctor was to “smell out” the person responsible for causing the prisoner’s suffering. He also claimed that the witch doctor had told them that the illness was caused by certain men whose cattle had been suffering from lung sickness, for which they had already consulted another witch doctor.

Following the statement provided by the witness, the prisoner took the stand in his defence, admitting that he had consulted the witch doctor in question. He told the courts that he had done so after noticing white patches on his body which had been a persistent issue since the winter of 1887. On his return from Port Elizabeth, he decided to solicit a witch doctor to ascertain the cause of the unusual patches. He said that the witch doctor had informed him that

¹⁰³ Geschiere & Nyamnjoh, “Witchcraft as an Issue in the ‘Politics of Belonging’: Democratization and Urban Migrant’ Involvement with the Home Village”, p. 70.

¹⁰⁴ KAB 1/KNT 1/1/5 Bantu-Affairs Commission Records, Case 6/ December 1888, Regina v. Seko.

he was suffering as a result of angry men who had themselves consulted a witch doctor to identify the culprit responsible for lung sickness in three kraals, including that of the ill man. The accused also asserted that the witchdoctor had not mentioned any names, although he had alluded to a cousin involved in the saga. Satisfied with the result, the accused paid the witch doctor for his services and headed home with the witness.

Upon his arrival, the accused told his relatives that he had consulted a witch doctor and told them about the information that he had obtained during the consultation. The cousin denied wanting to kill the accused and pointed at another man from his kraal, who admitted to the allegations. The man, who acknowledged his ill-will toward the accused, called for a meeting among the men of the kraal where he made a public admission that he wanted to kill the plaintiff. The man substantiated his hostilities by stating that his cousin was suffering from unexplained stomach cramps. In addition, widespread cattle lung sickness threatened the prosperity of the family. The evidence substantiated the state's claim that a "smelling out" had taken place and found the accused guilty as charged.

The state initiated another case brought before the colonial courts to punish the consulted witchfinder in the previous case.¹⁰⁵ Seko, the accused in the previous case, repeated that he had consulted the accused in this case for "smelling out". He further testified that the witch doctor had not mentioned any names but announced that a cousin on his mother's side was responsible. Information unearthed during the consultation revealed that the "smelling out" of Seko occurred due to the bad luck experienced within the kraal, which was perceived to be related to some form of bewitchment. He stated that he was satisfied with the witch doctor's findings despite being told to seek additional help from a root doctor to obtain roots and other remedies.

To secure a conviction, the state relied on three additional witnesses to testify on behalf of the prosecution to strengthen the case against the witchfinder. Two witnesses backed up Seko's claims, but the third witness denied that the prisoner was a witch doctor rather than a witchfinder. The court recognised that the third witness was the uncle of the accused and, therefore, questioned the validity of the statement. However, the conflict of interest made little difference to the prosecution and the witchfinder was found guilty despite claiming his innocence, maintaining that the witnesses had lied.

The two cases speak to familial, intergenerational and neighbourly tensions prompted by widespread cattle illness and suspected bewitchment in the form of illness, visible white

¹⁰⁵ KAB 1/KNT 1/1/5 Bantu-Affairs Commission Records, Case 7/ December 1888, Regina v. Yangayanga.

patches. The notion of searching for accountability for unexplained environmental stressors threatening the prosperity of numerous families is also evident. Moreover, one also gets a sense of the “innocence” clients possessed in obtaining meaningful advice from trusted local traditional healers. As seen in the seven cases brought before the colonial court of Lusikisiki, the cases above also include more than one case relating to a single incident. Connected cases, either involving single offender cases, multiple offender cases or a combination of both, speak more broadly to the state’s attempt to “stamp out” all forms of witchcraft, most evident in retried cases.¹⁰⁶ In doing so, the state aimed to punish both witch doctors and witchfinders and their clients to deter others from committing similar acts in the future. This relates to the cultural dilemma posed by colonial legislation. Moreover, courtroom narratives gleaned from these varying cases also show the connectedness between family and neighbourly relations and witchcraft accusations.

The criminal records of the BAC revealed numerous related cases brought before the colonial courts concerning a single incident. Based on the selected sample, incidents of this nature occurred most during the 1890s except for two related cases in Kentani during 1889.¹⁰⁷ Apart from many incidents in which two connected single offender cases were brought before the colonial courts, as demonstrated in the cases mentioned above, evidence of single incidents translating into two multiple offender cases was also not uncommon. A combination of both individual and group cases also made up the varying incidents extending over two cases.

Relations at work during group acts of witchcraft, as opposed to cases involving single perpetrators, appear vastly different in the types of legislation used for the actions committed. Furthermore, the choice of legislation also speaks to the types of actions committed and, in turn, provide a window into the varying dynamics at play during witchcraft crime in the Transkei Territories from 1882-1906. Cases involving multiple perpetrators revealed a particularly high trial rate for consulting. In contrast, individual perpetrators showed a significant rise in naming and indicating another to be either a witch or a wizard.¹⁰⁸ The multiple ways colonial authorities prosecuted these different groupings formed part of a broader notion and state objective of

¹⁰⁶ This statement is strictly based on the cases appearing in the criminal records of the Bantu-Affairs Commission from the locations selected for the purpose of this dissertation. See: KAB 1/MTA 1/1/9 Bantu-Affairs Commission Records, Case 17/ February 1895, Regina v. Alfred & Matohungwana; KAB 1/MTA 1/1/9 Bantu-Affairs Commission Records, Case 36/ April 1895, Regina v. Matamo & Matutshana; KAB 1/MTF 1/1/1/7 Bantu-Affairs Commission Records, Case 11/ February 1895, Crown v. Nogwanya & Zimali; KAB 1/MTF 1/1/1/7 Bantu-Affairs Commission Records, Case 15/ February 1895, Regina v. Nogwanya & Zimali; KAB 1/MFE 1/1/1/28 [PART I] Bantu-Affairs Commission Records, Case 129/ May 1899, Regina v. Zukela; KAB 1/MFE 1/1/1/29 [PART I] Bantu-Affairs Commission Records, Case 220/ July 1899, Regina v. Malubazane.

¹⁰⁷ KAB 1/KNT 1/1/5 Bantu-Affairs Commission Records, Case 6/ January 1889, Regina v. Seko & KAB 1/KNT 1/1/5 Bantu-Affairs Commission Records, Case 7/ January 1889, Regina v. Yangayanga.

¹⁰⁸ As seen in the criminal records of the Bantu-Affairs Commission.

eradicating all practices associated with witchcraft. Moreover, cases involving these groupings also serve as a reminder of the complexities involved in accepting the published Cape Colony Blue Book Statistics at face value.¹⁰⁹

The colonial witchcraft eradication process aimed to ensure the African communities' political and social containment by dismantling power structures that were directly and intricately linked to witchcraft discourses. Single and multiple offender cases also allude to how witchcraft behaviours were committed within the environment and hierarchal social structures. The following section investigates group acts of witchcraft in the latter 20th century concerning power discourses and group dynamics. Coupled with the environmental factors and the fragmentation of intrapersonal relations transpiring on an individual level, the consequences of modernisation produced broader communal hostilities. These tensions erupted into ritualised violence in the form of widespread witch-hunts serving as a symbolic representation of power.

4.3.4 Group Acts of Witchcraft in Post-Colonial Southern Africa: A Continuum of 19th Century Resistance?

Given that witchcraft can provide meaning to seemingly unexplainable occurrences and relates to the notion of scapegoating, witchcraft accusations affecting the broader community always held symbolic political meaning.¹¹⁰ Witchcraft accusations used as a political weapon and employed as an instrument of power to level local communal disputes increased dramatically during the 1980s.¹¹¹ The aggressive forms of African resistance serve as a continuation of intergenerational conflicts that were escalated by an uncertain political future with a past plagued by racism and prejudice.¹¹² The widespread witch-hunts and their far-reaching implications came to a head following the release of Nelson Mandela and the unbanning of the ANC during 1990.¹¹³ Apart from these violent witch-hunts causing a dark imprint on South African history during the 1980s and 1990s, these ritualised forms of violence speak to reformations of power and the forging of new alliances. The group dynamics at play

¹⁰⁹ Refer to Chapter 2.

¹¹⁰ See: Delius, "Witches and Missionaries in Nineteenth Century Transvaal", pp. 597-617; Crais, "Of Men, Magic and the Law: Popular Justice and the Popular Imagination in South Africa", pp. 1034-1056; Mesaki, "The Evolution and Essence of Witchcraft in Pre-Colonial African Societies", pp. 162-177 & Wallace, "Rethinking Religion, Magic and Witchcraft in South Africa: From Colonial Coherence to Postcolonial Conundrum", p. 26.

¹¹¹ Ganis, "Political and Social Implications of Witchcraft and Legitimacy in South Africa", p. 363.

¹¹² Niehaus, "The ANC's Dilemma: The Symbolic Politics of Three Witch Hunts in the South African Lowveld, 1990-1995", p. 94.

¹¹³ Harnischfeger, "Witchcraft and the State in South Africa", p. 99.

during witchcraft behaviours and practices shed light on how people made sense of their environments and the repercussions of imbalances of power.

Much like the culmination of factors contributing to the emergence of witchcraft allegations during the late 19th century, the continued oppressive systems imposed by the Afrikaner state shaped the nature of accusations and resulting violence in post-colonial South Africa. Tensions arising from legislations such as The Bantu Authorities Act (Act No. 68 of 1951) and the Agricultural Betterment Act (introduced during 1945) characterised by relocations, dividing territories without the consent of Africans and overcrowding in the established homelands were contemplated within witchcraft discourses in African communities.¹¹⁴ The lingering repercussions, including the loss of herds, houses and property, resulted in communal anxieties and threatened the livelihood of many African families. In addition, financial anxieties, coupled with new exchanges and ways of acquiring wealth amidst a changing environment, created further inequalities amongst already deprived African communities. Renegotiating these changing and challenging landscapes from which feelings of resentment and jealousy could flourish increased witchcraft accusations dramatically during the latter 20th century.¹¹⁵

The eruption and escalation of violence in witchcraft-related conflicts overwhelmed many areas of South Africa, such as the Lebowa and Venda Homelands, Tsolo and Qumbu districts in the Eastern Cape and the Limpopo Province during the late 1980s and early 1990s.¹¹⁶ During the 1980s and 1990s, young students, known as “comrades”, became involved in the political scene infiltrated by national liberation movements.¹¹⁷ These “comrades” represented the youngest members of the African National Congress Party during the juvenile rebellion against the apartheid regime.¹¹⁸ The hundreds of witch burnings, otherwise known as necklace murders, served as a stand against the oppressive white rule forming part of the broader liberation struggle.¹¹⁹ Before the unbanning of the ANC in 1990, comrades who had incited witch-hunts did so to gain power and to obtain political legitimacy.¹²⁰ Based on South Africa’s

¹¹⁴ Ganis, “Political and Social Implications of Witchcraft and Legitimacy in South Africa”, p. 362.

¹¹⁵ Ganis, p. 362.

¹¹⁶ See: D. Kohnert, “Witchcraft and Transitional Social Spaces: Witchcraft, Violence, Reconciliation and Development in South Africa’s Transition Process”, *Journal of Modern African Studies*, 41(2), 2003, p. 224; Leistner, “Witchcraft and African Development”, p. 61; Niehaus, “The ANC’s Dilemma: The Symbolic Politics of Three Witch Hunts in the South African Lowveld, 1990-1995”, p. 94 & Ciekawy & Geschiere, “Containing Witchcraft: Conflicting Scenarios in Postcolonial Africa”, p. 8.

¹¹⁷ Niehaus, “The ANC’s Dilemma: The Symbolic Politics of Three Witch Hunts in the South African Lowveld, 1990-1995”, p. 94.

¹¹⁸ Ganis, “Political and Social Implications of Witchcraft and Legitimacy in South Africa”, p. 363.

¹¹⁹ Leistner, “Witchcraft and African Development”, p. 61.

¹²⁰ Niehaus, “Witches of the Transvaal Lowveld and Their Familiars: Conceptions of Duality, Power and Desire (Sorcières De La Région Du Lowveld Au Transvaal)”, pp. 518-519.

contentious and prejudiced state, witch-hunting performed by “comrades” hoped to obliterate evil and minimise the chance of future misfortunes.¹²¹

The violent forms of communal witchcraft purification processes failed to eradicate jealousy, which had long been a powerful mitigating factor in witchcraft accusations, as witnessed during the colonial and post-colonial eras. Inherent societal evils and deep sentiments of hatred present within culturally, economically, socially and environmentally oppressed Africans formed the premise that violence had gained popularity. In opposition to the state, activists were fighting the suspected witches rather than the belief in witches as recognised by political science scholar Michela Zaffira Neri Ganis.¹²² The ritualised public displays of violence that resulted in hundreds of alleged witches losing their lives in brutal ways during the 1980s and 1990s was, in part, explained in terms of inflated optimism and unrealistic expectations for future political endeavours.¹²³ The political dreams on the part of young African people were rooted in the desire to completely transform the well-established social and political order where the oppressive white population would be reduced to a position subordinate to that of Africans.¹²⁴ Therefore, notions of power and their significance becomes pertinent in understanding group acts of violence.

Despite the clear time differences characterised by unique political, social and economic determinants, collective acts of witchcraft violence in the 19th century and the late 20th century, although on varying levels, both serve as forms of resistance and antidotes to broader societal issues. Social injustices are remedied through acts of social justice contemplated within meaningful group dynamics, formations and fragmentations of social relations. During the late 20th century, the violence witnessed serves as a continuation of aggressive means through which African communities had dealt with suspected witches or wizards before and during the inception of white rule in the 19th century. However, the scale in which witch-hunts transpired in South Africa during the post-colonial context appears to be far more widespread than during the late 19th century. The reordering of social and political structures through witchcraft violence entails investigating the notion of gender by contemplating its role and implications in witchcraft crime, as will be presented in the following and final section.

¹²¹ Niehaus, “Witches of the Transvaal Lowveld and Their Familiars: Conceptions of Duality, Power and Desire (Sorcières De La Région Du Lowveld Au Transvaal)”, p. 519.

¹²² Ganis, “Political and Social Implications of Witchcraft and Legitimacy in South Africa”, p. 368.

¹²³ Leistner, “Witchcraft and African Development”, p. 62.

¹²⁴ Leistner, p. 62.

4.4 Renegotiating Power, Gender inferiority and Witchcraft Accusations

Social, economic, political and environmental factors characterising an environment have been correlated with how witchcraft accusations appear within a certain society at a particular time.¹²⁵ Given that witchcraft accusations speak to individual and communal anxieties often exacerbated during times of change and saturated in notions of power, discourses on gender become inescapably infringed on.¹²⁶ Understanding the role of gender during suspected witchcraft activities warrants a consideration of the context in which they appear and requires the contemplation of the position of women as opposed to men in colonial and post-colonial settings.

The notion of gender in itself is complex and serves as a variable dependant on the context in which it is embedded. Historian Ronald Hutton expands on this notion by reflecting on the possibility of witches and their accusers being explicitly male, female or both male and female depending on the context and varying conventions of different cultures.¹²⁷ The role of ingrained stereotypes and influences such as wealth, social status, restricted access to resources and opportunities and the resulting inequalities of these influences speak to the fluidity of gender in suspected witchcraft behaviours. This relates largely to established patriarchal systems moulded by white rule and sustained by the National Party during apartheid.¹²⁸

The racist and oppressive Afrikaner state, which served as a continuation of colonialism in the 20th century, created an atmosphere whereby witchcraft could find renewed expression. Economic anthropologist Erik Bähre echoes the Comaroffs' findings by reaffirming the connection between witchcraft and the varying anxieties and tensions brought on by

¹²⁵ See: Crais, "Of Men, Magic and the Law: Popular Justice and the Popular Imagination in South Africa", pp. 1034-1056; J. B. Peires, "The Central Beliefs of the Xhosa Cattle-Killing", *The Journal of African History*, 28(1), 1987, p. 44 & Mesaki, "The Evolution and Essence of Witchcraft in Pre-Colonial African Societies", pp. 162-177.

¹²⁶ Bähre, "Witchcraft and the Exchange of Sex, Blood, and Money among Africans in Cape Town, South Africa", p. 301; Fordred-Green, "*Tokoloshe* Tales Reflections on the Cultural Politics of Journalism in South Africa", p. 701; Ciekawy & Geschiere, "Containing Witchcraft: Conflicting Scenarios in Postcolonial Africa", p. 4 & Geschiere, "Witchcraft as the Dark Side of Kinship: Dilemmas of Social Security in New Contexts", p. 43; Wood, "Kinship, Collegiality and Witchcraft: South African Perceptions of Sorcery and the Occult Aspects of Contemporary Academia", p. 153; Leistner, "Witchcraft and African Development", p. 58; Ajala & Ediomobong, "'It's My Stepmother': Witchcraft, Social Relations, and Health Security in Ibibio, South-South Nigeria", p. 456; Harnischfeger, "Witchcraft and the State in South Africa", p. 102; Fottrell, Tollman, Byass, Golooba-Mutebi & Kahn, "The Epidemiology of 'bewitchment' as a Lay-Reported Cause of Death in Rural South Africa", p. 704 & Geschiere & Nyamnjoh, "Witchcraft as an Issue in the 'Politics of Belonging': Democratization and Urban Migrant Involvement with the Home Village", p. 70.

¹²⁷ Hutton, "Anthropological and Historical Approaches to Witchcraft: Potential for a New Collaboration?", p. 426.

¹²⁸ See: Kohnert, "Witchcraft and Transitional Social Spaces: Witchcraft Violence, Reconciliation and Development in South Africa's Transition Process", p. 217 & Harnischfeger, "Witchcraft and the State in South Africa", p. 100.

modernity.¹²⁹ As already shown, witchcraft can be employed as an alternative means of acquiring power or used as a weapon to counteract inequalities.¹³⁰ Allegations of witchcraft and those embodying the antisocial characteristics of witches, in the post-colonial context, related largely to an attack on women as discussed in Chapter 2. These contentious emotions stemmed predominately from the unequal access to resources and the subordinate position of women during the mid to late 20th century.

Moreover, Bähre expands on the “crisis of masculinity” amongst Xhosa migrants in the urban environment as repercussions and downfalls of “tribal” fragmentation. He contends that male authority within African communities of the Eastern Cape was based upon “[...] ritual, participation in local politics, responsibility for lineage, ancestors, and children [...]”, unable to be performed within the urban context. This crisis was shaped by the reformulation of exchanges within communities whereby intimacy and money were intertwined creating complex interdependencies.

The growing inequalities and the emerging economic and social implications resulting from wage labour, made worse by the scarcity of resources, created a climate where witchcraft discourses had served great political importance in contemplating the evolving landscapes. The importance of familial and neighbourly tensions during suspected witchcraft activities become less pronounced in the post-colonial era and rather speak in terms of wider communal issues and discontent for the state. The implications of modernisation became evident in the changing ways people related to each other and, in turn, engaged and made sense of their economic and social positions. The reformation of power dynamics within African communities and the “rural-urban continuum” challenged the long-held African patriarchal hierarchies threatening indigenous order.

During the 19th century, witchcraft accusations were shaped by the renegotiation of power characterised by the struggle of political and social authority and dominance between indigenous structures and the colonial state. The resulting intergroup fighting amongst African chiefdoms in the pursuit of power during the encroachment of white political assertion shaped the nature of witchcraft accusations. The resulting inter- and intra-“tribal” conflicts, in turn, brought accusations closer to home, inciting further tensions based on pre-existing and persisting familial and neighbourly relations.

¹²⁹ Bähre, “Witchcraft and the Exchange of Sex, Blood, and Money among Africans in Cape Town, South Africa”, p. 302.

¹³⁰ Ganis, “Political and Social Implications of Witchcraft and Legitimacy in South Africa”, p. 362.

Accusations transpiring within these social structures have largely been explained by unpacking individual circumstances contributing directly to witchcraft suspicions during the late 19th century through courtroom narratives. These context-specific accusations speak to the anxieties transpiring on an individual level exacerbated by wider communal tensions, as demonstrated in the previous chapter. The correlation between communal and familial tensions and witchcraft accusations was noted by historian Peter Delius amongst the Pedi society located in the Transvaal as early as the 1860s.¹³¹ However, witchcraft accusations arising as a consequence of strains and tensions between African community members during uncertain political and social changes were not restricted to the Transvaal. As already alluded to, this connection is confirmed by witchcraft cases recorded in the BAC. It suggests that familial and neighbourly tensions gradually fragment well into the late 19th century, as noted in the Eastern Cape. Therefore, those suspected of witchcraft were accused based on previous disputes or on the information of a witch finder rather than an attack or “witch-hunt” on a particular gender evident as seen in South Africa from the 1980s onwards.

Those referred to as “comrades” took it upon themselves to create political unrest as a means of resisting the oppressive, racist state whilst aiming to discredit chiefs and Bantustan governments.¹³² Standing in the forefront of the widespread prevalence of witchcraft violence, these young men not only aimed at weakening established systems but also attempted to reinstate patriarchal order within African communities. It is for these wider political reasons that witch-hunts were predominately initiated by young men against elderly women. One could propose that those implicated as “witches” represented the embodiment of oppressive and stagnant values.

4.5 Conclusion

In order to exert power over people, one has to acquire the authority to justify that power. This was the ambition of the colonial state in the Transkei Territories during this period. Historically, political power led to dispossession, annexation and complete removal of any form of independence and this process unfolded during this period. Nevertheless, there coexisted various forms of resistance, compliance and even mutual cohabitation. In an attempt to control the belief systems of African traditional societies, it is clear that the state failed horribly during the period under investigation.

¹³¹ Delius, “Witches and Missionaries in Nineteenth Century Transvaal”, p. 435.

¹³² I. Niehaus, “Witchcraft as Subtext: Deep Knowledge and the South African Public Sphere”, *Social Dynamics*, 36(1), 2010, p. 68.

Colonial and customary politics characterise the political transitional interim period during the mid to latter 19th century where legislation was implemented to eradicate undesirable customs defined the introduction of colonial authority in the Transkeian Territories.¹³³ This transitional political space motivated the initial inquisition into this period. Based on existing historiography on witchcraft accusations during the 1980s and 1990s especially, these group acts of violence, in the form of witch-hunts, was rooted in notions of power and politics based on oppressive state policies and engrained in patriarchal cultures. Witchcraft narratives gleaned from the BAC during the latter 19th century speak less directly to broader notions of political resistance, as witnessed during the latter 20th century, and more about unresolved tensions between neighbours and family members. Within these intimate spheres, accusations pertained largely, although not confined to, broader societal issues such as disease and environmental factors. As discussed in Chapter 3, these environmental influences encompassed discourses on witch familiars, *muti* and charms, all rooted in notions of power. Moreover, colonial forestry restrictions also contributed to many witchcraft accusations whereby the stricter control of forests limited hunting and other related activities that threatened the prosperity of many local communities.

However, the element of politics cannot be completely ruled out in cases during the latter 19th century as some witchcraft cases brought before the courts involved headmen and chiefs. The narratives obtained during these proceedings showed that politics did play a role and alluded to some form of resistance aimed at the colonial restructuring of African leadership. However, this was not the norm. This change in power served as a consequence of the colonial state's decision to shift the majority of power, historically held by the chiefs, to headmen. Based on the established correlation between witchcraft, culture, politics and power as demonstrated in Chapter 1, unpacking narratives on a micro-level rather speak to issues of everyday life linking to notions of jealousy, envy and mistrust as contemplated in Chapter 3. This raises questions as to whether any tangible change came about due to implemented colonial witchcraft initiatives. Disputes within intimate spheres would continue regardless of colonial law and hence, naturally, witchcraft accusations would also continue.

Historian Elizabeth Thornberry shows how cases reflect broader issues, alluding to the correlation and interconnectedness between ideologies, beliefs and authority over female sexuality. Similarly, witchcraft cases in the BAC also showed a link and interwovenness between ideologies, beliefs and authority; however, a stronger focus was placed on power instead of sexuality. The introduction of colonial law seemed to make little difference based on

¹³³ E. Thornberry: *Colonizing Consent: Rape and Governance in South Africa's Eastern Cape*, p. 198.

the intimate disputes in which most witchcraft cases centralised. Other colonial legislations which posed a direct threat to African prosperity served as an example of the connection between politics and notions of power. Nuances exposed in micro-level courtroom narratives, therefore, become crucial in contemplating the varying mitigating factors prompting witchcraft accusations. This chapter argues that the “bread and butter” issues already prevalent within these societies continued to exist even in the advent of increasingly anti-African legislation. As such, these narratives are rather a reflection of the triumphant success of African traditions despite colonial attempts to “civilise the barbarians”.

Conclusion

This dissertation, which set out to explore the less chartered terrains of the Transkeian Territories during the late 19th century, did so by investigating the conceptualisation of witchcraft practices through courtroom narratives gleaned from the criminal records of the Bantu Affairs Commission. These narratives allow for contemplation of how local African chiefdoms practised witchcraft, how African communities used witchcraft narratives to explain the inexplicable, and the implications of colonial interventions on the inner workings of societies within the selected locations from 1882-1906.

The generalised category of “witchcraft-related activity” and the neglect, on the part of the colonial state, to contemplate these questions created far-reaching social, political and economic repercussions for African communities through the gradual infiltration of colonial rule. The ambiguities surrounding what constituted witchcraft, in turn, impacted how witchcraft was crafted, how witchcraft was policed and how witchcraft practices could be punished in the formal judiciary. Although existing studies in this region during the 19th century have alluded to inter- and intra-“tribal” conflicts during the political transition towards colonial dominance, this study further exposes the cleavages that transpired on both the communal and familial levels. These cleavages are especially noticeable in multiple offender witchcraft cases. The dissertation thereby argues that, besides the changes and uncertainties characterising the 19th century, through courtroom narratives, it is possible to “witness” how witchcraft discourses provided an opportunity for communal and familial conflicts to be challenged, thus, shedding light on the inner working of African societies.

Chapter 2 confronted the broader notions of witchcraft by investigating the conflicting cultural conceptualisations of the “crime” in the context of two opposing legal systems, namely: traditional and colonial. The attempt to marry these differing legal systems exposed the inevitable inversion of those considered “victims” instead of “perpetrators”. In this sense, traditional African law focused on the alleged witch, whereas the colonial state targeted those who named suspected witches. This was explored by considering witchcraft-related terminologies and perceptions, which revealed stark differences and an apparent disconnect between colonial perceptions and African cultural meanings and symbolisms attached to witchcraft accusations. The chapter considered the assortment of colonial witchcraft legislations implemented before the legal consolidation of the Cape of Good Hope Act 24 of 1886, forming part of the Territories’ Penal code. These patchwork legislations and the fundamental differences in perceptions consequently created a misrepresentation of recorded

state statistics. These flawed statistics were compared to witchcraft cases appearing in the BAC from 1882-1906 in the selected locations.

Witchcraft cases provide further insight into the persecutions, prosecutions and punishment methods of suspected witchcraft practitioners. With no intention of quantifying the level of witchcraft activity in the Transkei region during the latter 19th century, the Cape Colony Books served as an additional source to reflect the judicial process and significant shifts indicative of change within the broader context. On reflection, the Blue Books showed a peak in witchcraft cases in 1895, which was different to that of the BAC, showing a significant rise in witchcraft cases in 1898. The 1898 peak involved Idutywa, Port St. Johns, Mount Fletcher, Mount Frere, Lusikisiki and Mount Ayliff. Despite the flawed state statistics, cases recorded in the BAC, on closer analysis, alluded to a 100% conviction rate during 1882, 1885, 1904 and 1905. Moreover, these conviction rates decreased to below 50% in 1883, 1888, 1890, 1895 and 1902. Besides the patchwork of legislation and the issues involved in the accurate recording of witchcraft cases, the conviction rates obtained in the BAC speak to the colonial state's desire to curb witchcraft; remaining a state priority in its quest to conquer these lands chipping away at traditional African belief systems.

In the context of witchcraft cases, the state attempted to eradicate practices through a cultural purification process that ensured the eradication of perceived undesirable local activities to ensure compliance of the new western order and dissuade others from committing similar transgressions. As illustrated in Chapter 2, courtroom narratives become crucial in contemplating power, patriarchal structures, politics and culture that were disrupted during the cultural cleansing process. Furthermore, these narratives allow for a greater understanding of inter- and intra-“tribal” conflicts within African communities and speak to the renegotiation of power due to white political and cultural intrusion during the mid to late 19th century. Africans willing to comply with the emerging colonial order found themselves in beneficial social, political and economic positions compared to those who resisted white rule. During the 1880s and 1890s forms of African resistance alluded to factions within and between African societies. These frictions were made worse by greed on the part of those favoured by the state. The strained communal tensions between African communities and their leaders during political uncertainty were often expressed through witchcraft discourses. Those in unfavourable positions employed witchcraft as an instrument of power and a weapon against others.

Chapter 3 formed a continuum of underlying issues gleaned from courtroom narratives in Chapter 2 and unpacked the correlation between witchcraft and the environment concerning power discourses. This was done to contemplate the contexts in which witchcraft accusations

arose and the mitigating environmental, social, economic and political factors contributing to witchcraft-related activities from 1882-1906. Witchcraft cases appearing in the BAC served as a rich historiographic source that allowed for in-depth analysis of social dynamics, as pointed out by anthropologist Todd Sanders who contends that court narratives can be read as a means of understanding “local notions of tradition” in the post-colonial state.¹ The renegotiation of power and the reformulations of societal structures were redefined using magic and the manipulation of the natural environment for self-betterment and, at times, at the expense of others. Harnessing means of magic to level societal, familial and individual inequalities involved charms, *muti*, witch familiars and the manipulation of natural elements such as lightning and hail. In this sense, witchcraft was employed as a form of social, political and economic means of agency and power.

Narratives obtained through courtroom records speak to the individual contexts in which accusations arose and how these discourses were regularly employed as a weapon and instrument in reasserting power within local African communities. Whilst witchcraft discourses provided meaning for the inexplicable, these testimonies exposed the fragilities of neighbourly and familial relations. The contentious environment from 1882-1906, painted in Chapter 3, showed discourses surrounding practices such as *muti* and “smelling out” coupled by perceptions regarding the validity of charms which persisted into the 1980s and 1990s with minor contextual changes. The attached uses and connotations of witch familiars in the Transvaal during the 1930s, 1960s and 1970s, as demonstrated by anthropologist Isak Niehaus, appear to be similar to local perceptions of these figures during the late 19th century, as demonstrated in the BAC records from 1882-1906. Simmering emotions of jealousy exacerbated uncertain political, economic and social environments, envy and bitterness most evident in neighbourly and familial relations. These intimate spheres showed a strong connection with the mention of witch familiars exposed through witchcraft narratives.

Chapter 4 focused on close relations existing between family members and neighbours who, by design, lived in close proximity to one another. The strong correlation between intimate relations and witchcraft accusations was explored through courtroom narratives where these discourses were symptomatic of communal and individual stressors shaped by fears, anxieties and jealousy brought on by uncontrollable external influences. The contemplation of single and multiple offender cases become indicators of varying repercussions of power imbalances within African communities and speaks to social and political intergroup alliances and fragmentations.

¹ T. Sanders, “Reconsidering Witchcraft: Postcolonial Africa and Analytic (Un)Certainties”, *American Anthropologist*, 105(2), p. 348.

Multiple offender cases were especially crucial in grappling with the inner workings of these evolving group dynamics affecting the community as a whole and also infringing on intimate relations. The breakdown of previously trusted intimate bonds highlighted the potential threat of witchcraft and showed a loss of agency amongst many, although not all, Africans due to white intrusion.

The fragmentation and mistrust brought on by western ideologies and colonial interference in African affairs only contributed to pre-existing tensions between and amongst Africans chiefdoms. Before the arrival of Europeans into Africa, independent African communities fought amongst each other for the jurisdiction of land, influence and power. This dissertation shows these groups were made up of varying African “tribes” including displaced peoples from surrounding districts and northern located colonies. Power struggles within and between African communities before colonial political intrusion were, therefore, well underway and were often made more pronounced by the cultural differences of these various independent groups. Later, the arrival of missionaries and other colonial agents merely served as additional forms of power disruptions to which African groups had to contend. Thus, the initial expansion of colonial influence within the eastern frontier of the Cape Colony during the early 1800s was done gradually and with sustained caution.

Pre-existing and persisting African internal hostilities shaped how established traditional leaders met colonial agents. Despite the ultimate desire for colonial authorities to eventually extend their influence over African communities, this process prior to 1830 by no means completely disempowered established chiefdoms. Initially, some African chiefs viewed the arrival of westerners as a means of extending their own political influence and control over other local chiefdoms. As expressed by historian Clifton Crais, Transkeian communities in the 19th century possessed their own political grammar unfamiliar to the colonialists. Much like chiefs, colonial agents were perceived to have access to powerful magic capable of overpowering local traditional leaders. Some chiefs attempted to harness these powers by forming alliances with white agents to place their people in favourable positions to other chiefdoms for greater social, political and economic prosperity. The goal, however, on the part of the chiefs, was to extend their own political position and extend their influence.

By the mid-19th century, the colonial presence on the eastern frontier had become more assertive with negotiating treaties between local chiefs and appointed colonial agents. Some African leaders recognised the need to work with colonial authorities to retain their previously held positions of influence. However, the repercussions of African leaders forming political alliances with the state’s growing power created mistrust between chiefs and their people who

felt as if their leaders were essentially selling them out. Placing established chiefdoms under “colonial protection”, in turn, initiated internal anxieties within and between African communities. By the late 19th century, these internal frictions had become further entrenched with the introduction of colonial legislation to formalise annexations of “conquered” African groups residing within the Transkeian Territories. Through this process, Africans willing to work for the state were handsomely rewarded in the form of monthly payments, setting a precedent of further inequalities and underlying communal tensions.

The existing historiography has contemplated these varying political and social issues arising from white colonial intrusion in the Transkeian Territories during the 19th century and have largely accounted for the contested landscapes. Despite the rich information available through these studies, courtroom narratives used within this dissertation take the considerations beyond these observations and expose how these changes directly impacted smaller chiefdoms and individuals on a grass-roots level. The invaluable information gleaned from courtroom testimonies is reiterated in historian Elizabeth Thornberry’s work where she accounts for broader societal issues mentioned in courtroom proceedings. How ordinary people tried to renegotiate ever-changing political, social and economic environments contributed to existing historiography. These studies have primarily engaged with these issues on a broader scale. Testimonies presented in the BAC speak to the repercussions of these external factors on familial and neighbourly bonds rather than merely accounting for these implications on a macro-level. Exposing the narratives of less influential groups provided a voice to those who would otherwise not necessarily be heard, showing how individuals attempted to resist corrupt chiefs, headmen and the colonial state whilst trying to make sense of their new realities. This contemplation brought witchcraft discourses into communal consciousness, where traditional methods in mediating broader issues were drawn upon. It becomes clear that the broader political and legislative shifts did not necessarily directly impact witchcraft practices. The repercussions – such as economic deprivations through taxes and the allure of paid employment on mines – did, but disease and environmental tragedies were much more embedded in the courtroom narratives. This fundamentally suggests that too much focus has been placed on the politico-legal aspects giving rise to witchcraft accusations. In this context, “bread and butter” issues were most prevalent.

Apart from courtroom narratives infringing on frustrations, unhappiness and uncertainties experienced by many ordinary African communities, one can get a sense of the intimate connections between micro-units. The later progression of white rule not only forced the adaption and restructuring of African patriarchal and traditional structures but forced

Africans to challenge and discontinue practices “repugnant” to Christian religious doctrines. As discussed in Chapter 4, colonial agents implemented legislation and procedures to reduce alcohol intake, abolish witchcraft and discourage the practice of polygamy to reduce hostilities and contentions within African communities. The state’s attempt to assimilate Africans into western ways of life, through the discouragement of customary practices, created further cleavages within communities. They had limited success. The resulting tensions and anxieties arising from the state’s attempt to eradicate customary traditions and practices were articulated through courtroom narratives. These testimonies also exposed the cultural dilemma discussed throughout this dissertation and more directly spoke to the state’s attempt to disempower local leaders, particularly witch doctors and witch finders.

The available courtroom narratives speak to these anxieties and demonstrate how broader social processes regularly impacted relations on a micro-level. In this sense, magical means were drawn upon to find meaning for the inexplicable and used to remedy power imbalances resulting from white political and cultural intrusion. Witchcraft accusations, therefore, spoke more broadly to feelings of jealousy, suspicions, mistrust and ill-will arising from western interference. Importantly, these emotions were exacerbated by colonial intrusion. However, these feelings were primarily directed towards fellow local Africans who, it could be argued, chose to turn on their own people as a means of securing a favourable political and social position in a context of colonial encroachment. These tensions principally concerned how fellow Africans responded to the white colonial intrusion more than the intrusion itself. The inquisition into the available testimonies of the BAC provides a sense of how people were dealing and making sense of external influences. The undertaking of criminal records of the BAC for the Transkeian Territories presented in this study is modest and can be further explored by other scholars who wish to extend the scope of this study to account for broader societal trends within this area during the late 19th century. Essentially, the very nature of this colonially constructed archive also needs to be kept in mind. It is for this reason that other archival sources, such as newspapers, were incorporated. These need to be read with caution, especially those emanating from Christian contributors.

Based on invaluable information obtained through witchcraft narratives, one not only gets a sense of the contested external forces faced by many African communities but speaks to the varying forms of resistance and attempts, on the part of Africans, to retain their indigenous ways of life. Testimonies gleaned from the BAC also suggest continuing customary practices despite colonial legislation prohibiting many traditional African practices. Therefore, these witchcraft cases, expose the resilience of many African communities in the face of adverse

change and reveal the determination of these societies to retain their treasured and trusted ways of life. As witnessed in courtroom narratives the continuation of “tribal” practices, speak more broadly to the triumph of the traditional over the colonial in the sense that Africans did not merely accept colonial rule but resisted in the only ways they knew how. In addition, it could be argued that, during this period, political and legal changes implemented by the Colony had very little impact on how African people believed and practised witchcraft and, in many respects, this speaks to the failed attempts of the Cape Colony to police witchcraft and, by extension, exert control over the beliefs of the local African groups in these selected locations.

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Appendix A

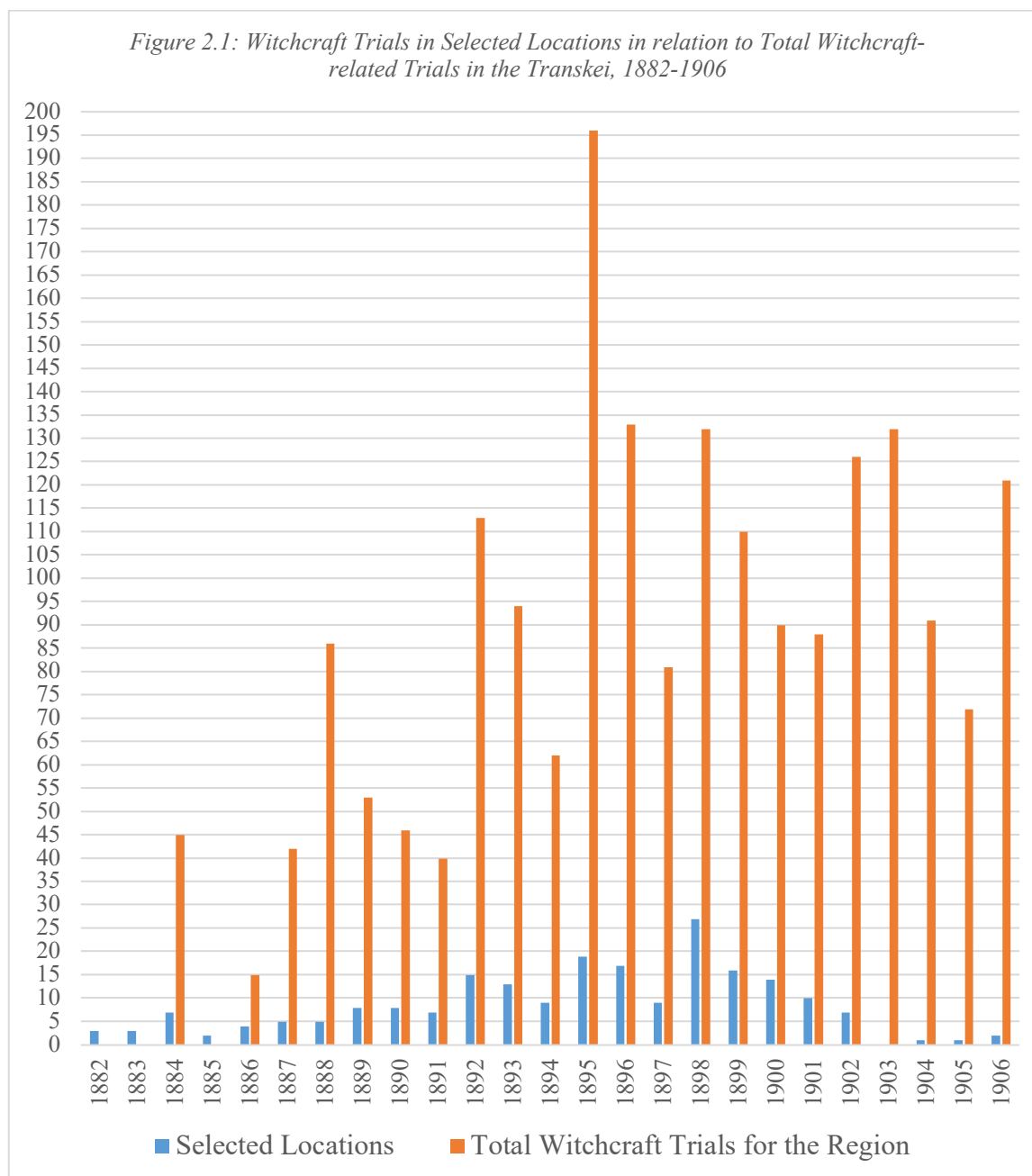


Figure 2.1: Witchcraft Trials in Selected Locations in Relation to Total Witchcraft-Related Trials in the Transkei, 1882-1906.²

² This graph includes all cases listed in Figure 2.5 compared to that of figures presented under “Convicted and Transmitted Case seen before the Resident Magistrate as listed in the Cape Colony Blue Books. *Blue Books: Cape of Good Hope, 1886, p. 255; Blue Books: Cape of Good Hope, 1887, p. 256; Blue Books: Cape of Good Hope, 1888, p. 256; Blue Books: Cape of Good Hope, 1889, p. 281; Blue Books: Cape of Good Hope, 1890, p. 275; Blue Books: Cape of Good Hope, 1891, p. 275; Blue Books: Cape of Good Hope, 1892, p. 288; Blue Books: Cape of Good Hope, 1893, p. 275; Blue Books: Cape of Good Hope, 1894, p. 275; Blue Books: Cape of Good Hope, 1895, 275; Blue Books: Cape of Good Hope, 1896, p. 313; Blue Books: Cape of Good Hope, 1897, p. 337; Blue Books: Cape of Good Hope, 1898, p. 320; Blue Books: Cape of Good Hope, 1898, p. 310; Blue Books: Cape of Good Hope, 1900, p. 310; Blue Books: Cape of Good Hope, 1901, p. 310; Blue Books: Cape of Good Hope, 1902, p.*

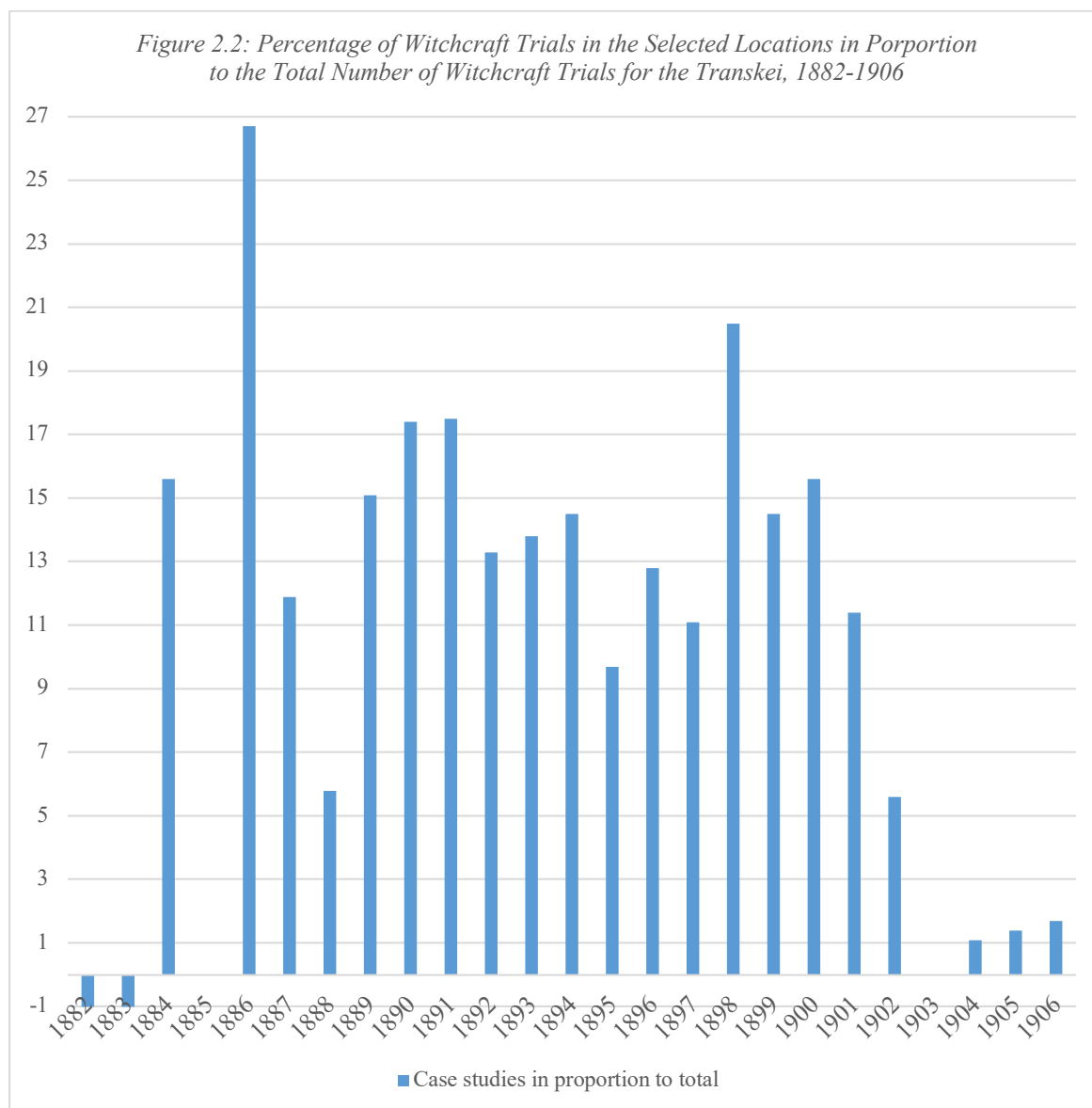


Figure 2.2: Percentage of Witchcraft Trials in the Selected Locations in Proportion to the Total Number of Witchcraft Trials for the Transkei, 1882-1906.³

310; *Blue Books: Cape of Good Hope, 1903*, p. 310; *Blue Books: Cape of Good Hope, 1904*, p. 310; *Blue Books: Cape of Good Hope, 1905*, p. 310; *Blue Books: Cape of Good Hope, 1906*, p. 316; *Blue Books: Cape of Good Hope, 1907*, p. 151; *Blue Books: Cape of Good Hope, 1909*, p. 165.

³ This graph shows the percentage of all recorded witchcraft activity in the selected locations presented in Figure 2.1 compared to the available Blue Book statistics presented in Figure 2.1.

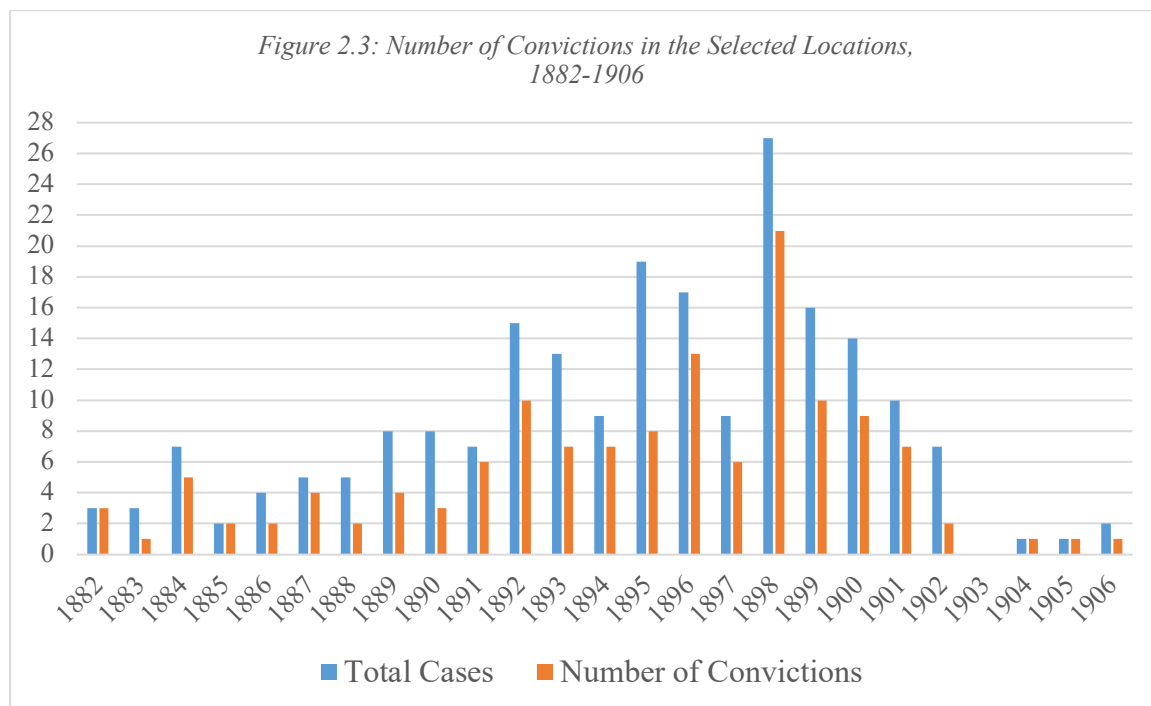


Figure 2.3: Number of Convictions in the Selected Locations, 1882-1906.⁴

⁴ Cases with convictions, KAB 1/MTA 1/1/1 Bantu-Affairs Commission Records, Case 30/ August 1882, Crown v. Geoga, Mdeki, Huhukunu; KAB 1/MTA 1/1/1 Bantu-Affairs Commission Records, Case 55/ July 1882, Queen v. Vimbela; KAB 1/IDW 1/1/1/2 Bantu-Affairs Commission Records, Case 58/ August 1882, Regina v. Thomas Mufundise; KAB 1/MFE 1/1/1/2 Bantu-Affairs Commission Records, Case 43/ July 1883, Regina v. Mdiniti; KAB 1/MTA 1/1/2 Bantu-Affairs Commission Records, Case 42/ December 1884, Crown v. Qunu; KAB 1/MTA 1/1/2 Bantu-Affairs Commission Records, Case 43/ December 1884, Queen v. Zweni; KAB 1/MTA 1/1/2 Bantu-Affairs Commission Records, Case 44/ December 1884, Queen v. Mamhopa; KAB 1/MTA 1/1/2 Bantu-Affairs Commission Records, Case 6/ February 1884, Crown v. Mambanjwa & Nderu; KAB 1/IDW 1/1/1/3 Bantu-Affairs Commission Records, Case 99/December 1884, Regina v. Somxada; KAB 1/IDW 1/1/14 Bantu-Affairs Commission Records, Case 46/ June 1885, Regina v. Stuwela; KAB 1/MFE 1/1/1/4 Bantu-Affairs Commission Records, Case 11/ February 1885, Regina v. Puzi, Koli, Mjoki & Jamile; KAB 1/MFE 1/1/1/5 Bantu-Affairs Commission Records, Case 6/ January 1886, Regina v. Nomasala; KAB 1/MFE 1/1/1/5 Bantu-Affairs Commission Records, Case 43/ August 1886, Regina v. Madzanz & Umhlomtshwa; KAB 1/IDW 1/1/1/6 Bantu-Affairs Commission Records, Case 60/ August 1887, Regina v. Mjikeliso; KAB 1/IDW 1/1/1/6 Bantu-Affairs Commission Records, Case 64/ September 1887, Regina v. Mehlomane; KAB 1/MFE 1/1/1/6 Bantu-Affairs Commission Records, Case 78/ December 1887, Regina v. Hloyila; KAB 1/MTF 1/1/1/2 Bantu-Affairs Commission Records, Case 5/ March 1887, Regina v. Mlandeli; KAB 1/MTA 1/1/3 Bantu-Affairs Commission Records, Case 9/ March 1888, Crown v. Mbolompo. Nontshe, Tevula, Sompofu, Lutolini, Galani & Umcamba; KAB 1/MTA Bantu-Affairs Commission Records, Case 12/ March 1888, Regina v. Mzangela, Kisimani, Tashe, Masibome, Makwanti & Madontsa; KAB 1/MTA 1/1/4 Bantu-Affairs Commission Records, Case 47/ May 1889, Crown v. Mpuma; KAB 1/KNT 1/1/5 Bantu-Affairs Commission Records, Case 6/ January 1889, Regina v. Seko; KAB 1/KNT 1/1/5 Bantu-Affairs Commission Records, Case 7/ January 1889, Regina v. Yangayanga; KAB 1/MFE 1/1/1/9 Bantu-Affairs Commission Records, Case 12/ July 1889, Regina v. Lwalo; KAB 1/KNT 1/1/6 Bantu-Affairs Commission Records, Case 35/ July 1890, Regina v. Jada; KAB 1/MFE 1/1/1/9 Bantu-Affairs Commission Records, Case 77/ July 1890, Regina v. Umtokwana; KAB 1/MFE 1/1/1/9 Bantu-Affairs Commission Records, Case 72/ July 1890, Regina v. Sodwele, Njanja, Nyameka & Tshalisa; KAB 1/IDW 1/1/1/9 Bantu-Affairs Commission Records, Case 19/ February 1891, Regina v. Gana; KAB 1/IDW 1/1/1/9 Bantu-Affairs Commission Records, Case 20/ February 1891, Regina v. Ntshakaza; KAB 1/IDW 1/1/1/9 Bantu-Affairs Commission Records, Case 125/ December 1891, Regina v. Tyopo; KAB 1/IDW 1/1/1/9 Bantu-Affairs Commission Records, Case 139/ December 1891, Regina v. Lunka; KAB 1/IDW 1/1/1/4 Bantu-Affairs Commission Records, Case 62/July 1891, Regina v. Spence; KAB 1/MTF 1/1/1/4 Bantu-Affairs Commission Records, Case 84/ November 1891, Queen v. Leketa; KAB 1/MTA 1/1/7 Bantu-Affairs Commission Records, Case 9/ January 1892, Regina v. Masotshantshi; KAB 1/MTA 1/1/7 Bantu-Affairs Commission Records, Case 8/January 1892, Regina v. Kwali, Mhlonklo, Mzabula, Masomapuzi, Maslaba, Makakani, Manonmgo, Magwabe, Mambilyana & Malshabani; KAB 1/IDW 1/1/1/10 Bantu-Affairs Commission Records, Case 39/ March 1892 Regina v. Tandapi; KAB 1/IDW 1/1/1/10

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Jacob Monlani; KAB 1/MTF 1/1/1/8 Bantu-Affairs Commission Records, Case 92/ September 1896, Crown v. Stephanus; KAB 1/MTF 1/1/1/8 Bantu-Affairs Commission Records, Case 108/ October 1896, Crown v. Mzobotshe; KAB 1/MTF 1/1/1/8 Bantu-Affairs Commission Records, Case 123/ November 1896, Crown v. Jantje; KAB 1/KNT 1/1/12 Bantu-Affairs Commission Records, Case 11/ February 1897, Regina v. Tunywa; KAB 1/KNT 1/1/12 Bantu-Affairs Commission Records, Case 10/February 1897, Regina v. Mtakatana, Nxeta, Mjelo, Mzondi & Qobo; KAB 1/LSK 1/1/2 Bantu-Affairs Commission Records, Case 6/ January 1897, Queen v. Mlindi; KAB 1/LSK 1/1/2 Bantu-Affairs Commission Records, Case 19/ February 1897, Regina v. Bekile; KAB 1/MFE 1/1/1/21 Bantu-Affairs Commission Records, Case 138/ June 1897, Regina v. Nkonyana, Sidafi, Pokisi, Mzuzu, Sigungu & Matshikelo; KAB 1/MTF 1/1/1/9 Bantu-Affairs Commission Records, Case 74/ September 1897, Crown v. Gwaartbooi; KAB 1/MTA 1/1/12 Bantu-Affairs Commission Records, Case 11/ February 1898, Regina v. Mkatywa; KAB 1/MTA 1/1/12 Bantu-Affairs Commission Records, Case 25/March 1898, Regina v. Mamlayi; KAB 1/MTA 1/1/12 Bantu-Affairs Commission Records, Case 32/ March 1898, Regina v. Jim; KAB 1/PSJ 1/1/7 Bantu-Affairs Commission Records, Case 65/ November 1898, Queen v. Tyalisi; KAB 1/IDW 1/1/1/16 [PART II] Bantu-Affairs Commission Records, Case 115/ June 1898, Regina v. Pohlolo & Lobi; KAB 1/LSK 1/1/4 Bantu-Affairs Commission Records, Case 76/ September 1898, Queen v. Mazele & Mahodi; KAB 1/LSK 1/1/4 Bantu-Affairs Commission Records, Case 78/ September 1898, Queen v. Mabalika & Qanleishuya; KAB 1/LSK 1/1/4 Bantu-Affairs Commission Records, Case 79/ September 1898, Queen v. Mqgawulw, Mugowa, Daza & Mbulali; KAB 1/LSK 1/1/4 Bantu-Affairs Commission Records, Case 80/ September 1898, Queen v. Mqgawule & Mugowa; KAB 1/LSK 1/1/4 Bantu-Affairs Records, Case 73/ September 1898, Regina v. Daza; KAB 1/LSK 1/1/4 Bantu-Affairs Commission Records, Case 77/ September 1898, Queen v. Mhlonko; KAB 1/LSK 1/1/4 Bantu-Affairs Commission Records, Case 81/ September 1898, Queen v. Manuke; KAB 1/LSK 1/1/4 Bantu-Affairs Commission Records, Case 82/September 1898, Queen v. Noni; KAB 1/LSK 1/1/4 Bantu-Affairs Commission Records, Case 83/ September 1898, Queen v. Manpulana; KAB 1/LSK 1/1/5 Bantu-Affairs Commission Records, Case 101/ November 1898,

Queen v. Golozana, Zanaye & Silwanyana; KAB 1/MFE 1/1/25 Bantu-Affairs Commission Records, Case 214/ September 1898, Queen v. Gwangqa; KAB 1/MTF 1/1/1/10 Bantu-Affairs Commission Records, Case 47/ May 1898, Regina v. Ntownyane; KAB 1/MTF 1/1/1/10 Bantu-Affairs Commission Records, Case 51/ June 1898, Regina v. Mofu; KAB 1/MTF 1/1/1/10 Bantu-Affairs Commission Records, Case 63/ June 1898, Regina v. Booi Suiqetenyete; KAB 1/MTF 1/1/1/10 Bantu-Affairs Commission Records, Case 94/ September 1898, Regina v. Lekaba; KAB 1/MTF 1/1/1/10 Bantu-Affairs Commission Records, Case 18/ March 1898, Regina v. Jan April & Jacob Monlani; KAB 1/MTA 1/1/15 Bantu-Affairs Commission Records, Case 215 /October 1899, Regina v. Jijisa; KAB 1/MTA 1/1/15 Bantu-Affairs Commission Records, Case 228/ November 1899, Regina v. Ngodovane; KAB 1/MTA 1/1/15 Bantu-Affairs Commission Records, Case 246/ December 1899, Regina v. Ntinti; KAB 1/LSK 1/1/5 Bantu-Affairs Commission Records, Case 21/February 1899, Regina v. Ndinieni; KAB 1/LSK 1/1/5 Bantu-Affairs Commission Records, Case 22/ February 1899, Regina v. Kwayeka; KAB 1/MCR 1/1/14 Bantu-Affairs Commission Records, Case 27/March 1899, Regina v. Louw, Duhba & Mpande; KAB 1/MFE 1/1/1/28 [PART I] Bantu-Affairs Commission Records, 115/ May 1899, Regina v. Ntinoni; KAB 1/MTF 1/1/1/10 Bantu-Affairs Commission Records, Case 110/ October 1899, Crown v. Booi Suiyetenyete; KAB 1/MTF 1/1/1/11 Bantu-Affairs Commission Records, Case 57/ July 1899, Regina v. Mlandeli; KAB 1/MTF 1/1/1/11 Bantu-Affairs Commission Records, Case 80/ September 1899, Regina v. Nomhlupeki; KAB 1/MTA 1/1/16 Bantu-Affairs Commission Records, Case 96/ May 1900/ Regina v. Mhlaba; KAB 1/IDW 1/1/1/20 Bantu-Affairs Commission Records, Case 21/ February 1900, Regina v. Henise; KAB 1/LSK 1/1/7 Bantu-Affairs Commission Records, Case 41/April 1900, Regina v. Nonuyalo; KAB 1/LSK 1/1/7 Bantu-Affairs Commission Records, Case 70/ June 1900, Regina v. Mamuewabi; KAB 1/LSK 1/1/8 Bantu-Affairs Commission Records, Case 104/July 1900, Regina v. Manzi; KAB 1/LSK 1/1/7 Bantu-Affairs Commission Records, Case 31/ March 1900, Regina v. Gwexa & Gelelo; KAB 1/LSK 1/1/7 Bantu-Affairs Commission Records, Case 69/ June 1900, Regina v. Tonti; KAB 1/MFE 1/1/1/32 Bantu-Affairs Commission Records, Case 141/ June 1900, Regina v. Ngubozamahashi & Lusiti; KAB 1/1/1/32 [PART II] Bantu-Affairs Commission Records, Case 163/ June 1900, Regina v. Hoyihoyi & Bulawa; KAB 1/MTA 1/1/17 Bantu-Affairs Commission Records, Case 65/ May 1901, Rex v. Mahlopoyi; KAB 1/PSJ 1/1/9 Bantu-Affairs Commission Records, Case 25/ March 1901, Crown v. Zakabana; KAB 1/LSK 1/1/9 Bantu-Affairs Commission Records, Case 75/ June 1901, Rex v. Manjekevu; KAB 1/LSK 1/1/10 Bantu-Affairs Commission Records, Case 112/ September 1901, Rex v. Mugangabekwa; KAB 1/LSK 1/1/10 Bantu-Affairs Commission Records, Case 122/ October 1901, King v. Tolwana; KAB 1/LSK 1/1/9 Bantu-Affairs Commission Records, Case 34/ March 1901, Regina v. Maywapula, Gqisana & Nzule; KAB 1/MTF 1/1/1/15 Bantu-Affairs Commission Records, Case 80/ April 1901, King v. Ngongweni; KAB 1/MFE 1/1/1/36 [PART II] Bantu-Affairs Commission Records, Case 97/ June 1802, Rex v. Mdunu, Ngemutu, Samdulwa, Macusha & Petu; KAB 1/MFE 1/1/1/36 [PART II] Bantu-Affairs Commission Records, Case 142/August 1902, Regina v. Hlukoza; KAB 1/LSK 1/1/11 Bantu-Affairs Commission Records, Case 17/February 1904, King v. Manzimankulu; KAB 1/LSK 1/1/11 Bantu-Affairs Commission Records, Case 68/ July 1905, King v. Manyene & KAB 1/LSK 1/1/11 Bantu-Affairs Commission Records, Case 55/April 1906, King v. Mandunu.

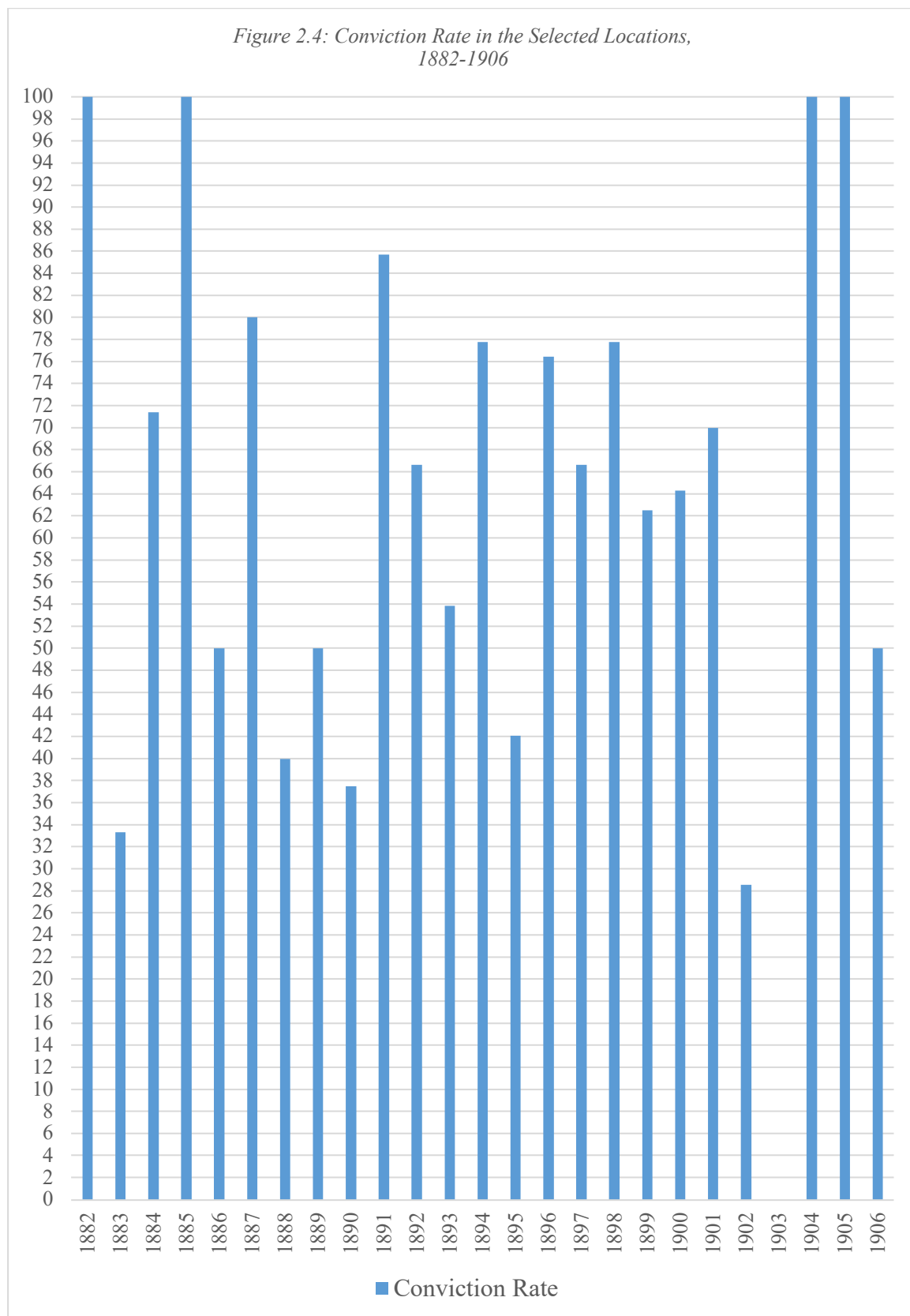


Figure 2.4: Conviction Rate in Selected Locations, 1882-1906.⁵

⁵ This graph portrays the percentage of witchcraft convictions based on the total number of witchcraft cases presented in Figure 2.5 compared to the number of convictions presented in Figure 2.3.

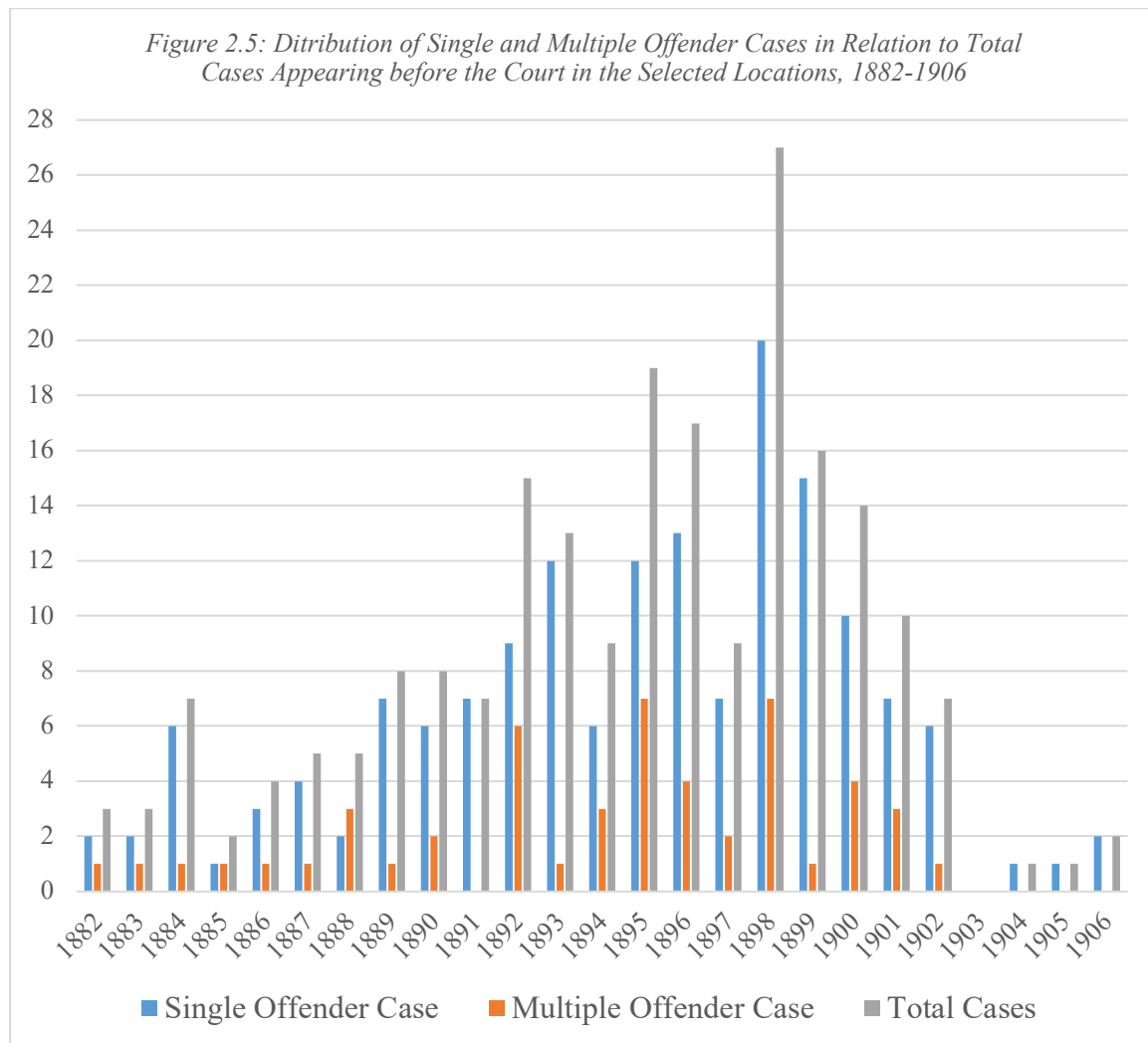


Figure 2.5: Distribution of Single and Multiple Offender Cases in Relation to Total Cases Appearing before the Court in the Selected Locations, 1882-1906.⁶

⁶ KAB 1/IDW 1/1/2 Bantu-Affairs Commission Records, Case 58/ August 1882, Regina v. Thomas Mufundise; KAB 1/IDW 1/1/3 Bantu-Affairs Commission Records, Case 5/ January 1884, Regina v. Jack; KAB 1/IDW 1/1/3 Bantu-Affairs Commission Records, Case 89/ November 1884, Regina v. Sofika; KAB 1/IDW 1/1/3 Bantu-Affairs Commission Records, Case 99/ December 1884, Regina v. Somxada; KAB 1/IDW 1/1/4 Bantu-Affairs Commission Records, Case 46/ June 1885, Regina v. Stewela; KAB 1/IDW 1/1/6 Bantu-Affairs Commission Records, Case 60/ August 1887, Regina v. Mijikeliso; KAB 1/IDW 1/1/6 Bantu-Affairs Commission Records, Case 64/ September 1887, Regina v. Mehlomane; KAB 1/IDW 1/1/8 Bantu-Affairs Commission Records, Case 90/ October 1890, Regina v. Iyopo; KAB 1/IDW 1/1/9 Bantu-Affairs Commission Records, Case 125/ December 1891, Regina v. Tyopo; KAB 1/IDW 1/1/9 Bantu-Affairs Commission Records, Case 139/ December 1891, Regina v. Lunka; KAB 1/IDW 1/1/9 Bantu-Affairs Commission Records, Case 19/February 1891, Regina v. Gana; KAB 1/IDW 1/1/9 Bantu-Affairs Commission Records, Case 20/ February 1891, Regina v. Ntshakaza; KAB 1/IDW 1/1/10 Bantu-Affairs Commission Records, Case 39/ March 1892, Regina v. Taudapi; KAB 1/IDW 1/1/10 Bantu-Affairs Commission Records, Case 154/ September 1892, Regina v. Mpetsheni; KAB 1/IDW 1/1/10 Bantu-Affairs Commission Records, Case 206/ November 1892, Regina v. Bukula; KAB 1/IDW 1/1/11 Bantu-Affairs Commission Records, Case 150/ July 1893, Regina v. Nofanti; KAB 1/IDW 1/1/14 [PART II] Bantu-Affairs Commission Records, Case 156/ September 1896, Regina v. Paka; KAB 1/IDW 1/1/14 [PART II] Bantu-Affairs Commission Records, Case 57/ September 1896, Regina v. Ajana; KAB 1/IDW 1/1/16 [PART I] Bantu-Affairs Commission Records, Case 113/ June 1898, Regina v. Nomantyi; KAB 1/IDW 1/1/19 Bantu-Affairs Commission Records, Case 142/ July 1899, Regina v. Klaas Yantsho; KAB 1/IDW 1/1/20 Bantu-Affairs Commission Records, Case 21/ February 1900, Regina v. Henise; KAB 1/KNT 1/1/5 Bantu-Affairs Commission Records, Case 6/ January 1889, Regina v. Seko; KAB 1/KNT 1/1/5 Bantu-Affairs Commission Records, Case 7/ January 1889, Regina v. Yangayanga; KAB 1/KNT 1/1/6 Bantu-Affairs

Commission Records, Case 35/ July 1890, Regina v. Jada; KAB 1/KNT 1/1/7 Bantu-Affairs Commission Records, Case 19/ May 1892, Regina v. Londele; KAB 1/KNT 1/1/7 Bantu-Affairs Commission Records, Case 64/ November 1892, Regina v. Mauka; KAB 1/KNT 1/1/8 Bantu-Affairs Commission Records, Case 6/ January 1893, Regina v. Nonqimbili; KAB 1/KNT 1/1/8 Bantu-Affairs Commission Records, Case 37/ May 1893, Regina v. Mbenqwana; KAB 1/KNT 1/1/8 Bantu-Affairs Commission Records, Case 39/ May 1893, Regina v. Mpusula; KAB 1/KNT 1/1/8 Bantu-Affairs Commission Records, Case 86/ December 1893, Regina v. Nzuzo; KAB 1/KNT 1/1/9 Bantu-Affairs Commission Records, Case 6/ January 1894, Regina v. Japi; KAB 1/KNT 1/1/9 Bantu-Affairs Commission Records, Case 23/ April 1894, Regina v. Simone; KAB 1/KNT 1/1/10 Bantu-Affairs Commission Records, Case 80/ July 1895, Regina v. Kondili; KAB 1/KNT 1/1/10 Bantu-Affairs Commission Records, Case 81/ July 1895, Regina v. Nomhoto; KAB 1/KNT 1/1/10 Bantu-Affairs Commission Records, Case 124/ December 1895, Regina v. Nombumba; KAB 1/KNT 1/1/10 Bantu-Affairs Commission Records, Case 125/ December 1895, Regina v. Dhliwayo; KAB 1/KNT 1/1/11 Bantu-Affairs Commission Records, Case 10/ February 1896, Regina v. Nosayiti; KAB 1/KNT 1/1/11 Bantu-Affairs Commission Records, Case 11/ February 1896, Regina v. Janapi; KAB 1/KNT 1/1/11 Bantu-Affairs Commission Records, Case 66/ June 1896, Regina v. Labangwana; KAB 1/KNT 1/1/12 Bantu-Affairs Commission Records, Case 11/ February 1897, Regina v. Tunywa; KAB 1/KNT 1/1/12 Bantu-Affairs Commission Records, Case 21/ March 1897, Regina v. Vukuyi; KAB 1/LSK 1/1/1 Bantu-Affairs Commission Records, Case 12/ December 1895, Regina v. Ulbulo; KAB 1/LSK 1/1/1 Bantu-Affairs Commission Records, Case 94/ December 1896, Queen v. Tolwana; KAB 1/LSK 1/1/1 Bantu-Affairs Commission Records, Case 98/ December 1896, Queen v. Ngtetsha; KAB 1/LSK 1/1/2 Bantu-Affairs Commission Records, Case 6/ January 1897, Queen v. Mlindi; KAB 1/LSK 1/1/2 Bantu-Affairs Commission Records, Case 19/ February 1897, Regina v. Bekile; KAB 1/LSK 1/1/4 Bantu-Affairs Commission Records, Case 55/ June 1898, Regina v. Ulabakazwa; KAB 1/LSK 1/1/4 Bantu-Affairs Commission Records, Case 73/ September 1898, Regina v. Daza; KAB 1/LSK 1/1/4 Bantu-Affairs Commission Records, Case 77/ September 1898, Queen v. Uhlouho; KAB 1/LSK 1/1/4 Bantu-Affairs Commission Records, Case 81/ September 1898, Queen v. Ulawuke; KAB 1/LSK 1/1/4 Bantu-Affairs Commission Records, Case 82/ September 1898, Queen v. Noni; KAB 1/LSK 1/1/5 Bantu-Affairs Commission Records, Case 21/ February 1899, Regina v. Ndineni; KAB 1/LSK 1/1/5 Bantu-Affairs Commission Records, Case 22/ February 1899, Regina v. Hwayeka; KAB 1/LSK 1/1/5 Bantu-Affairs Commission Records, Case 50/ May 1899, Regina v. Tambodala; KAB 1/LSK 1/1/7 Bantu-Affairs Commission Records, Case 41/ April 1900, Regina v. Nowyalo; KAB 1/LSK 1/1/7 Bantu-Affairs Commission Records, Case 70/ June 1900, Regina v. Nlamucurabe; KAB 1/LSK 1/1/8 Bantu-Affairs Commission Records, Case 104/ July 1900, Regina v. Nlauzi; KAB 1/LSK 1/1/8 Bantu-Affairs Commission Records, Case 132/ September 1900, Regina v. Dumani; KAB 1/LSK 1/1/11 Bantu-Affairs Commission Records, Case 17/ August 1904, King v. Manzimankulu; KAB 1/LSK 1/1/11 Bantu-Affairs Commission Records, Case 68/ July 1905, King v. Manyene; KAB 1/LSK 1/1/11 Bantu-Affairs Commission Records, Case 55/ April 1906, King v. Mandunu; KAB 1/LSK 1/1/9 Bantu-Affairs Commission Records, Case 75/ June 1901, Rex v. Nlamjekevu; KAB 1/LSK 1/1/10 Bantu-Affairs Commission Records, Case 112/ September 1901, Rex v. Nlungabekwa; KAB 1/LSK 1/1/10 Bantu-Affairs Commission Records, Case 122/ October 1901, King v. Tolwana; KAB 1/MFE 1/1/1/2 Bantu-Affairs Commission Records, Case 48/ July 1883, Regina v. Mdiniti; KAB 1/MFE 1/1/1/5 Bantu-Affairs Commission Records, Case 6/ January 1886, Regina v. Nomasala; KAB 1/MFE 1/1/1/5 Bantu-Affairs Commission Records, Case 22/ March 1886, Regina v. Nolase; KAB 1/MFE 1/1/1/5 Bantu-Affairs Commission Records, Case 39/ June 1886, Regina v. Likiti; KAB 1/MFE 1/1/1/6 Bantu-Affairs Commission Records, Case 78/ December 1887, Regina v. Hloyila; KAB 1/MFE 1/1/1/7 Bantu-Affairs Commission Records, Case 73/ July 1888, Regina v. Mali; KAB 1/MFE 1/1/1/8 Bantu-Affairs Commission Records, Case 93/ November 1889, Regina v. Joseph; KAB 1/MFE 1/1/1/8 Bantu-Affairs Commission Records, Case NA/ October 1889, Regina v. Gaurasi; KAB 1/MFE 1/1/1/9 Bantu-Affairs Commission Records, Case 12/ July 1889, Regina v. Lwalo; KAB 1/MFE 1/1/1/9 Bantu-Affairs Commission Records, Case 77/ July 1890, Regina v. Umtokwana; KAB 1/MFE 1/1/1/9 Bantu-Affairs Commission Records, Case 78/ July 1890, Regina v. Umkilova; KAB 1/MFE 1/1/1/12 Bantu-Affairs Commission Records, Case 103/ September 1892, Regina v. Manjuliso; KAB 1/MFE 1/1/1/13 Bantu-Affairs Commission Records, Case 4/ January 1893, Regina v. Lukolo; KAB 1/MFE 1/1/1/13 Bantu-Affairs Commission Records, Case 24/ February 1893, Regina v. Gusha; KAB 1/MFE 1/1/1/13 Bantu-Affairs Commission Records, Case 43/ March 1893, Regina v. Mahodi; KAB 1/MFE 1/1/1/13 Bantu-Affairs Commission Records, Case 61/ May 1893, Regina v. Msongelwa; KAB 1/MFE 1/1/1/13 Bantu-Affairs Commission Records, Case 85/ June 1893, Regina v. Nomtshekehle; KAB 1/MFE 1/1/1/14 Bantu-Affairs Commission Records, Case 110/ July 1894, Queen v. Mjoki; KAB 1/MFE 1/1/1/16 Bantu-Affairs Commission Records, Case NA/ September 1894, Regina v. Cingani; KAB 1/MFE 1/1/1/15 Bantu-Affairs Commission Records, Case 27/ February 1895, Regina v. Makusjan; KAB 1/MFE 1/1/1/15 Bantu-Affairs Commission Records, Case 40/ February 1895, Regina v. Dingeweni; KAB 1/MFE 1/1/1/17 Bantu-Affairs Commission Records, Case 64/ March 1896, Regina v. Mangaliso; KAB 1/MFE 1/1/1/21 Bantu-Affairs Commission Records, Case 167/ July 1897, Regina v. Mehlwana; KAB 1/MFE 1/1/1/24 Bantu-Affairs Commission Records, Case 57/ March 1898, Queen v. Malangeni; KAB 1/MFE 1/1/1/24 Bantu-Affairs Commission Records, Case 80/ April 1898, Queen v. Nkuelo; KAB 1/MFE 1/1/1/25 Bantu-Affairs Commission

Records, Case 214/ September 1898, Queen v. Gwangqa; KAB 1/MFE 1/1/26 Bantu-Affairs Commission Records, Case 246/ October 1898, Queen v. Posekana; KAB 1/MFE 1/1/28 [PART I] Bantu-Affairs Commission Records, Case 115/ May 1899, Regina v. Ntimni; KAB 1/MFE 1/1/28 [PART I] Bantu-Affairs Commission Records, Case 129/ May 1899, Regina v. Zukela; KAB 1/MFE 1/1/28 [PART I] Bantu-Affairs Commission Records, Case 220/ July 1899, Regina v. Malubazane; KAB 1/MMFE 1/1/29 [PART I] Bantu-Affairs Commission Records, Case 235/ August 1899, Regina v. Rulwana; KAB 1/MFE 1/1/32 [PART II] Bantu-Affairs Commission Records, Case 156/ June 1900, Regina v. Njmana; KAB 1/MFE 1/1/34 Bantu-Affairs Commission Records, Case 79/ April 1901, Regina v. Volweni; KAB 1/MFE 1/1/36 [PART I] Bantu-Affairs Commission Records, Case 26/ March 1902, Rex v. Manbexeni; KAB 1/MFE 1/1/36 [PART II] Bantu-Affairs Commission Records, Case 100/ June 1902, Rev v. Mugaduli; KAB 1/MFE 1/1/36 [PART II] Bantu-Affairs Commission Records, Case 142/ August 1902, Rex v. Hlokoza; KAB 1/MFE 1/1/37 [PART I] Bantu-Affairs Commission Records, Case 187/ October 1902; KAB 1/MFE 1/1/37 [PART II] Bantu-Affairs Commission Records, Case 155/ August 1902, Rex v. Masense; KAB 1/MTF 1/1/1 Bantu-Affairs Commission Records, Case 4/ February 1883, Queen v. Nkani; KAB 1/MTF 1/1/2 Bantu-Affairs Commission Records, Case 5/ March 1887, Regina v. Mlandelie; KAB 1/MTF 1/1/4 Bantu-Affairs Commission Records, Case 6/ January 1891, Queen v. Nomciteke; KAB 1/MTF 1/1/4 Bantu-Affairs Commission Records, Case 62/ July 1891, Regina v. Spence; KAB 1/MTF 1/1/4 Bantu-Affairs Commission Records, Case 84/ November 1891, Queen v. Leketa; KAB 1/MTF 1/1/8 Bantu-Affairs Commission Records, Case 123/ November 1891, Crown v. Jantje; KAB 1/MTF 1/1/5 Bantu-Affairs Commission Records, Case 20/ March 1892, Regina v. Lebhoba; KAB 1/MTF 1/1/5 Bantu-Affairs Commission Records, Case 66/ December 1892, Crown v. Nosife; KAB 1/MTF 1/1/5 Bantu-Affairs Commission Records, Case 7/ March 1892, Crown v. Nkulukazi; KAB 1/MTF 1/1/6 Bantu-Affairs Commission Records, Case 10/ March & April 1893, Regina v. Wolsack; KAB 1/MTF 1/1/7 Bantu-Affairs Commission Records, Case 94/ December 1895, Crown v. Nyateana; KAB 1/MTF 1/1/8 Bantu-Affairs Commission Records, Case 59/ July 1896, Crown v. Jacob; KAB 1/MTF 1/1/8 Bantu-Affairs Commission Records, Case 60/ July 1896, Crown v. Jacob; KAB 1/MTF 1/1/8 Bantu-Affairs Commission Records, Case 92/ September 1896, Crown v. Stephanus; KAB 1/MTF 1/1/8 Bantu-Affairs Commission Records, Case 108/ October 1896, Crown v. Mzobotshe; KAB 1/MTF 1/1/9 Bantu-Affairs Commission Records, Case 74/ September 1897, Crown v. Gwaartbooi; KAB 1/MTF 1/1/9 Bantu-Affairs Commission Records, Case 107/ December 1897, Regina v. Noasi; KAB 1/MTF 1/1/10 Bantu-Affairs Commission Records, Case 47/ May 1898, Regina v. Ntownyane; KAB 1/MTF 1/1/10 Bantu-Affairs Commission Records, Case 51/ June 1898, Regina v. Mofu; KAB 1/MTF 1/1/10 Bantu-Affairs Commission Records, Case 59/ June 1898, Regina v. Manyela; KAB 1/MTF 1/1/10 Bantu-Affairs Commission Records, Case 63/ June 1898, Regina v. Booi Saiyeteneyelo; KAB 1/MTF 1/1/10 Bantu-Affairs Commission Records, Case 94/ September 1898, Regina v. Lekaba; KAB 1/MTF 1/1/10 Bantu-Affairs Commission Records, Case 110/ October 1899, Crown v. Booi Sinyeteneyete; KAB 1/1/11 Bantu-Affairs Commission Records, Case 57/ July 1899, Regina v. Mlandeli; KAB 1/MTF 1/1/11 Bantu-Affairs Commission Records, Case 80/ September 1899, Regina v. Nomhlopeki; KAB 1/MTF 1/1/11 Bantu-Affairs Commission Records, Case 106/ November 1899, Regina v. Lusizi; KAB 1/MTF 1/1/15 Bantu-Affairs Commission Records, Case 80/ April 1901, King v. Ngongweni; KAB 1/MTF 1/1/16 Bantu-Affairs Commission Records, Case 124/ August 1901, Rex v. Stephanus; KAB 1/MTF 1/1/17 Bantu-Affairs Commission Records, Case 53/ April 1902, Crown v. Annie; KAB 1/MTA 1/1/1 Bantu-Affairs Commission Records, Case 55/ July 1882, Queen v. Vimbela; KAB 1/MTA 1/1/2 Bantu-Affairs Commission Records, Case 42/ December 1884, Crown v. Qunu; KAB 1/MTA 1/1/2 Bantu-Affairs Commission Records, Case 43/ December 1884, Crown v. Zweni; KAB 1/MTA 1/1/2 Bantu-Affairs Commission Records, Case 44/ December 1884, Queen v. Mamhopa; KAB 1/MTA 1/1/3 Bantu-Affairs Commission Records, Case 3/ February 1888, Crown v. Msityana; KAB 1/MTA 1/1/4 Bantu-Affairs Commission Records, Case 36/ April 1889, Crown v. Māhāshānā; KAB 1/MTA 1/1/4 Bantu-Affairs Commission Records, Case 47/ May 1889, Crown v. Mpuma; KAB 1/MTA 1/1/4 Bantu-Affairs Commission Records, Case 31/ April 1890, Crown v. Mketshi; KAB 1/MTA 1/1/4 Bantu-Affairs Commission Records, Case 60/ June 1890, Regina v. Julika; KAB 1/MTA 1/1/6 Bantu-Affairs Commission Records, Case 139/ September 1892, Regina v. Mangqanga; KAB 1/MTA 1/1/7 Bantu-Affairs Commission Records, Case 9/ January 1893, Regina v. Masotshantshi; KAB 1/MTA 1/1/7 Bantu-Affairs Commission Records, Case 30/ March 1893, Regina v. Mikiwe; KAB 1/MTA 1/1/8 Bantu-Affairs Commission Records, Case 155/ November 1894, Regina v. Maciya; KAB 1/MTA 1/1/9 Bantu-Affairs Commission Records, Case 37/ April 1895, Regina v. Mehlesana; KAB 1/MTA 1/1/9 Bantu-Affairs Commission Records, Case 46/ May 1895, Regina v. Gulani; KAB 1/MTA 1/1/9 Bantu-Affairs Commission Records, Case 108/ October 1895, Queen v. Mamcobodi; KAB 1/MTA 1/1/12 Bantu-Affairs Commission Records, Case 11/ February 1898, Regina v. Mkatywa; KAB 1/MTA 1/1/12 Bantu-Affairs Commission Records, Case 25/ March 1898, Regina v. Mamlayi; KAB 1/MTA 1/1/12 Bantu-Affairs Commission Records, Case 32/ March 1898, Regina v. 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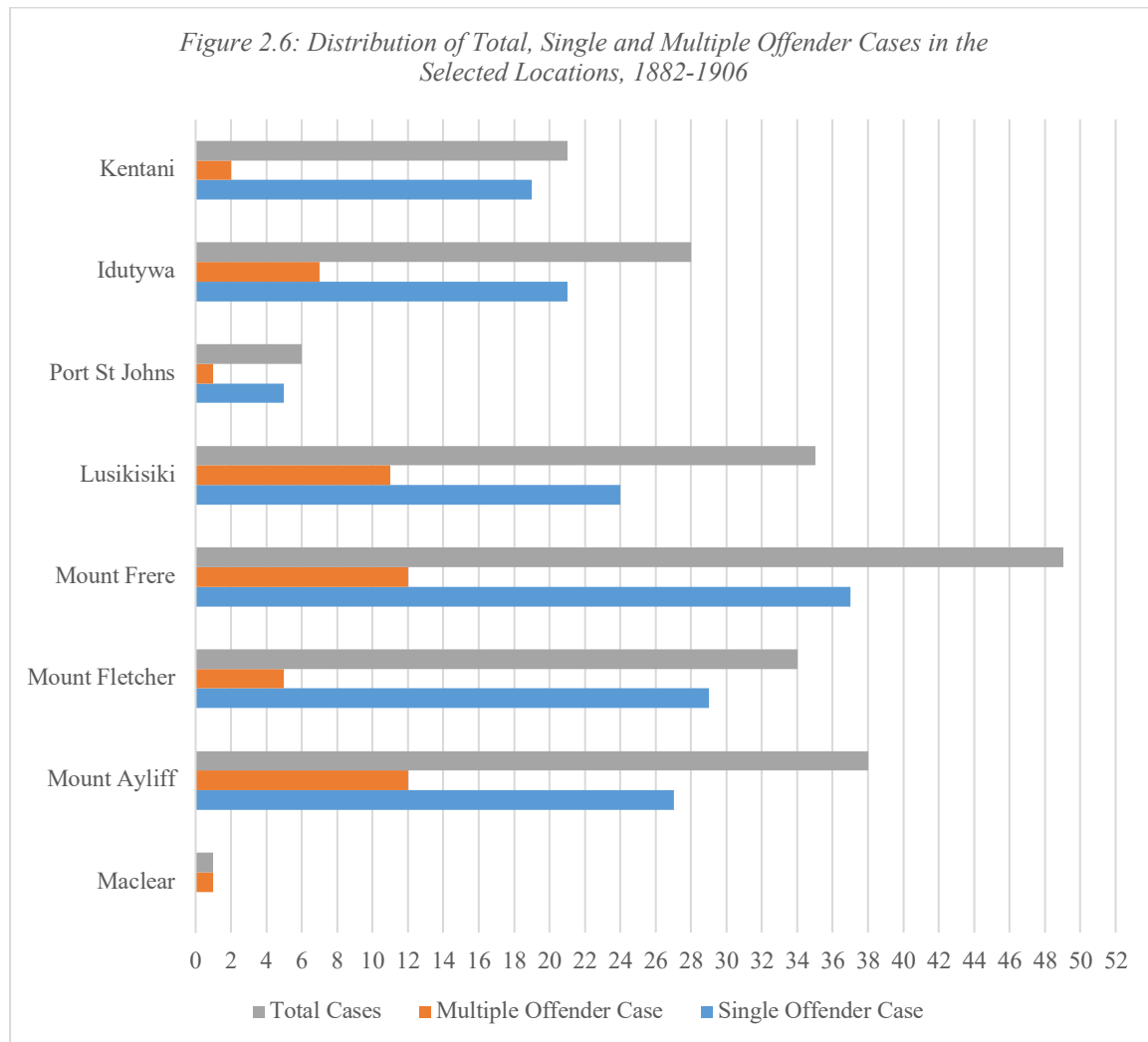


Figure 2.6: Distribution of Total, Single and Multiple Offender Cases in Selected Locations, 1882-1906.⁷

& Alom; KAB 1/IDW 1/1/16 [PART II] Bantu-Affairs Commission Records, Case 115/ June 1898, Regina v. Pohlolo & Lobi.

⁷ This graph uses all cases presented in Figure 2.5 to show the distribution of single and multiple offender cases compared to the total number of witchcraft cases brought before the colonial courts within the selected locations.

Appendix B

Figure 3.1 Distribution of Witchcraft Cases Per Location, 1882-1906

	East Griqualand						Pondoland						Port St Johns						Transkei						Kentani							
	Mount Ayloff			Mount Fletcher			Mount Frere			Lusikisiki			Port St Johns			Idutywa			Total			Total			Total			Total				
	Single Accused	Multiple Accused	Total Cases	Single Accused	Multiple Accused	Total Cases	Single Accused	Multiple Accused	Total Cases	Single Accused	Multiple Accused	Total Cases	Single Accused	Multiple Accused	Total Cases	Single Accused	Multiple Accused	Total Cases	Single Accused	Multiple Accused	Total Cases	Single Accused	Multiple Accused	Total Cases	Single Accused	Multiple Accused	Total Cases	Single Accused	Multiple Accused	Total Cases		
1882			2	1	1																											
1883						2	1	1																								
1884			4	3	1																											
1885											1																					
1886											4	3	1																			
1887						1	1	1																								
1888			4	1	3																											
1889			3	3	1						3	3																				
1890			3	2	1						3	2	1																			
1891						3	3																									
1892			4	2	2	2	2				2	1	1																			
1893			1	1		1	1				6	5	1																			
1894			1	1		2	1	1			2	2																				
1895			6	3	3	3	1	2			2	2																				
1896						5	5				3	1	2																			
1897						2	2				2	1	1																			
1898			3	3		6	5	1			4	4																				
1899	1		3	3		4	4				4	4																				
1900			3	3							3	1	2																			
1901			1	1		2	2				1	1																				
1902						1	1				6	5	1																			
1903																																
1904																																
1905																																
1906																																
Total cases, 1882-1906	1	0	1	38	27	12	34	29	5	49	37	12	35	24	11	6	5	1	28	21	7	21	19	2								