

THE NATURE AND SIGNIFICANCE OF BRIDE WEALTH AMONG THE

SOUTH AFRICAN BANTU

BY

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A THESIS

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in

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CHAPTER 1

I N T R O D U C T I O N .

NATURE AND IMPORTANCE OF PROBLEM.

Perhaps the most controversial topic in the whole field of South African Bantu ethnography is that of the institution known variously as lobola (Zulu-Xhosa), bohadi, boxadi, bohali (Sotho) or mala (Venda). In its simplest form it can be defined as the handing over of some consideration, usually cattle, by the father of the bridegroom to the father of the bride on the occasion of a marriage between their children. No subject has been so widely discussed nor, unfortunately, given rise to so many misconceptions in missionary, administrative and lay circles, and it is imperative that some scientific investigation be made to ascertain, as accurately as possible, the exact nature of this institution and its significance in Bantu society. A glance at the literature shows that this topic has certainly not remained unnoticed by travellers, missionaries and others who have come into contact with our native peoples, either professionally or otherwise, but many of their observations are vitiated by prejudice and such subjective evaluations as :- "The individual woman is less than a human being, she is merely a channel through which the children are delivered to the purchaser. It is truly not woman purchase, it is a whole-sale transaction in child-life." (1), and the use of such terms as "sale" and "wife barter". Others say it plays an important stabilising part in native marriage. Thus in all contact situations, but particularly in the native Church and in the law courts, there is marked perplexity - and inconsistency - in dealing with the custom, all tending to increase the confusion and mal-adjustment of our native peoples - especially among native Christians.

(1) A.E. Jennings: Bogadi: a study in the marriage laws and customs of the Bechuana Tribes of South Africa. L.M.S. Bookroom. p.21.

It is submitted, therefore, that the time is propitious for a detailed study of this institution, and this the following thesis attempts to do.

Method: The comparative method a la Radcliffe-Brown is utilised as being most scientific in dealing with the data.

The South African Bantu can be divided into four or five large divisions, mainly on linguistic grounds although cultural criteria also play an important part, and the procedure will be to study and compare the tribes in each group and see whether it is possible to extract, from the information at our disposal, a general type, typical for that particular division. Then the "divisional types" will be compared and a generalised South African Bantu type should emerge, laying down the broad features of lobolo although ignoring the details which will, presumably, differentiate the tribes. In the investigation any significant differences in custom will come to light. This, then, is the first object of our study - the nature (including similarities and differences in practice among the tribes) of lobolo. The second is to examine the various interpretations of the practice in the light of our data and try to come to some conclusion as to its significance in the tribal milieu, and the part it plays in the interrelated structure of native society.

A word as to terminology: It is felt that the usual term "bride-price" is misleading and inappropriate with its associations of barter, and the word "bride-wealth" has been substituted. In the discussion, however, the native terms have been used wherever possible, as being more convenient and to facilitate reference, e.g. lobolo, bogadi, ikhasi. It is a commonplace that language cannot be studied adequately outside its sociological context, and surely this acts both ways. It is extremely difficult to express in one English term all the rich complex of associations contained in the native word.

All the data in this thesis is from the literature, no field work being involved. This has its drawbacks, as the question

of bride-wealth has received very little scientific attention except for a few tribes like the Tswana and Lo^btedu, and, although references are many, they do not provide much detailed data of the type required for a comparison such as this. Thus, there are grave gaps and the value of ultimate conclusions must suffer. In addition to the standard monographs on individual tribes - where they exist - numerous publications especially Africa⁽¹⁾ and African Studies⁽²⁾, the South African Journal of Science, books of travel and Government reports, were consulted - as well as unpublished theses in the University of Cape Town Library. A bibliography is appended (Appendix A).

The initial problem is one of the nature of the units to be compared, and here again we meet with a difficulty. Gaps in our ethnographic knowledge are so great that it is very difficult to find any satisfactory classification of the South African Bantu on cultural grounds. We have a fairly clear idea of the Nguni and Sotho peoples, and, indeed, monographs on various tribes in the group exist, but all the works on the Venda refer to them as a whole and not to the individual tribes making up the group. This, to a lesser extent, is true of the material on the Tsonga. In this thesis the classification of Dr. van Warmelo, Ethnologist to the Union Native Affairs Department, has, with the relevant chapter in "The Bantu-Speaking Tribes of South Africa", been mainly used as the most accurate to date⁽³⁾ but, in dealing with the data, it has sometimes been difficult to know to which group of say the Tswana peoples the writer was referring. It is hoped, however, that in spite of these difficulties the following work will extract some conclusions from the mass of data and confusion of opinions that exist on the subject of bride-wealth.

(1) Journal of International Institute of African Languages and Cultures.

(2) Published by the University of the Witwatersrand Press.

(3) A Preliminary Survey of the Bantu Tribes of South Africa, Government Printer, 1935.

Classification of the Southern Bantu: It would perhaps be pertinent at this point to give a short description of the classification and distribution of the Southern Bantu, to which group the tribes in South Africa belong. "The Bantu are a congeries of peoples, belonging predominantly to Central and Southern Africa, named from and defined by the peculiar type of language that they speak, which is generally considered to have originated in the neighbourhood of the Great Lakes"⁽¹⁾. Thus we see that the initial classification is linguistic and Bantu tribes may, and do, embrace a large number of cultural differences. Bantu-speaking peoples are found south of an imaginary line drawn across Africa starting in the West from the sea coast at the mouth of the Rio del Rey, through the French and Belgian Congo, the Great Lakes to Kenya and the Juba River mouth in the East. This is very rough indication but it will serve the purpose. As with most of the other large language families of Africa, the term Bantu is associated with a fairly definite physical type which appears to be a blend of Hamitic and Negro elements. The Bantu are subdivided into a number of groups, based primarily on geographical distribution but taking into account cultural and historical features, as follows :⁽²⁾

- (a) Eastern Bantu, stretching from Uganda in the north, through Kenya Colony, Tanganyika Territory, Northern Rhodesia, Nyasaland and Portuguese East Africa north of the Zambesi.
- (b) Southern Bantu, south of the Zambesi and Kunene Rivers.
- (c) Western Bantu, from the Atlantic north of the Kunene to North-West Rhodesia and the Rift Valley, north to French West Africa and the Cameroons.

Of these the Southern Bantu concern us particularly. They, too, can be sub-divided into four main groups : the Northern including the Shona peoples of Southern Rhodesia and P.E.A., e.g. Rozwi, Zezuru, Karanga; the Eastern (Nguni, Tsonga, Tshangana, Gaza and Ngoni); the Central including Sotho and Venda, and the

(1) Seligman, C.G. Races of Africa. Home University Library. p. 178.

(2) Seligman: Races of Africa. p. 184.

Western, containing the Herero-Ovambo cluster. Of these groups only the Eastern and Central Bantu are found in the Union of South Africa although some of the Sotho tribes stretch across the borders to the Bechuanaland Protectorate, and the majority of Tsonga (Thonga) are found in Portuguese East Africa, whence they originally came. On the other hand, small migratory groups of Shona (mainly Kalanga) have settled in the Northern Districts of the Union and, of course, large numbers of more northerly tribes enter the Union in search of work. Although a small number of these settle in the Union we are here concerned only with groups which have their tribal homes in the Union.

According to van Warmelo⁽¹⁾, the Bantu tribes of South Africa are grouped into five big divisions, viz: Nguni, Tsonga, Sotho, Venda and Lemba and others, based on various criteria, especially linguistic and geographical. Classification on purely historical grounds is very inadequate as traditional history seldom goes back more than a few centuries and tends to be tenuous and unreliable. Furthermore, there are some tribes about which we know nothing and hence would be unclassifiable. When we take such tribes as the Sotho clans which have been incorporated into the Swazi and have completely lost their cultural distinctiveness, it would not be justifiable to class them as anything else but Swazi. Thus, history cannot be the sole basis of classification. Even ethnological criteria are insufficient owing to the large gaps in our knowledge. van Warmelo considers that language, combined, of course, with these other criteria, can give the most reliable picture of the position, and the following classification is based on a comparative linguistic study, as well as geographical, ethnological and historical grounds :-

The Nguni Division:

- (a) Cape Nguni (Xhosa, Thembu, Mpondo, Bomvana, etc.)
- (b) Fingo and other immigrants into the Cape (Mfengu, Bhaca Xesibe, etc.)
- (c) Natal Nguni (Zulu).

(1) Preliminary Survey: p.59.

whom live in the country between the Drakensberg and the sea. They stretch from Swaziland, down the East Coast to the Ciskei and are differentiated from neighbouring groups by language and culture. van Warmelo (Prelim. Survey p.59) lists among others the following cultural characteristics: A very pronounced cattle complex, beehive type hut, absence of totemism, relative unimportance of circumcision and the presence of click consonants in the language. The division comprises a number of fairly diverse groups some of which are widely separated geographically mainly due to the chaotic period following the rise to power of Chaka. The attendant wars occasioned the emigration of large groups of Natal natives who eventually settled down, forming new groups with a predominantly Zulu culture, e.g. Swazi, Ndebele. Naturally, these cultures have been modified to a greater or lesser extent owing to long journeys and contact with other tribes, but any variations we find in the practice of bride wealth are of comparatively recent origin. An exception is the Transvaal Ndebele who evidently migrated from Natal at least 250 - 300 years ago and settled in the Transvaal.

The Cape Nguni represent the Southernmost element in a series of migrations down the East Coast. There is much confusion regarding the relationships between the numerous tribes. "A great difficulty is that one finds so few striking differences which could serve as clues, for, as a matter of fact, the Cape Nguni present - in respect of language and custom - a picture of, relatively speaking, the most extraordinary uniformity"⁽¹⁾.

The name Fingo (amaMfengu) is collectively applied to refugees and emigrants, mostly from Natal, who were driven from their homes into the Cape during the Chaka wars. Most numerous belong to the tribes of the Hlubi, Zizi and Bhele. They have adopted much from their Xhosa and Thembu neighbours and it is impossible to get a clear account of the Fingo tribes as they are today. Other non-Fingo immigrants to the Cape are the Bhaca, Nhangwini and Xesibe of East Griqualand.

(1) v. Warmelo p.60.

The Transvaal Ndebele must have moved into the Transvaal before about 1810 and are of great interest, as one section has preserved Natal Nguni culture as it was before the days of Chaka and the resulting confusion.

Sotho Division: The term Sotho is a linguistic term in the sense that it is used to designate a number of tribes who speak variants of the same language and call themselves Ba-Sotho. But it has also an ethnological connotation including totemism, cross-cousin marriage and a type of hut with a round plan and conical roof. The tribes of the Sotho division are divided geographically into South, East and West Sotho. The Western tribes call themselves BeTswana and the majority are found across the border of the Union in Bechuanaland Protectorate (Tswana, Ngwaketse, Kgatla, etc.). They, in turn, are divided into Eastern and Western groups. The Southern Sotho are found in Basutoland, a nation built up of various tribes disorganized by the Zulu ascendancy and welded together by Moshesh.

The Transvaal Sotho consist of a large main body and several smaller groups, the former consisting of the Pedi and other tribes under their control, calling themselves Pedi or speaking the Pedi language, ⁽¹⁾ e.g. Tau, Kwena and Koni. The tribes collectively called Pedi have a common history but it seems doubtful whether all the tribes under this heading are really of Sotho stock.

Venda Division: ⁽²⁾ The people of Venda form a culture complex of exceptional homogeneity. They are not very numerous, c. 160,000, and are scattered and occupy a relatively small area of country. They are marked off from the rest of the Southern Bantu tribes by various characteristics: the language is distinct from the Sotho and Tsonga of their neighbours, and although its affinities are with Sotho, it is, at the same time, reminiscent of Karanga. Venda culture is characterised by an absence of circumcision, forms of tribal initiation, viz: the Domba and Thondo found only among the Venda, a special sacredness of the person of the chief, a form of

(1) v. Warmelo: Ethnic History in Bantu-speaking Tribes of South Africa lp 61 et sequ, et sequ.

(2) v. Warmelo: Preliminary Survey: p. 117.

divination found nowhere else (ndila) and a former lack of cattle.

Originally the Venda occupied the Zoutpansberg mountains and the country to the south and were contiguous on the Lobedu. The population to the South was partly driven out and partly absorbed by an influx of Tsonga, but some islands of Venda remain, surrounded by Tsonga. These are the Southern Venda (chiefs Masha, Masia, Magoro and others). The Venda in the Zoutpansberg are divided into Eastern and Western by a line passing through Piesang's Kop. The latter shows much Sotho influence but the Eastern Venda are geographically isolated and have preserved Venda language and custom in its purest form. There is no paramount chief over the whole group and the Venda may be regarded as a number of politically independent tribes, loosely bound together by the possession of common language and customs.

Tsonga Division: The whole of the Tshangana-Tsonga peoples, a large group, the northern limits of which have never been accurately defined, lived originally in Portuguese East Africa but of later years there have been extensive migrations into the Transvaal. Although it is difficult to get a satisfactory grouping, it is certain that the original Tshangana-Tsonga fell into three tolerably well-defined sections - Southern, Central and Northern. According to van Warmelo, it is extremely difficult to reconstruct their early migrations except to say that they probably supplanted an earlier and different population of which the Chopi and Thonga of Inhambane are the survival, that they enjoyed a long period of undisturbed development in their present environment, and that they may be, in origin, the closest relatives of the Nguni. But, on the other hand, they formerly had no cattle and their language does not possess the characteristic Nguni clicks.

Unfortunately, Junod, to whom we are indebted for the most exhaustive account of the Tsonga extant⁽¹⁾ uses terminology which is misleading. He says: "My aim is to describe the typical Bantu olan, this small collectivity of some hundreds to thousands

(1) H.A. Junod: The Life of a South African
Tribe: Vol. 1 1927.

of souls, with its hereditary chief, and not the larger tribe formed by the amalgamation of the many clans". He says that each of these clans has a chief who is hereditary and a nobility, and indeed the name Thonga (Tsonga) seems to have merely a linguistic significance. There is no paramount chief over the Tsonga as a whole and Junod, when discussing language expressly states that "it is the oldest element in the life of the tribe.....and that, with a certain number of customs, it formed the great bond that bound together the Thonga clans in the past centuries". It seems, therefore, that we are dealing with a number of related tribes consisting mainly of kinsmen loosely united by the possession of a common language and similar customs. The only two features resembling a clan in these tribes is the possession of a Shibongo or laudatory praise-name and its members believe in a common ancestor. On the other hand, Junod's "clan" is endogamous.

Summing up then, we take as our first unit of comparison the politically independent tribe wherever possible, but, owing to the gaps in our knowledge, we cannot always pigeonhole information to the exact tribe in a group that the writer was referring to.

Main Features of Bantu Marriage Ceremonies:

Finally, it is necessary to present the main features of Bantu marriage to provide the social background against which the custom of ukulobola must be seen. The key to understanding the complex ceremonial and customs attendant on this institution is to regard a Bantu marriage as taking place primarily between two families, the two individuals involved being delegated to a secondary role. Although strange to a more individualistic society, this is intelligible when the whole social and economic structure of primitive society is taken into account. The small family group and its enforced self-sufficiency make co-operation and "socialistic" type of society imperative and this is reflected in the various group activities characteristic of such a society.

In marriage, the personal desires of the couple do not carry nearly the same weight as the social position of the girl's family, her character, ability to work hard and get on well with her parents-in-law, especially her husband's mother.

People who wish to marry⁽¹⁾ must have passed through the initiation ceremonies and thus be fully fledged adult members of the tribe. All adults may marry and there is not our insistence on celibacy for the mentally deranged, as such people are revered rather than otherwise. Motives for marriage are not primarily sexual, as among most tribes pre-marital intercourse is a recognised institution. Rather is it for companionship, the procreation of children and social status that people marry. A man's position depends primarily on the number of his wives, and a woman's on the number of children she bears. Some tribes, e.g. the Nguni and Tshangana-Thonga, prevent marriage with anyone bearing the clan name of the father and perhaps mother, but among the Venda, Sotho and Transvaal Ndebele a man is expected to marry his mother's brother's daughter if one of suitable age is available. The Lobedu specify marriage with the father's sister's daughter while other tribes prefer father's brother's daughter. Infant betrothal appears to be very common among the Pedi, Venda, Lobedu, Tswana and Swazi. In such cases the lobola is usually handed over when the girl is still young so she can be nurtured on its milk⁽²⁾. Actually, a person is seldom forced against his or her own will and elopement eternally solves the problem of recalcitrant parents.

Marriage negotiations may be opened either by the man's parents or those of the girl and apparently these two methods sometimes exist side by side, the latter being formerly the usual way among the Xhosa and Zulu girls of high rank. Other forms of initiating marriage are the ukuthwala or abduction and the girl's presenting herself at the kraal of her lover if forced to marry someone against her will. A prominent part of the negotiations

(1) E.J. Krige in Bantu-speaking Tribes of South Africa, p. 111 provides much of the following data.

(2) Krige op. cit. p.111

is the fixing of the lobolo price, the details of which will be investigated later. The moment negotiations have been opened a barrier sets in between the two families and all communication is effected by go-betweens. As Mrs. Hoernle shows in her article on "The Importance of the Sib in the Marriage Ceremonies of the Southern Bantu" ⁽¹⁾, this hostility between clans takes the form of insulting songs directed against each other and expressions of contempt when the lobolo cattle are delivered, serving to lighten the group-consciousness of the clan which is undergoing the loss of one of its members. Their attitudes are ambivalent, however, for at the same time there are efforts at friendliness and ceremonial visits between the couples take place. The marriage ceremonies reach their climax when the bride sets out for her new home where a feast is usually held. Etiquette demands that the bride show great reluctance to enter into her new state, and she must be bribed by frequent gifts. Finally, she is aggregated into the new group, introduced to the ancestors and eats some meat from a beast of her home kraal. The exchange of gifts is not one-sided, and the Zulu woman once or twice a year carries beer to the kraal of her son-in-law. ⁽²⁾

There have been various explanations as to the function of bride-wealth. It is a world-wide phenomenon as a perusal of Westermarck's "History of Human Marriage" will show. ⁽³⁾ Many missionaries and others have condemned it as traffic in human beings and wife-purchase. They maintain that the wife is delegated to the position of a chattel and loses her dignity and sense of honour. Others point out that it gives a woman a status and value which can be gauged in material terms and the fact that a woman may leave a man who ill-treats her - the man forfeiting the cattle he has paid - is a strong deterrent to a heavy-handed husband. Others seek to find, in the passage of cattle, a compensation to the wife's group for the loss of one of its members.

(1) South African *Sci. J.* 22, 1925.

(2) Krige: *Bantu-speaking Tribes*: p.117.

(3) Westermarck, E: *A Short History of Human Marriage*: Chap. VII.

The cattle may be used to lobola wives and so restore the personnel to the original number again. They point out that this concept is very important in a primitive society where the loss of a member means a loss in the productive power of the group.

It is our duty, in the following pages, to examine carefully the phenomenon of bride-wealth among the South African Bantu and come to some conclusion as to its sociological significance in the frame-work of native life. We shall then be in a position to see whether there are features in it repugnant to European concepts and undesirable on ethical ground, or whether it makes an important and significant contribution to Bantu marital stability. Only such a study can provide a valid yardstick against which administrative and missionary policy can be gauged in the future.

CHAPTER 11
THE SOTHO DIVISION
TSWANA

The Tswana are one of the three recognised groups of Sotho-speaking peoples of Southern Africa and they occupy the Bechuanaland Protectorate, Western Transvaal, Northern Cape and a portion of the Eastern Districts of the Orange Free State. Thus some live under the Union Government but the great majority are found under Imperial control in the Protectorate. They are divided into very many different tribes, i.e., a group of people bearing a common name, inhabiting a distinct and separate territory and acknowledging the leadership and authority of a chief who is independent of other chiefs. There are ten main tribes in the Protectorate, all of whom speak the same language with but slight dialectal differences. The Eastern Tswana (BaKgatla, BaRolong, BaMaletse, BaTlo⁵ve) are found in reserves along the Union border and the railway line to Rhodesia, while the Western group of tribes, including the BaTawana, BaMangwato, BaNgwaketse and others, live in large settlements on the fringes of the Kalahari Desert. ⁽¹⁾

Apparently, some time between 1700 - 1750, they migrated, as a single tribe, into the Protectorate originally from the Transvaal, where some tribes, e.g. the Hurutse, are still found, of which the Kwena are the senior branch. Later, the Ngwaketse and Ngwato broke away from the Kwena, and at the end of the eighteenth century the Tswana broke away from the Ngwato. As the Kwena claim to be a branch of a tribe of which the senior branch is today represented by the Hurutse, and the Hurutse is the parent tribe from which practically all the Eastern Tswana have stemmed, it will be seen that all the various Tswana tribes are related and we should expect to find great homogeneity in bride-wealth practices amongst them.

(1) For a description of distribution, history, and habitat of these tribes, see I. Schapera: Handbook of Tswana Law and Custom: Oxford, 1938, and Native Land Tenure in Bechuanaland Protectorate 1943 - chaps. 1 and 11.

Our knowledge of the tribes in the Union is very slight - one or two papers by Lestrade on the Hurutse (Zeerust district) by Mathews on the Rolong (near Mafeking) and by Language on the Tlaping. For the Protectorate tribes we must depend on publications by Schapera, supplemented by writings of missionaries and travellers, the latter seldom detailed enough.

Hurutse

Our information⁽¹⁾ refers to three sections of the Ba-Hurutse at Limokana, Gopane and Metsoedi all located in the Molloa Reserve, Marico District, W. Transvaal. As we have seen, this tribe is the senior one of the Tswana and other sections are found in the Bechuanaland Protectorate (Kolobeng), British Bechuanaland (the BaThlari) and also at Thaba 'Nchu in the Orange Free State. According to Lestrade, they are fairly representative of all the Bechuana and there are no major discrepancies in culture.

Significance: "The word bogadi is applied to that complex of laws and customs by which, in a normal marriage among the Ba-Hurutse, a form of material wealth.....passes from the family of a man to the family of a woman, and, in particular, her reproductive power passes from her own family to that of the man". No marriage is legal without a formal contract between the families promising payment of bogadi, and no children are legitimate or can be claimed by the husband until the amount is paid.

The steps in the marriage arrangements of the BaHurutse fall into three stages:

The first is informal, but most essential. First of all, when a marriage has been arranged, the respective fathers must consult together and come to some agreement regarding the amount of bogadi to be paid. They have fairly strong rights over their children and details of the number of cattle, date of the wedding,

(1) Lestrade, G.P. Some notes on the bogadi system of the BaHurutse. S.A. J. Sc: Vol. xxiii, 1926, p. 937 - 942.

etc. are discussed, everything being done with the utmost delicacy and diplomacy. In theory, there should be no bargaining about the number and time of payment. The next step is purely formal but constitutes the central point in the estimation of the Hurutse. It is called patlo or go batla (forms of the verb meaning "to seek") and consists of the men of the man's family visiting the men of the woman's family at the kgotla of the latter. The spokesmen on both sides exchange ceremonial formulae such as "We have come to ask for a calabash of water - we have a little dog at home who is thirsty", "We also are poor but still we have a beast or perhaps even two beasts left". These words constitute a formal agreement. Later, all the women of the man's family visit the womenfolk of the girl's family and she undergoes a searching physical examination in their hands. A final step occurs just before the consummation of the marriage. The prospective bridegroom, with a senior male relative, goes to the girl's house and presents to her parents a serufo animal which is either a beast or a sheep, but never a goat. This animal is never returned to the man's family, even although the marriage be dissolved and the bogadi returned.

Nature, Amount, Contributors: There is no number prescribed by custom and the amount given will depend on the rank and desirability of the girl and the social position and wealth of the man's family, but the numbers 7 and 9 are taboo. This is part of a wider complex of taboos, in which it is believed that if 7 or 9 men go hunting or on a raid, etc., the seventh or ninth man is likely to come to some harm, and if 7 or 9 bulls are castrated together the seventh or ninth will die. (p.939). The two universal stipulations are (1) the number of cattle must not be less than two, and (2) whatever the number, they must all be paid over together. Thus there is no payment in instalments as among some other tribes, except when one of the beasts is a suckling calf. In this case it is promised later and its distinguishing marks such as colour, shape of horns, etc., are stated. Nowadays the bogadi is confined to cattle, though accounts are given of hoes and even grain, in addition to livestock being utilised.⁽¹⁾

(1) Presumably money also is used today, but this was not definitely stated in the source.

There is disagreement among the informants as to who are liable to contribute towards the bride-wealth, but all agree that the three persons primarily responsible for the collection of the bogadi are the man, his father or his father's representative, e.g. father's elder brother, and the man's maternal uncle. The two latter can be legally forced to contribute a minimum of one beast each. Other persons also have greater or lesser obligations towards the young man. On the other hand, in the girl's group, people have claims to receive part of the bogadi.

Delivery: The time of payment among the BaHurutse is regulated by the convenience of the paying party, but it should be before the birth of the first child - "a child should not see its mother's bogadi cattle come in". In practice, this is laxly adhered to and the most usual time seems to be when the eldest child is entering the initiation school (bogwere or boyale). Even this does not always happen as it is possible for the children even of a seduced woman, who have no status, to enter a school by means of the ceremony of go apesa, lomipi or hanging the fat of the entrails of a specially slaughtered beast round the neck of the child. This was formerly only done in the case of a seduced woman or where people were too poor to pay bogadi as in a time of national disaster, but today children may enter the schools even if the bogadi pledges are not redeemed. (p. 940). This does not, however, apply to the nobility.

Allocation: Certain members of the bride's group have claims to the bogadi received on her marriage. Among these the maternal uncle must get at least one beast even if the bogadi consists of one beast only. After the various claims have been met, the father keeps the balance as bogadi for his son when he should wish to marry.

Among the BooManyane at Motsaedi there is a variation: The maternal uncle of the girl is entitled to the whole of the bogadi cattle except that of the youngest daughter of his sister. (p. 940). If his sister only has one daughter, however, the rule

still operates and he is entitled to the bogadi.

Recovery: Bogadi cattle are never returned, once paid over, but it is possible that before they are paid certain things may happen which then releases the man's group from the obligation of paying. A family may change its mind or one of the parties may not fulfil part or all of the contract. For instance, if the woman is childless the bogadi need not be paid or if she dies childless it need only be paid if another member of her family substitutes for her and takes her place as the man's wife. Bogadi need not be paid if a man divorces his wife for one of the sufficient reasons recognised in Hurutse law but provided only that no children have been born. If there are children, he can either pay the bogadi and keep the children, or not pay it and forfeit his claim to them. It will be seen from this that the payment of bogadi transfers the possession of any children of the marriage to the father. If there is no payment the reproductive power of the woman remains with her group. If a man dies childless and no substitute can be found to raise up seed for him, then no bogadi need be given. "Again, in connection with the seantlo custom, where a woman previously married may leave her husband, bogadi is not payable in respect of the woman who leaves her husband, if she has had no children by him, If she has borne him even one child, bogadi must be paid, and, once paid, whether there are children or not, it is even in this case never returned". (p. 941). To sum up in Lestrade's own words (p.941) :- "In paying bogadi for a woman, a family buys her reproductive power. If, through premature death, barrenness or from some other cause, not her husband's fault, she fails to fulfil her essential function of bearing children, the husband's family need not pay bogadi for her, but if the bride-price has been paid, or the husband's family say they will, a substitute must be found" (usually a sister or near female relative of the same age grade).

According to a number of informants, if, through the

death or impotence of the man, his family is deprived of the child-bearing powers of the woman, they need not pay bogadi, but the general opinion seems to be that it would be infamous to exercise this right. A way out would be to substitute a male relation of the same age grade or of collateral lines immediately above, e.g., paternal uncle, to raise up seed for the man - any children belonging to the man who paid the bogadi. Apart from this, only junior brothers may raise up seed for the deceased; if a senior did so, the children of the union would automatically be his.

Thus it is possible that a family may receive, in certain circumstances, one bogadi or even none at all, for two daughters, but, on the other hand, a woman may be married twice to men of different families and, if this occurs, the second husband must pay a full bogadi. There is a difference of opinion regarding the status of seduced women and whether the five head of cattle exacted from the seducer as a fine entitles him to the child of the seduction. On the whole it is considered if he has not paid the serufo cattle and contracted for bogadi, there is no claim and the children belong to the girl's group.

BaRolong

The BaRolong are another tribe for which we have quite detailed information. (1) They belong to the Western cluster of the Tswana and are found mainly in British Bechuanaland, but they have important settlements in the Lobatsi district of the Protectorate, the Lichtenberg district of the Transvaal, the Thaba'Nchu district of the Free State and in Vryburg and Mafeking in the Cape Province. Before Union, they were under four different administrations - the British, Transvaal Republic, Orange River Colony and Cape Colony. Today, they are all under the Union Government except the TshidiRolong who fall partly under the Union and partly under British Government.

(1) Z.K. Mathews: Marriage Customs among the BaRolong in Africa. Vol. XIII No. 1, 1940.

The Rolong are divided into four main sections, viz: Ratlou, Tshidi, Seleka and Rapulana, named after the four sons of Tau (d.c. 1760). Their common origin is still acknowledged though quarrels over the chieftainship and succession have kept them apart politically. They all speak the same dialect of Tswana (seRolong) and have the same seano or totemic object of veneration, the kudu (tholo) and their culture conforms to the same general pattern. There is considerable homogeneity of custom among the different sections.

Our data refers specifically to the Tshidi-Rolong situated near the town of Mafeking where they have much contact with other Bantu tribes such as the Nguni, S. Sotho, other Tswana and Coloureds. This fact, combined with the nearness of a European town, has had an effect on their conception of such a custom as bogadi and there is a tendency to demand the full amount before the consummation of the marriage, bargaining, and recovery on dissolution of the marriage, etc, things formerly unknown or regarded as improper. Apparently not all the members of the tribe adhere to all the following customs and a large range of influences acts on the members of the tribe.

Significance: "Bogadi may be defined as the property that passes from the parents of the man to the parents of the woman to be married in order to validate their marriage" (p.13) and no marriage is complete without it. A promise to pay is sufficient for a marriage to be valid - at least for the time being. "Such a marriage may be regarded as a contract with a relative condition, i.e., one which comes into operation at once but is terminated on the happening of a certain event, the non-fulfilment of the promise to pay." (p. 13). The payment of bogadi among the BaRolong marks the difference between a real marriage and concubinage, it enhances the prestige of the woman, entitles her to definite rights and privileges such as a separate establishment for herself and her children, a share in her husband's estate after his death, and to his respect and care. It guarantees her the permanent

protection of her kinship group in disputes and gives the children a claim in their maternal home, especially at that of their maternal uncle. On the other hand, it gives the husband control over the person and conduct of his wife and entitles him to her respect and obedience as well as the satisfactory performance of her domestic duties. Above all, it entitles him to the possession of her children. Her reproductive powers are owned by him, and this is, for the native, the most important aspect, as children are greatly coveted as helpers in old age, bringers in of bogadi and a means of immortality and the extension of the personality.

The question of bogadi is never raised during the marriage negotiations and there is no bargaining as among the Nguni, the main concern being to get the consent of the bride's parents. The demand for the bogadi to be paid before the marriage is considered as bad taste for "Bogadi ya bo kurusiwe", i.e. "bogadi is never made the subject of reminders".

Natura, Amount, Contributors: The nature and amount of the bogadi is left to the discretion of the man's father and may consist of cattle only, sheep only or both. The number given must be even, as odd numbers are considered unlucky, but the exact number is not fixed either by negotiations or by custom. Both male and female animals must be given. Goats are not accepted as they are considered destructive and, therefore, unlucky.

The parents of the man are responsible for providing his bogadi, but his relations are expected to contribute, especially his maternal uncle (malome) who usually assists materially to make possible the marriage of his sister's son.

Delivery: As we have seen, a marriage may take place without the bride-wealth being handed over, on the understanding, however, that it will eventually be paid. A man might have several children by his wife before he decides to pay, and his relatives-in-law leave the matter to his discretion. But, if a dispute arises out of the marriage, involving a threat of dissolution of the marriage, the husband stands to lose - not only his wife but also his children if the amount has not been paid. The payment

of bogadi entitles the man to full marital powers over his wife, control over her person and conduct as well as the right of expecting from her the proper discharge of her domestic duties. If the bogadi has not been paid the wife is supported by her family in any matrimonial disagreement but, if paid, they support the man if he is in the right.

Consequence of Non-payment: Children belong to the man who gave the bogadi and not necessarily to their physical father and perhaps the strongest sanction to pay is the fact that a man knows that as long as he does not pay, his children can be claimed by the mother's group. In the event of a dissolution of the marriage, he would lose the children, and, if a divorced wife is remarried, his children would belong to the new husband - if and when bogadi is paid. On the other hand, if a bogadi marriage ends in a divorce (go tlhala) the man has no right to any other children born subsequently, but if it is a separation (go tloga) any children belong to husband as long as he has paid the bogadi.

Allocation: According to SeRolong custom, the only people who can receive bogadi for a girl are her parents and it can never go to the members of another kinship group. It does not matter how often a girl is married, her bogadi must go to her parents. The Nguni rule that "one man only can receive one lobola for one girl" does not apply to the BaRolong and it is explained that the head of a woman always belongs to her father's group. Thus, if a widow continues to live at her deceased husband's kraal and is subsequently married, the bogadi will go to her father. Although bogadi is made over primarily to the father of the bride, he is expected to share it especially with those who helped him raise the bogadi for one of his sons. The bride's maternal uncle is said to be the first man to "go into those cattle" (p.15). There is no legal obligation for these near relations to contribute and they cannot sue for a share, but the custom is sanctioned by reciprocity. A man often pairs off his sons and daughters so that the bogadi of the latter will get a wife for the former.

Recovery: In the event of the dissolution of the marriage, bogadi is not recoverable. Bogadi ga bo boe (Bogadi does not return). Apparently, there is only one case in Tshidi-Rolong history where it was returned. If the wife has given birth to one or more children, people say that the man has not lost by being unable to recover the bogadi for he retains the children and if they die before the dissolution of the marriage, it is regarded as an act of God. The claim for return of bogadi is not only unenforceable in a court of law, but would give serious offence. Where the wife is barren, the seantlo comes into play and the man is given another woman, usually a younger sister of his wife, to raise up seed. She is regarded as part of the house of the first wife and no bogadi is given.

When a divorce is desired by a woman and not by her husband, and her parents cannot persuade her to stay with him, he is entitled to the children and all the goods he has allotted to her. But this does not apply to the bogadi as it was given by his father to the father of the girl. When the husband wants to dissolve the marriage, he still keeps the children but may be forced to provide maintenance for his wife, especially if she does not marry again.

The Tswana of the Protectorate
(Kgatla, Mangwato, Tawana, Kwena, etc.)

Our information⁽¹⁾ on the Protectorate tribes refers mainly to the Kgatla and Ngwato, though practices of other tribes are drawn on, and is, therefore, a somewhat generalised account.

Significance: No marriage is complete unless bogadi has been given from husband's group to wife's group. This has no humiliating connotation for the woman and no bargaining takes

(1) I. Schapera: Handbook of Tswana Law and Custom

place as in the Nguni tribes. The husband's people give as many cattle as they like or can. The passing of bogadi places the woman under the control of her husband, and if she leaves him her parents will usually send her back, but she has a far more honoured place in the society than an unmarried woman, and, if she is ill-treated or has a justifiable complaint against her husband, she can appeal to his parents or senior male relatives. If there is no bogadi she has no legal remedy. The Tswana say that bogadi is a "thanksgiving (tebogo) to the wife's parents for the care they have spent on her upbringing, and as a sign of gratitude for their kindness in now allowing her husband to marry her". They also say it is a compensation to the wife's parents for the loss of her services. Others maintain that it is a sort of register of the marriage and shows that the cohabitation meets with the approval of both groups. Other reasons are that the bogadi creates a special bond between two family groups and gives the children of the union certain privileges at the home of their mother's people e.g., the right to their mother's home to grow up at, and to be supported by the cattle given out as her bogadi. The main function of bogadi is the transference of the reproductive power of the woman from her family to that of her husband. "Upon it rests the whole conception of Tswana legitimacy" (p. 139). No form of cohabitation is valid without bogadi (agreed or sometimes actually transferred) and all children, no matter to what man they are born, belong to the man who paid bogadi for the woman.

Nature, Amount, Contributors: Bogadi almost invariably consists of cattle.⁽¹⁾ Sheep may be given but this is rare and goats are never given as their destructive

(1) According to Jennings: Bogadi. L.M.S. Bookroom p.9.
A lomoa (needle) was used in the original form of bogadi when iron was prized and possession of cattle not yet general. It was cased in a highly ornamented case (sebiba)

qualities make them unlucky. Money payments do not seem to have been substituted as yet. The cattle may be oxen, heifers or cows, all fairly young, and one must be a female to ensure natural increase. If a cow has a sucking calf it must be included as one of the beasts. Uncastrated male animals are never included as they portend a disastrous marriage. No fixed number is given and each family gives what it can afford or wishes. There is no preliminary bargaining. The wife's people may protest if they think that the husband's people can give more, but they cannot force the latter to do so. An even number must be given "each with its mate to show that two people are being bound together", but an odd number is sometimes accepted as long as it is not 7. Among the Kgatla it includes seldom more than 6 beasts - generally less (p. 140); other tribes usually pay about 10. A bogadi gift of 6 head or more is considered large and is exceeded only by men of rank. (1)

Bogadi, in the case of a man's first wife is given by his father or guardian and various other relatives. The father may give 2 beasts and the other relatives contribute as they wish. The maternal uncle must contribute at least one animal - a female - and the paternal uncle and aunt are also expected to contribute, but there is no compulsion. The bridegroom may contribute if he can and, for any other wives he may acquire he must pay from his own stock, perhaps being helped by relatives. (2)

(1) Schapera: Married Life in African Tribe - p. 87.

(2) Concrete cases from Schapera's "Married Life" - p. 88.

Komanes (5 head)	2 from self, 1 each from 2 elder brothers, 1 from son of deceased elder brother.
Molefe (4 head)	2 from father, 1 from mother, 1 from elder brother.
Chief Isang (30 head)	15 from father, 10 from self, 3 from maternal uncle, 2 from paternal uncle.
Mokgere (3 head)	2 from father, 1 from maternal uncle.
Thebe (3 head)	1 from self, 1 from maternal uncle, 1 from son of father's maternal uncle.

Thus, Bogadi is not a private family affair but all relatives are invited to contribute. There is also great divergence in the numbers given - depending on the wealth of the families concerned.

Delivery: The bogadi must all be paid at once and there is no system of instalments except, if some of the cattle are far away, their presence is indicated to the wife's people and a promise made to pay them as soon as possible. There is no generally accepted time. Among the Rolong, Ngwaketse and formerly the Ngwato the bogadi should be handed over at the marriage, i.e., when the right to cohabit comes into being. Among the Kgatla it must be paid in church weddings. Among other tribes, e.g., Hurutshe and Maletse, and in non-church marriages among the Kgatla, the bogadi is seldom paid before the birth of a child. It may be paid any time afterwards. It is even claimed that no bogadi is due if the marriage is barren or one of the parties dies childless, unless arrangements are made for the procreation of children by customs of seantlo (substitute wife) or go tsena mo tlung (raising seed).

The delivery and acceptance of bogadi has a ceremony. After the cattle have been collected the wife's people are informed that they will be sent on a certain day. It may be on the wedding day in some tribes or years after the wedding has taken place. On the appointed day the cattle are driven to the wife's home by the husband's male relatives, led by a senior male uncle to the kgotla of her ward and are received with great rejoicing. A feast (tlhabisa ya bogadi - the stabbing of the bogadi) must be provided for the man's group. Amongst the Ngwato this feast is held on the day on which the bogadi is delivered but in other tribes it is held a considerable time afterwards. The husband's people, especially those who have contributed, go to the bride's home where they are given beer to drink and cattle to slaughter. The number of cattle offered depends on the size of the bogadi. Usually one is given if the bogadi is 4 or less and another for every 2 additional head given. One of the animals (tlhwaiwa) is taken by the husband's people to their own home where it will be slaughtered at a later date for the contributors. The rest is killed and eaten at the wife's home. "Formerly the peritoneum (lomipi) from one of these animals was taken, after being doctored, and hung round the necks of the wife and her children, if she already had any, as a sign that the marriage was now complete". (p.142)

After singing and rejoicing, the people return home.

Allocation: The cattle may be distributed at once among the wife's relatives. They are generally kept by her father for several years to breed sufficiently to allow everyone to get a share. He then makes a feast at which the animals are divided. This is the same as the tlhabisa ya bogadi aforementioned. The following have preferential claims :-

Wife's principal maternal uncle: at least 1 animal.

Wife's principal paternal uncle: "

Wife's principal paternal aunt: "

The mother is usually given 1 beast (kgomo ya phate: "ox of the sleeping mat" or kgomo ya pitsa: "the ox of the pot".) The remainder may be kept by the father or he may allocate one or more to additional relatives. The woman's special "linked" brother also has a claim. If his father is alive he gets 1 beast. Some say that if his father dies, all the cattle retained by him from the bogadi of the boy's sister go to him. Others go so far as to say that the cattle are not really owned by the father but are merely held in trust for the son. If the father is dead the cattle are held by the woman's linked brother who keeps the balance after paying other claimants. If he is still young they are held for him by his guardian.

Consequences of non-payment: "There does not appear to be any right on the part of the wife's people to sue the husband's people for the payment of bogadi, and, in fact, there is very little litigation of any sort regarding bogadi cattle" - p.143. Many years often elapse before bogadi is paid but as long as the bogadi is not paid the marriage, although regular, is not complete. Children belong to their maternal uncle who can claim them at any time, i.e., he can claim the cattle; they go to the mother in a case of separation and their father has no rights over them at all. They are spoken of as dilebeledi ("forgotten things") and were formerly not admitted to the initiation ceremonies until bogadi had been paid or their maternal uncle had

killed an animal and hung a peritoneum round their necks. Normally, where the marriage has taken place with the approval of both parties, the man's rights are not disturbed and even if he has not paid bogadi he obtains full legal rights over his children when his daughter is married. The bogadi then goes to the wife's group. Should a man die before having paid the bogadi for his wife the obligation to do so rests with his eldest son, if old enough, or on his own brother if not. "The boy brings the cattle to his mother's people with the words 'Ke nyadisa mme' ". "I am causing my mother to be married" (p. 144).

If he fails to do so he must hand over the bogadi of his first sister married and if he has no sister he must find the cattle elsewhere. If not, he and his brothers are held to belong to his mother's family, but he is usually helped to get out of this by his father's relatives. If the wife dies before her bogadi has been paid, her children can be claimed by her parents or by her linked brother, unless the husband hands over some cattle. If the children grow up at their mother's home they can, if they like, return when old enough to their father, but, theoretically, they have no rights at his kraal. If the wife had no children, there is no obligation to pay the bogadi.

Thus the marriage is not reckoned as complete until the bogadi is paid and the mother's people always have a claim on the children. It must be noted, however, that the status of the children is quite regular as long as the marriage has the consent of both families and a formal betrothal has been gone through. Only children of people who cohabit without bogadi or parental sanction are termed "bastards" (bana ba dikgora). No stigma is attached, even although the marriage is not complete.

Recovery: "Cases involving the return of bogadi cattle to the husband's people are apparently very infrequent" (p.145)

Theoretically bogadi can be taken or claimed back only

- (a) if the woman dies childless.
- (b) in cases of divorce if she is barren.

It is sometimes said that the husband can recover bogadi even if there are children if he is willing to forfeit his rights to these children. The general rule is that bogadi is not recoverable where the marriage has resulted in offspring. If the woman is barren or dies childless she has not fulfilled her share of the bargain. Then either seantlo follows, or the bogadi is given back.

When bogadi is returned the same number of cattle (not necessarily the same animals) must be returned, but if any of the original cattle can be traced, they must be given back, together with their offspring. The cattle must be regained from the people who received them and given to the husband who redistributes them among the original contributors. (1)

Abandonment of Bogadi Practice: These usages are still practised by most Tswana tribes. The Ngwato is the only one where they are abandoned completely (by Kgama under missionary pressure and because he objected to the custom by which even if a woman divorced and married again any children she bore subsequently still belonged to her previous husband.) The giving of bogadi is said to be a punishable offence among the Ngwato, but is still practised in secret. Among the Kgatla, Lentswe abolish it, but it was later revived by Isang who insisted that bogadi should be paid and shown at the tribal kgotla two days before the wedding, so that people should know what marriage was taking place and what bogadi had been given.

Today bogadi is an essential part of Kgatla marriage, both for Christians and heathens. In disputes, two things are asked: whether both families consented to the marriage, and whether bogadi was given. No marriage can take place in a church until bogadi has been paid.

Among the Ngwaketse, Seepapitso in 1913 drew up a code of laws in which was included the law that bogadi can never be recovered from the wife's family. (2) He also noticed that bogadi was falling into disuse among both heathens and Christians, and after remonstrating

(1) Cf. the Rolong where bogadi cannot be returned.

(2) Schapera: Tribal Legislation Among the Tswana of the Bechuanaland Protectorate. Monographs on Social Anthropology : London School of Economics (p.27)

For further laws concerning bogadi see pages 40 & 41.

with no effect, he introduced a series of laws making bogadi compulsory except for Christians. Bathwen 11 has since made it obligatory for Christians to pay if the wife's people wish it.

Marriage of cross-cousins is encouraged as it keeps the bogadi cattle in the family and, in fact, there is a proverb: "Child of my paternal uncle, marry me, so that the cattle should return to the kraal".⁽¹⁾

In 1927 the Dutch Reformed Church accepted the view that bogadi was primarily a registration of marriage and agreed to recognise it as consistent with Christian morality. Mr. Reyneke in Die Kerkbode (the official organ of the Dutch Reformed Church) of 31st October, 1938, said:⁽²⁾

"Lobola is well-nigh universally condemned by missionaries of our Church as the root of almost every evil. In Mochudi (the capital of the Kgatla Reserve) it was formerly also forbidden, but nevertheless it still flourished in secret. It is so integral a portion of native law and custom, in many respects the foundation of the whole tribal system, that it is difficult to remove it without disturbing the whole Native social organization. The Church at Mochudi therefore decided, after consultation with the chief, to permit lobola but to combat the evils attaching to it. The chief, for his part, also undertook to work against everything in it which was repugnant to Christian feeling, provided the Church recognised what was good in it, and undertook not to condemn it further as a system. And now we are convinced that we have not sacrificed a principle, but that we have acted wisely. We can now read with a smile the arguments that are generally advanced against lobola, for here they simply do not apply any more. Lobola is, at Mochudi, virtually nothing more than a thanksgiving and a pledge of fidelity. When it has served its purpose it will die a natural death, but never will the people be able to say of the Church: "You have robbed us of one of the oldest features of our family life, which we have always regarded as one of the most

(1) Schapera: Married Life in An African Tribe: p.42.

(2) Translated and quoted by Schapera in "Married Life" p. 85, et sequ.

outstanding aids to morality". "Nothing is demanded by the bride's family from the bridegroom. He gives voluntarily what he can, as an indication of his honesty and good intentions."

It certainly seems that Tswana custom with its abhorrence of haggling, and difficulty of return of the bogadi is singularly free from the abuses met with in some other tribes.

CHAPTER 111

THE SOTHO DIVISION (Continued).TRANSVAAL SOTHO

This sub-group consists of a large main body and several smaller groups and is composed of a number of small tribes, numerically weak. Their relationship with one another is far from clear, some, such as the Koni and Tau, being probably of Nguni origin, and many have been affected, to a greater or lesser extent, by contact with other groups.⁽¹⁾ Thus the Lobedu of the Leydenburg district have a strong Venda flavour to their culture and the Pai of Pilgrims' Rest have a language which is a mixture of N. Sotho, Tswana and Nguni. Unfortunately we have only information re bride-wealth relating to three of the tribes, viz: the Tau and the Pedi of the Central Group (see Chapter 1) and the Lobedu of the North-Eastern area, although there is some information on other aspects of the culture of some of the other tribes in the group. As there has been so much contact with other cultures we may expect to find many differences in bride-wealth practice among these tribes and, owing to lack of information it will be impossible to extract a generalised Transvaal Sotho type which will be valid for the whole area.

The Central Transvaal SothoThe Tau

Significance: The BaTau⁽²⁾ have been subject to missionary influence since the middle of the nineteenth century and missionaries have preached against both bogadi and the levirate. Eiselen (op cit. p. 285) maintains that the boxadi and the levirate "vorm saam 'n organiese geheel" which works well in practice and

- (1) A sketch of their distribution and history by v. Warmelo will be found in the chapter "Grouping and Ethnic History" in Bantu-speaking Tribes (ed. Schapera) and the Krige deal more fully with the N-E tribes in "The Place of the N-E Transvaal Sotho in the S.African Bantu complex. Africa, 11. 265-93 (1938) and Traditional origins and tribal relationships of the Sotho of the Northern Transvaal. Bantu Studies, 11. 321-56 (1937).
- (2) Die Posisie van die Weduwee by die Heidense en by die Kristelike BaTau: W. Eiselen in Bantu Studies, 9, (1935)

that any attempt to divide them would be detrimental to the pursuance of a pure life. The word to marry amongst the BaTau is nyala and when a man wishes to marry he hands over a "klompie beests en bokke" - nature and amount unspecified. This bride-wealth (boxadi) is not provided by the man but by his father and other members of his family. Any boxadi the father receives from his daughter's marriage must be divided among family members. Thus the marriage is a "familie kontrak" and others than the two marrying parties have an interest in it. Any children of the wife belong to the sib from which the cattle have been received and all children, no matter by whom, will belong to the man who paid boxadi for her.

Most of our information on the Tau is in reference to the position of a widow in the society. Death does not terminate the marriage as the levirate comes into play. The woman is not free to go back to her group but, after the mourning ceremonies, must have intercourse with one of the younger brothers or cousins of the deceased - unless the boxadi is refunded. Any children of the union belong to the dead man. This custom does not apply to old widows but only to those in their prime. "Die leviratsisteesem verhoed nou dat die betreklik jong weduwee haar reg op 'n volle lewe verloor". Child-bearing is the only honourable life for a woman. Eiselen points out that if a widow married again she would have little hope of becoming a great wife and her status would suffer. Under the levirate, however, she continues to hold an honoured and useful place in the group of her husband, continuing to bear children to it.

The Pedi.

The following information applies to the BaPedi of Sekukuni-land and also the various tribes and sub-tribes which have their origin in the Pedi, viz: the BaPhuti, BaTau, BaKoni, BaTlou, BaKgautshoana and the BaKoena (Kwena) "and may even be extended to the BaKgatla of the Pretoria, and portions of the Rustenburg, areas.⁽¹⁾ It therefore covers the Central Transvaal Sotho fairly adequately.

(1) Harries, C.L. Notes on SePedi Laws and Customs. Publ. of the Native Affairs Department of Transvaal. Gov. Printer, Pretoria.

Marriage consists in paying lenyalo cattle as bohadi to the girl's father and, in exchange, receiving her into the man's group.

"It is quite erroneous to think that the BaPedi will invariably give their daughters in marriage to men who are willing to pay the largest number of cattle for them, and it is reasonable to attribute the inter-marrying of households, which is common amongst them, to the regard which is had for the social equality of the parties marrying". (p. 1). This is no doubt so, but it is more likely that cross-cousin marriage developed from a desire to keep the lenyalo cattle within the family.

The BaPedi practice infant betrothal and children yet unborn may be promised to a man to marry his son when he is old enough. A man has prior claim to his brother's daughter for his son. This form of marriage is not as common among other South African Bantu as the true cross-cousin marriage.⁽¹⁾ As soon as the parents of a boy have arranged a marriage, the boy's father will pay over the lenyalo cattle agreed upon, the idea being that the girl will be nurtured on the milk of the cattle. When she reaches the age of twelve the boy is sent for and they are betrothed. If the boy refuses, the father sometimes takes the girl as his own wife and the lenyalo is retained by the girl's father. If the marriage is mutually agreeable matters stand until the girl goes to the female initiation school for a year when the boy's father is called upon to pay an ox, goat or sheep according to his means.

If the girl is older than the boy and is ready to marry before he is, he, after acknowledging her as his wife, hands her over to someone else, invariably his maternal uncle, to look after her, as a wife, until he is old enough to claim her for himself. (p.5). Not so frequently the young man may take a younger sister of his betrothed to wife instead. If both of the betrothed parties refuse to marry, or if one dies, the cattle are recoverable with increase, although the original beasts have probably died.

Nature, Amount, Contributors: The lenyalo appears to consist essentially of cattle, and there is

(1) See Krige in Bantu-speaking Tribes: p.111

no information as to the number given. Elder brothers are obliged to assist in providing lenyalo cattle for their younger brothers and no man can marry while he has an unmarried elder brother.

Delivery: The cattle are driven to the girl's home by three men of the prospective husband's household accompanied by three elder members of the same kraal (bakgoenyana). The number of messengers may never be more than six except in the case of a chief. They are badly treated when they reach the girl's kraal and much bargaining ensues. They will say: "we have come for a cup of water", i.e., the bride, and "a great discussion will take place as to the price to be paid for that cup of water". The bakgoenyana try to get the best of the bargain and will even hide some of the cattle en route in the hope that the bride's people may be deceived into thinking that they are poorer than they really are. As the price goes up the messengers are forced to bring out the other cattle until an agreement is reached. The girl's father has no say in the matter, but, if he feels that the price is getting too high, he will offer to pay some of his own cattle. This is symbolic and merely shows that he is satisfied.

As soon as the number has been agreed upon the attitude towards the bakgoenyana changes, they are welcomed and waited upon and there is great rejoicing and feasting. It is interesting to note that, unlike the Tswana, the Pedi bargain about the number of cattle. This un-Sotholike procedure may be due to contact with other tribes (Tsonga or Nguni).

Allocation: Lenyalo cattle go to the father of the girl who, if he has more than one wife, allocates them to the household (lapa) from which the girl came. On the death of the father they become the property of that lapa. On the other hand, the cattle may be used by the father to get a new wife for himself or for the girl's brothers. A new wife paid for in this way would be subservient to the wife whose daughter's cattle were used and if the father dies she will be inherited by the heir to the lapa and not by the general heir.

One head of cattle (hloho) must go to the girl's maternal uncle.

Consequence of Non-payment: Our only information on this point says

that if a man cannot pay all the lenyalo cattle he may pledge the cattle obtained by his daughter's marriage. Evidently this is the source of much litigation.

Recovery: The ho hlala custom or divorce law involves the recovery of the bohadi. If a woman, betrothed in childhood, refuses to marry the man, all the cattle (the identical if possible) with increase, are recoverable (p. 11). Even if they have been sold they are taken away from the purchaser under the mamale custom. The purchaser cannot object but can then recover the purchase price from the seller. Again, if a third party bought from B a cow which was part of the lenyalo cattle delivered to him by A., and this cow had had four calves since the date of the sale (making a total of 5 head), and it becomes necessary for all the lenyalo cattle to be returned to A owing to non-fulfilment of the obligations, the third party is compelled to hand over the 5 head of cattle. He then becomes entitled to no more than the original purchase price paid by him for the cow, or another beast in its place. If B cannot refund the purchase price or substitute another beast he will have to wait until the girl marries and he is paid out of her lenyalo cattle. If the girl dies, the claim stands over until another daughter is married, but if there is no other sister, the purchaser can claim cattle from B's family.

"A. agrees to pay B. 10 head of cattle for the latter's infant daughter to be the wife of the former's son when she reaches marriageable age. The cattle are delivered to B, but when his daughter grows up she refuses to ratify the contract. A. will then claim the identical cattle still living, with increase, including also the increase of all cattle which may have died from disease or poverty". (p. 11). This last clause seems peculiar and may mean either the actual offspring of cattle now dead, or a traditional number estimating the probable number of offspring if the beast had lived.

If some of the cattle (not exceeding nine) have died after being handed over, and before the girl's refusal to marry her fiance, her father must pay one head as compensation; if more than nine have died, 2 head must be paid. This is under the ho phuta masika

custom, i.e., compensation to the donor for the loss of the sinews of the dead cattle. "These sinews are always preserved, even at the present time (1909), and used for the purpose of sewing native skins and karosses". Apparently the custom of giving up the increase, especially when it is recoverable from a third party, is somewhat unpopular, and a compromise is frequently arrived at between the two parties in which the original number without increase is accepted. The mamale custom gives rise to much litigation. One gets the impression that the majority of these cases arises out of infant betrothal, a phenomenon found mainly among the Sotho (Pedi, Lobedu and Tswana) but also among the Venda and Swazi. ⁽¹⁾

Among the Pedi, if the girl dies before the marriage and the lenyalo cattle have been paid, a sister will be substituted - it may even be the dead girl's brother's marriageable daughter. If no substitute can be found, the cattle are returned. If she dies childless after the marriage, the lenyalo will be refunded or another daughter substituted "at a very nominal fee". On the other hand, if she dies after bearing children, the substitute must be paid for with a full bohadi. It is thought that the deceased wife's sister will be more solicitous for the care of the sister's children than a strange woman. In the case of malicious desertion by the wife the husband retains all the cattle and the custody of the children. The woman may then remarry. If a child is very young at the time of separation, one of the lenyalo cows is left with the wife's family to nourish the child until it is old enough to join its father. This cow remains the property of the woman and cannot be touched by her father or future husband.

On the other hand, the marriage may be dissolved on the desertion of the husband or maltreatment of the wife. Often men working in towns and elsewhere stay away and the woman becomes dissatisfied with her lot. Usually, so that they may retain the children, the man's family provide a substitute, e.g., the husband's brother, and, if the woman refuses to cohabit with him, they try to throw the blame on her, and accuse her of desertion. It is very difficult, in Bantu

(1) Krige, E.J: in Bantu-speaking Tribes: footnote 6, p. 111.

society, for a woman to bring a claim of desertion against her husband. But, if a husband drives his wife away from home for no good reason, it is regarded as very bad and he may have to forfeit the lenyalo cattle and any children of the marriage. This does not mean that he need actually illtreat her, but if he persistently refuses the food she has prepared for him (inferring that she is trying to poison him), if he does not clothe her, neglects to plough her lands while doing it for other wives, or places brushwood against the door of her hut while she is out (p. 15) the woman is entitled to return to her parents and take these things as a sign that her husband no longer wants her. Refusal to render conjugal rights is apparently not considered grounds for divorce.

Adultery is not looked upon as a heinous offence. If a man is away for over a year his wife is entitled to fulfil her natural role in the society and bear children by someone else - the children belonging to the man who paid the lenyalo cattle for her. If adultery occurs within a year a fine is levied of three head of cattle.

If a wife is barren, she is sent home and returns with a sister as substitute (seantlo). This sister belongs to the same house and any children belong to her barren sister. Cattle are paid for the seantlo. "Seantlo se a nyaloa" (the seantlo is married). A nominal charge is made, sometimes very little but never exceeding 3 head of cattle. (p. 17). If the woman's family refuse a seantlo the cattle must be handed back and her husband may get some other substitute with them. Apparently in this case the woman remains in her husband's group even although the cattle have been returned. This is unusual.

If the husband is impotent, a relative, usually a younger brother raises up seed for him.

The North-Eastern Transvaal Sotho.

Lobedu.

Thanks to the Kriges, we have very full and detailed information relating to this interesting tribe. (1)

- (1) (a) Krige, E.J. and J.D. The Realm of a Rain-Queen.
- (b) Krige, J.D. Bride-wealth in BaLobedu Marriage Ceremonies in Bantu Studies 8, 1934.
- (c) Krige, J.D. The Significance of Cattle Exchange in Lobedu Social Structure. in Africa, XII, 1939.

They have strong Venda affinities and are unique among South African Bantu in having a Queen - Mujaji - renowned as a powerful rainmaker far beyond the confines of her territory. They are patrilineal, however, and marriage involves the transfer of munywalo or bride-wealth. These munywalo patterns apply to all the low-veld Sotho, among all the 26 tribes in the Transvaal north of a line running along the Olifants River westwards through Pietersburg. There are variations, but only in detail, in the extreme N-W and S-E of this area and among the intrusive Tsonga who have not been completely assimilated, but on the whole, practice is fairly uniform.

There are about 3,000 cattle in the Lobedu reserve and this area of 150 square miles is more or less self-contained in regard to munywalo exchanges. The population is approximately 33,000 and the people do not depend much on cattle-rearing, milk hardly being used at all. The esteemed people in the society are the thrifty agriculturalists who possess large stores of maize but cattle do, despite this, play a very large part in the society - not because they are sacred, but because of their importance in the munywalo exchanges. "All other uses, in fact and in the estimation of the people, fade into insignificance". Munywalo accounts for over 95% of all transfers of cattle; the only other occurs when court fines are paid - and over 90% of these have their origin in munywalo.⁽¹⁾

There is a distinction made between cattle used for munywalo and other cattle. The former are continually being transferred across the society from family to family while the others only move vertically through inheritance. "Munywalo cattle are tied up in unending chains; theoretically they can never be unlinked, but if this happens....the chain snaps". (op cit. (c) p.397). We shall see later what this means. Other cattle can be sold and slaughtered at will but the Queen is really the only one who has large herds of such cattle. Offspring of munywalo cattle must be used as munywalo and even if there are no males in a family, the females must nywalo wives for themselves or males yet unborn. "It

(1) See note to page 397 (g) for description of how these estimates were arrived at.

is thus evident that almost 87% of the cattle in the society are held firmly in a chain of rights and obligations, which the temporary holder may not ignore" although it must not be inferred that there is no strong temptation for the holder to use munywalo cattle as his own.

It is pertinent and, indeed, necessary here to show the social implications of the nywalo exchanges in order to understand the important part they play. The two most important elements to keep in mind are : (a) cross-cousin marriage and (b) the allocation of the sister's munywalo to her brother.⁽¹⁾ The most important obligation in Lobedu marriage is that between a woman and her cattle-linked sister-in-law, (muwuyi). This is because, in Lobedu society, a man pairs his daughters and sons together, the boy using the cattle paid to his father on the marriage of his particular sister to nywalo a wife for himself. These two siblings enter into a relationship which the Kriges have called "cattle-linked", one which has important and far-reaching implications. The Lobedu say that a sister has "built the house of her brother" and thus "has a gate through which she may enter", i.e., she has the right to demand from this house a girl who will come as a daughter-in-law and cook for and help her. Thus the right is not considered as that of the man to obtain a wife but of the cattle-linked sister of his father to obtain a daughter-in-law for her cattle. Fundamentally, a male must marry, not the daughter of any brother of his mother, but the daughter of that brother who used his mother's marriage cattle to obtain a wife for himself - i.e., his cattle-linked paternal aunt. Ideal marriage is with a cross-cousin, either mother's brother's daughter or father's sister's son, but this does not apply to all cross-cousins, and it is considered irregular for a man to marry his father's sister's daughter. (p.142 (a)).

The link may be enforced in a court of law as a right - either for the man to get a wife from his maternal uncle or, rather, his mother's right to a daughter-in-law from her brother's house. If her brother refuses she may withdraw the cattle she gave him to

(1) Most of this data is from Krige op.cit (a).

get a wife and so munywalo another house. We see that these exchanges ramify through the entire society in chains, linking families, and a break in one of the links either by the cattle-linked sister's calling back her cattle or a man seeking to recover the cattle for any reason ("following the roots of the cattle") may disastrously affect intervening marriages. The cattle-linked sister has very real authority and, apart from having a right to her brother's daughter she settles family disputes, her brother cannot divorce his wife unless she concurs, and, if she is displeased, it is believed that illness will result to children and cattle. The cattle link unrelated people and thus are very important in the social structure.

"The bonds that are created in this manner can be put to all manner of uses apart from forming the basis of the munywalo ring of exchanges. They hold together the political system, incorporating as they do foreign elements in the tribe, and casting the net of relationships over the whole country. Marriage and munywalo provide the pattern even for dealing with homicide; the murderer is not avenged: by handing over the cattle or giving his daughter, the murderer and his relatives become enmeshed in the network of exchanges; he is transformed from criminal to kinsman, and a potential blood feud is turned into the reciprocal relation between the people of the bride and those of the groom. A man threatened with starvation when his crops have failed and his cattle have died can, by linking himself to the munywalo ring of another, save both himself and his family" ((a) p.141).

Significance: Munywalo exchanges are not economic, and "this exchange is as far from a commercial transaction as is an engagement ring". A few fathers may regard their daughters as a source of wealth, but apparently this is rare. In any event, no man will accept a suitor for his daughter until he has ascertained whether his linked sister wants the girl or not. To the question: Is it a compensation? the Kriges (p.404c) state that if it is, it is not emphasised in the society. If a man is in danger of starvation he may go to a rich man and get cattle or corn on the assumption

that he will give his small daughter when she is old enough. The handing over of the daughter extinguishes the debt, but if the poor man has only sons he will not be called upon to pay the loan. On the contrary, the rich man will be expected to nywalo wives for these sons. The rich man can only sue for payment if the other has a daughter and fails to hand her over.

The exchanges set up a bond between two families. The lineage which gives the bride becomes "cattle-entitled" and "bride-giving" while the other is "bride-receiving and cattle-obligated". There are various complications of this as a polygamist does not take all his wives from the same group. (1)

There is practically no evidence of the idea that a price is being paid for the girl. The transaction is called ho noala and not ho reka (to buy), the money is monoalo (goods for marriage) and not bride price, and there is no relation between the economic value of the girl and the money payment. In all cases a married woman has an honoured place in the society and rights and privileges she would not have as a concubine (motabo). We must not try to explain the custom in terms of our own concepts. The natives appear to be indifferent to the European's horror of buying wives, and the Kriges say that marriage is not always a guarantee of the good behaviour of the husband among the Lobedu as a man, after driving away wife and children, may be awarded the cattle. "Legitimization is only one aspect", "an accidental feature". It is pointed out that it does not necessarily legitimize as the handing over by the Queen of her "wives" to men constitutes a legal marriage. These marriages are very common and at least 200 occurred in the reign of the former Queen (see note: p. 423(c)).

"Finally, the view that munywalo is essentially the exchange of sacred possessions against one another, that of daughters against cattle fails to explain the facts where cattle are not sacred possessions or where other commodities can be used. Cattle are not sacred amongst the Lobedu in the sense of being a class of objects

(1) For a detailed description of the ramifications of Lobedu marriage see Krige op.cit. (a) p.65 and (c) p. 399 et sequ.

set aside for religious purposes or hallowed by association with the gods or other objects of worship."

There is no notion of compensation for the loss of the bride: "The home which is built is linked up, through the girl, with other homes, and the same cattle continue to build homes in an endless, interlinked series which firmly holds them all together."

Nature, Amount, Contributors: Munywalo among the Lobedu consist almost entirely of cattle although money, goats and other commodities have periodically taken their place to a greater or lesser extent. There was great scarcity of cattle during the periods 1860 - 70, 1894 - 98 and 1910 - 14, owing to famines, epidemics etc., but there has been a steady increase since 1911. The Kriges make the point that if munywalo was primarily a ritual compensation, goats would have been used instead of cattle. At times in their history hoes were prominent but these were special marriage hoes never used for agricultural work, but only as a medium of exchange for nywalo'ing a wife. They had the advantage that their negotiability was limited, unlike money which is "too fluid, too readily transferable to sustain the continuity and tangibility of the nywalo-exchanges". Conservatives hate anything remotely like trading, and it is difficult to see how money can adequately fulfil the function of cattle in this society. An average munywalo today consists of 8 head of cattle, 7 goats, £11. in cash and odds and ends of clothes, cloths, beads and leg rings to the value of about £2. Cattle constitute over 70% of the value of the munywalo, but getting the exact number does not seem to weigh very heavily with the people.

There does not seem to be much differentiation between the munywalo proper and the other gifts that must be given by custom (merero) and every item, gift, beast, etc., must be returned on the dissolution of the marriage. At the betrothal, arrangements are made regarding the amount of munywalo and betrothal gifts (matsoara); usually heads of trifling value are exchanged. Immediately after a ritual avoidance sets in and the two parties may no longer see each other - perhaps for as long as 5 - 10 years (p. 136 (b)).

Munywalo consists strictly of seven beasts. This is unusual

as the Southern Bantu consider this number unlucky. They are listed by the Kriges as follows :-

- (1) tsoede ya khorone (the cow and calf of the khorone)
- (2) keepe ka khorone (the axe of the khorone)
- (3) mebofo ya tjona (the string to tie the cow's legs)
- (4) mpaka ya tjona (knife of the cattle)
- (5) motela (manure of the cattle)
- (6) tabe la dikhomo (herd of cattle)
- (7) keho ka metse (calabash of water)

Also mentioned are the tsoede ya moshene (the cow and calf of the mother's hut) and the ketudo. We shall examine these in detail later. Not all these are delivered necessarily at every marriage. The tsoede ya khorone and tsoede ya moshene are the most frequently given and constitute the absolute minimum, and these two plus the keepe ka khorone and ketudo should be delivered at the same time.

The first gifts of the betrothal period are usually two goats (melume ya 'ma motho) required to "open the mouth" of the girl's parents, and also the girl must be given something. "But it should be noted that the usual differentiation drawn between bride-wealth and the other gifts of the marriage, that the former is liable to be returned on the dissolution of the marriage while the latter are not, does not obtain". Munywalo seems to be more associated with the girl as such and the names given to the cattle seem to symbolise the establishment of a kraal for her. (1)

The tsoede ya moshene is sometimes regarded as a special beast in a category of its own. It must be composed of a cow or a heifer and goes to the girl's mother, remaining her special property. In a sense the other cattle are held in trust by the

- (1) "Cow and calf of the man's khorone," "Cow and calf of the wife's place", "Axe of the khorone", "String to tie the cattle (so that they can be milked)" "the knife" (so that the recipient can exercise the right of killing), the "manure of the cattle" (to keep hut tidy) and the "beast for bartering" (khitudo) which is to be traded for grain. (p. 151 (a)).

girl's house for the heir of that house but the tsoede devolves, not on the heir, but on the mother's last-born child, or, if none, to her own lineage - not her husband's. If, however, the girl is discovered not to be a virgin, this cow must be returned and personally driven back by the girl. It is stated to be a recognition of the mother's care as she is held responsible for the virginity of the girl. This aspect is not so important today, as there is strong reaction to physical examination, and thus the tsoede has lost its erstwhile importance and is no longer returned if the girl is deflowered.

The ketudo is not always considered strictly with the munywalo and is apparently inseparably connected with the tsoede with which it had to be delivered. Today its delivery is often delayed to a later date. It is given to the bride's mother to be slaughtered for a feast provided by the mother's lineage for the man's group, excepting the bridegroom. Today she may sell the meat and buy mealies. (p. 140 (2)).

The tsoede ya khorone is awarded to the father in recognition of his services. It consists of a cow and a bull-calf not held absolutely by the father but in trust for the hut of the girl and especially her brother.

"It seems that the whole of the girl's kraal is concerned, hence the names of the other cattle". The motela and tabe la dikhomo are almost unknown today. The "axe of the khorone" refers to the materials of which the kraal is built. As soon as the "axe" has been pointed out to the girl's maditsela (messengers) the two tsoedes may be delivered. "Thus the keepe seems to remove some taboo preventing the compensation of the girl's parents and the natives themselves expressed the view that it was impossible to accept cattle until a kraal had been built, symbolically, of course". (p. 141).

Apart from these cattle there is also the mpaka ya tjona (knife of the cattle). Formerly a goat, it is today represented by a cow, or possibly 10s/-. It must be delivered before any of the munywalo as it removes a taboo on killing by the girl's family of

any of the livestock passing as bride-wealth. Today the delivery of it is sometimes delayed until the animal is about to die. Only after the passing of the mpaka do the munywalo cattle belong to the girl's group. It is not regarded as a munywalo beast but is closely associated with them.

We also find the tupa la tjona (the stick of the cattle), evidently a borrowing from other tribes but very common today; they are said to make the cattle enter into the kraal, "but it would be asked for only when the cattle are being used by the prospective bride's brother to acquire a wife".^{xx} The lefepo or tebogo, a goat, thanking the girl's parents for consenting to the marriage is also sometimes mentioned, but it also appears foreign to the old ceremony. While the munywalo is passing the tsetse (bridegroom) is busy furthering good relations with the bride's family. The musubullu, previously a beast, but today £5. or £6. is given only if the girl is a virgin and appears to be given to the bride's mother as a reward for keeping the girl's virginity intact. If the girl is found not to be a virgin, it can be reclaimed. Apparently the musubullu and the ketudo are the only munywalo cattle to be slaughtered and they are not needed to forge successive links in the bride-wealth chain.

The following, quoted by J.D. Krige in an appendix to "Bride Wealth in BaLobedu Marriage Ceremonies" (p. 148) is taken from the notebook of a maditsela (go-between) and represents the money and beasts that were given as bride-wealth by a Christian native, who is a teacher and fairly well educated. The maditsela was his brother :-

- £1. to thank the girl's parents for their consent (tebogo).
- £2. representing the thari (£1.) and matsoara (£1.)
- £1. metsoa
- £1. for the girl's blanket.
- £1. 10s. for the girl's clothes.
- £1. 15s. for the girl's clothes.
 - 5s. for her duku (head cloth)
 - 4s. for ear-rings
 - 2s/6. the girl had run away from the maditsela and would not talk to him unless the money was given.

£1. Ho tliisa

£3. to the girl's parents.

£1. Kehe ka metse

£1. Tomalomose

£1. Kata Moshu (on entering the girl's hut).

£17. Tebogo or thanking: To obviate the name munywalo, for the man was a Christian, this was given to thank the girl's parents and represents the bulk of the cattle.

1 goat - the pudi ya tjola bonoetsi

1 cow and 3 calves, representing the two tsoede.

In all: £32.16s.6d., 1 cow, 3 calves and 1 goat. The whole took one and a half years to deliver, a remarkably short time and the bridegroom visited the girl's kraal only three times on the occasions when the matsoara and tliisa gifts were made, and just before the marriage.

Delivery: The chronological order of the gifts constituting bride-wealth is not rigidly adhered to, although each gift is clearly defined by custom. There is no bargaining or enquiry into the resources of the boy's family but the girl's father may ask for the delivery saying "We want to eat". It is incumbent on the bridegroom's people to give these gifts, as each takes the marriage transactions one stage further, but today a number of gifts are often lumped together and one cash payment made or stated to represent specific animals.

Return of the munywalo: If a bride-giving lineage refuses to hand over a bride, especially that of a cattle-linked brother to his sister, she may demand the munywalo obtained by her at her marriage and given to her brother to get a wife, thus breaking his marriage. If a lineage has only males and there are no suitable female relatives whose munywalo may be allocated to them, they may have to go out to work or link themselves with another lineage which will give them cattle and obligate them to supply wives. "In this way the munywalo system remifies relationships more and more extensively and interlocks the whole society into bonds which, though as light as air, are as strong as iron". (p. 408(c)).

Munywalo may be returned on divorce. This seems to indicate some basic equivalence of the cattle and the wife, her services and her reproductive powers, "but it is impossible to formulate this equivalence in a manner that will conform with the facts of the sentiments involved or the phraseology used." If a man has had many children by a wife and the marriage is dissolved owing to his fault, he gets back the munywalo and even keeps the children, it being argued that the breach is then more likely to be healed. This is an interesting departure from other Sotho practice. If a wife is barren, on the other hand, the man may not claim back the munywalo. He may get another female relation from them, but he must pay munywalo for her and she is called mmamolatelolo ("the follower"). If a wife dies prematurely with issue he cannot demand either a substitute or munywalo but her people will usually offer him a sister of the deceased as a "restorer" (mmamorivula). He must nywala her. It will be noticed that the man has no rights as such with regard to this, but the girl's people usually co-operate to prevent a quarrel. If the "follower" or "restorer" deserts both payments must be returned as a sign that the bond is severed.

Desertion by the wife does not necessarily mean the return of the munywalo even if she lives with another man, and a reconciliation is always attempted as repayment is regarded as undesirable. This is all the information we have on the return of munywalo.

A final quotation from the Kriges: "In our opinion the social reformer who tinkers at the foundations of the cultural edifice which the cattle have reared might cause the whole superstructure to crash, and, in its fall, to tear down the great humanitarian work he has attempted".

THE SOUTHERN SOTHO

The Southern Sotho or BaSotho are found in Basutoland but there are also scattered members of the tribe in the North-Eastern Cape Province and the Orange Free State. Although composed originally of different ethnic stocks mainly Sotho, they can today

be regarded as a single tribe as they have been welded together by their famous chief Moṣwẹwe (Mosheah) during the latter half of last century, and, indeed, the process of assimilation is still going on. Prior to the rise of Zulu power in Natal, a number of Sotho tribes of divers origin inhabited the present Basutoland and the adjoining country, except to the East, but, after the chaos resulting from the expansion of the Zulu clan in Natal, hordes of Nguni fugitives broke over the Drakensberg Mountains and, in their flight, broke up and even annihilated these tribes. Mosheah it was who rallied the scattered remnants and reformed them into a strong nation. Although the process of amalgamation is not yet complete, it is difficult to isolate the differences in culture between the various component tribes forming the Basotho nation and our information is fairly general in its applicability. We have some information on the Tlōkwa tribe⁽¹⁾ - one of the few groups recognisable as such amongst the Basotho - but it does not seem advisable to treat them separately, and significant differences will be noted when discussing the Southern Sotho generally.

Significance: Marriage is effected by the paying of a consideration in cattle called bohali to the bride's people. It is not a sale and the Basotho themselves deny this with some indignation. The Sesotho word for sale, meaning the ordinary barter, is reka, while a man says that he is going to nyala a wife. "It is true that valuable consideration is given, and received, but there the resemblance to a sale, in the ordinary sense of the word, ceases. The woman, though married, is always, theoretically, under the guardianship of her own people through the malome (maternal uncle) of her children. Her husband may not illtreat her, prostitute her, kill her, sell her again when tired of her as he might a slave, a horse or a cow. He has married her for life; and that is the crux of the whole question. If he illtreats her, she can run to her family who will exact a penalty before they allow her to return. If

(1) Huweliksgewoontes en Erfreg By Die Batlōkwa :
 Coertse, P.J., Bantu Studies, Vol. 7, 1933
 (p. 257 - 273)

she leaves her husband without just cause he can demand the restoration of her cattle, which gives her relatives an interest in her good behaviour; but if, in this last case, she has borne children, the husband is called upon to choose whether he will have his children or the cattle."⁽¹⁾

Although, in Basutoland, the missionaries of the Paris Evangelical Mission have rigorously opposed the giving of bohali, most of the other churches (led by the Roman Catholics) condone it, and, as witnesses who gave evidence before the Government Commission on Native Laws and Customs of the Basuto (1873) indicate, there is a growing body of educated Christian converts who see in it a worthy custom which adds greatly to the stability of the marriage. Among Christian families where bohali is not given people try to compensate the bride's people by contributing handsomely towards the expenses of the wedding.

Nature, Amount, Contributors: Cattle are the main constituent but sheep and goats are also given. Among the Western tribes a horse called molisana ("shepherd" or "keeper") of the bohali is given, but this custom does not obtain amongst the Tlôkwa. Mabile⁽²⁾ says that it is given last. Apparently a marriage may be concluded with or without cattle (Commission Evidence) and if not, this must be arranged privately between the two families. Presumably marriages between Christians are referred to. There does not seem to be any fixed number for the bohali but about 15 - 20 head of cattle with a few sheep and goats thrown in seem to be the average. There are two special animals given before the bohadi proper is sent. They are called the likhomo tsa selelekela and one is a bull which is a gift to the father of the girl. The other is a cow called khomo ea letsoele ("the beast of the breast"). They will be discussed more fully later. Apparently the bull should be brown and the cow black.

Ashton⁽³⁾ says the number of cattle given have a correlation

- (1) MacGregor, J.C., Some notes on the Basuto Tribal System, political and social, in S. Africa. g.Sc. 1909, p. 280.
- (2) Mabile, H. E. The Basutos of Basutoland, in Brit. & S. Afr. Assoc: Adv. of Sc. Vol. 3, p. 168.
- (3) Ashton, E: Unpublished Thesis in U. C. T.

with the status of the bride, but among the Tl6kwa 20 cattle, 1 ox (moghoba) and 10 sheep and goats (setsiba) are usually given. In the case of a chief's daughter the setsiba should be made up only of goats. Among other Sotho 5 more cattle are usual while for a chief's daughter anything up to 50 cattle may be asked. According to Arbousset formerly 2 to 3 were enough; in 1872 10 - 15 were usual, while by 1912 15 - 20 was the average. There has thus been a steady increase in the number given, due, no doubt to increased wealth. The bride's father is not present while the bargaining is taking place but is kept informed as to what is going on. When the transaction is over he comes out and orders bullocks to be slaughtered, 1 for every 10 head of cattle, the meat being divided among those present.

Cattle are contributed by the groom or his father, 1 or 2 being obtained from grandfather or uncles, while the mother's brother may also help with a beast. The opening move in any marriage negotiations must be taken by the man's people, usually the father, but he can do nothing until he has the approval of the rest of the family - his father, paternal uncles, brothers and wife. Marriage is usually with the mother's brother's daughter or father's brother's daughter, and this desire to keep the cattle in the family is expressed in the couplet :-

"Ngoana' rangoane 'nyalle
Likhomo li boele sakeng".

"Child of my father's younger brother marry me, (1)
That the cattle may return to the kraal"

The boy's father makes informal overtures to the girl's family and sends a messenger, usually a friend, to ask formally for the girl in marriage. He may take a beast with him as the "mouth" by which the boy's father speaks. It seems that infant betrothal was practised in the old days but no longer today. Friends would promise their children in marriage and, occasionally, instead of giving the full bohali cattle, a man would promise to give his sister or daughter in marriage to their son. In both cases one or two cattle called tebeletse would be exchanged as a pledge of good faith.

(1) Quoted by Ashton. op. cit.

Delivery: Very few Sotho can afford to give the full amount of bohali at once, although, doubtless, this is theoretically preferable, and usually 6 - 10 are given at the time of the marriage, the rest being given later. The debt may be handed over from father to son. Sometimes a man will keep back a few cattle called litsoa as a sort of insurance against the bride turning out barren or dying young without having borne any children, the idea being that if the girl's parents do not provide a substitute, they will not get these cattle. As soon as children are born these cattle should be handed over to the parents. (1)

The two selelekela cattle are given first. The bull is called seholhola (loins), a gift to the father of the bride, while the letsoale (breast) is a thankoffering to the mother for her services. On the day of the wedding the groom's father and all his male relatives and friends drive the bohali cattle towards the bride's village. As they leave the kraal the cattle are counted by a young sister or other female relative⁽²⁾ who taps them with a stick (lere) as they pass. She is naked except for a skirt or thethana. As the party nears the village the two selelekela cattle are detached from the herd and driven vigorously towards the village kraal by the young men shouting and banging tins. The young girls of the village try to prevent them entering but this is only symbolic and is soon abandoned. The rest of the cattle are then driven into the village and are counted while the visitors are given pots of beer. Not all the cattle are given at once, as, e.g., cows expected shortly to calve are kept back for a time - but permission must be obtained from the girl's group to do this.

At the marriage celebrations the groom's father is given two oxen. One (mafura, i.e. "fat") is killed and the other is given to the boy's malome (maternal uncle). In some cases the fat of the entrails of the former beast is rubbed with a special medicine and hung round the bride's neck (cf. the Tswana lomipi). These cattle are called thlabiso and the bride's father is said to have hlabisa'd his son-in-law. The groom regards this killing as sealing his

(1) Most of this description is from Ashton.

(2) Mabile says aunt or mother.

marriage and may feel very hurt if they are not given. These cattle may even be given later at a special feast. If they are not given at the marriage a sheep will be given to provide meat for the feast.

Allocation: As we have already seen, two cattle are given to the parents of the bride (the selelekela). The father should also get the setsiba (loincloth) which, as its name infers, is a tribute to his generative powers. If the bride is a first, third or fifth daughter of the sister with whom he is coupled, and if he has fulfilled his obligations to her at her initiation and wedding, the girl's maternal uncle is entitled to a share. Theoretically he can take as many cattle as he likes, but is not expected to take more than six. He is not expected to help with the initiation of the second, fourth and sixth daughters and, consequently, gets no cattle from their marriages. The rest of the cattle belong to the household of the girl except among some Sotho where the moghoba ox is said to be given to the women who accompany the bride to the husband's home, who, in turn, deliver it to the bride's mother. It is the "cow of her womb". No cattle are given to the relatives who have helped with the marriage of the girl's brother but they are repaid with help when their sons marry or when they require other help.

Apparently among the Tlokwa⁽¹⁾ the father gives to each of the brothers of the girl married one of the bohali cattle and an animal to his sister (the rakhali of his daughter) and the mother of the children to whom he is malome. If his eldest daughter gets married he gives a beast to his second wife and if his second eldest daughter gets married he gives his third wife a beast. It is stated that this is not the law but is usual. It seems that the number of cattle given to the malome is more institutionalized amongst the Tlokwa than among the other Basotho. According to Coertse (p. 265) the children of the eldest sister in a family consider their mother's eldest brother as malome while the children of the second eldest consider the second eldest brother as such. Each group of children of one mother has thus one malome who calls his nieces and nephews bachana. If an eldest daughter marries and 20 cattle and ten goats are paid, the malome gets 8 beasts and 2 goats from the bohali, if it is the

(1) Coertse: op cit. p. 264.

second daughter he gets two goats and two beasts, while for a third daughter he gets the original 8 cattle and two goats again. This seems to tally fairly well with Ashton's account except that he says that the malome does not get anything for second and fourth daughters. A malome must contribute to his nephew's bohali and must give at least one head of cattle to each if they want to marry. Further, at the marriage of his eldest daughter, he must give an animal to his sister called the khomo ea matsoele. The woman to whom he gives this beast is the rakhali (paternal aunt) of his own children.

Consequences of non-payment: I could find no information bearing directly on this point.

Recovery: The bohali cattle are recoverable on the dissolution of the marriage. There is some disagreement between the authorities as to what are the grounds of divorce, but on the whole they seem to be accusations of witchcraft, wilful ill-treatment and neglect on the part of the husband and malicious desertion on the part of the wife. Ashton says that adultery is not a ground for divorce, but Coertse maintains that it is - if persistent. The refusal to render conjugal rights is only so in the case of a monogamist. If the marriage is dissolved the man is entitled to all his cattle back; indeed, the return of the bohali is the divorce. One very simple rule operates. If he keeps the children of the marriage - even if there is only one - he must forfeit the whole of the bohali and the children will belong to the mother and her parents. Sometimes the parties agree amongst themselves to divide the cattle and the children and this is also done where the woman is at fault. Thus we see that among the Southern Sotho little attention is paid to the liability of the parties and the question is a straight-forward one of who is to have the children.

Even if the wife dies without having borne children, he cannot claim the return of the cattle although he may claim a younger sister of the bride as a substitute. Usually, if this is not done the cattle are handed back, especially if the deceased has no sister. If the man dies, the widow is taken over by the heir. Coertse maintains that the seantlo (substitute wife) must

be nyala'd and ten beasts and ten goats given as bohali with the usual moghoba but Ellenberger maintains that no bohali is given for the seantlo except one head of cattle as a present to the father. According to evidence given before the 1873 Commission, if a man divorces his wife without good cause he cannot claim the cattle back.

We see that in some features, notably the presence of bargaining, the use of goats and the uncomplicated laws of recovery⁽¹⁾ the Southern Sotho differ quite considerably from the related Tswana and Transvaal Sotho tribes to the North and West of them, but in others - notably the use of the entrails (lomipi) and the gift to the mother as a thank-offering for the virginity of the girl, they are similar.

A SOTHO TYPE

The tribes of the Sotho division occupy the high Central Plateau of South Africa and extend over a large area. The Transvaal Sotho, unlike the Tswana and Southern Sotho, do not live in a continuous area, and the numerous tribes of this group are often numerically weak and subject to the influence of "foreign" cultures, especially Venda, Tsonga and Nguni. This influence is sometimes very strong and sufficient to cause important divergences from the hypothetical Sotho type, and, coupled with the grave lack of information, especially for the Northern and Eastern tribes of the Transvaal Sotho, it makes it almost impossible to come to any valid general conclusions. However, from the data at our disposal, we can extract tentatively the following main features.

Bride wealth among the Sotho is termed bogadi (bohali) (boxadi) or lenyalo and consists mainly of cattle although sheep are sometimes given. Goats are forbidden among the Tswana and the Southern Sotho sometimes give a horse. The number seven is regarded as unlucky. Generally no number is stipulated, it being left to the man's group to give what it can, but the Lobedu are an exception with an institutionalised number of cattle given. Note also the strong "linked" effect connected with cross-cousin marriage. The average for a commoner would seem to be about ten. Typically there should be no

(1) The Tswana do not recognise any recovery of the bogadi.

bargaining but, owing to contact with other tribes, this is creeping in, e.g., Rolong and Pedi. Cattle are contributed by the father and perhaps his elder brother and the groom's maternal uncle should give a beast. He, in turn, may claim a beast when his sister's daughter gets married. Sons and daughters are linked, the bogadi of one obtaining a wife for the other, and this is especially pronounced amongst the Lobedu. Bogadi should be paid in one instalment before marriage if possible.

Among most Sotho tribes the seantlo exists and a younger daughter is given where a woman is barren or dies childless. The general rule seems to be that the cattle are not recoverable where there are offspring: a man, even if he has only one child, must forfeit the whole bogadi. A beast is given as a thankoffering to the mother, and another to the girl's father, and another fairly general feature is the tying of the medicated entrails round the bride's neck at the wedding. Infant betrothal and cross-cousin marriage are found among all Sotho tribes but really, in the final analysis, there is so much diversity that a general conclusion valid for all the tribes is well nigh impossible. The above attempts at extracting some theoretically "typical" type, but the foregoing pages illustrate the difficulty. All we can say is that the Tswana and Southern Sotho present a greater uniformity than the Northern Group.

CHAPTER 1V
THE VENDA DIVISION

Although we have seen (Chapter 1) that the Venda can be divided into three groups, our information does not specify to which section it refers, both Lestrade and Stayt⁽¹⁾ having taken data from over the whole area.

Significance: Marriage among the Venda is regulated by a complex legal and social system, the chief feature of which is the passing of bride-wealth (thakha) from the family of the man to the family of the woman, in consideration of her going to the man's family. They will have full say over her, her reproductive powers and the children she bears. Stayt (p.143) maintains that it is a legitimising bond ensuring the social status of those concerned and of their off-spring, as well as a compensation by one family to the other for the loss of one of its members.

It shows analogies to the other Bantu peoples, where it is essentially similar, but the fact that it differs from them in some features makes it advisable to employ a different term and the word mala is used, from the TshiVenda verb u mala (the process of taking a wife and paying bride-wealth for her). The Venda have, for a long period, been subject to foreign influences and this has modified, to some extent, the details of the mala system. X The latest and most powerful influence seems to have been Sotho, especially the Transvaal Sotho, which seem to have influenced both language and culture. There is also probably considerable modification due to contact with the VaKaranga of Southern Rhodesia, but this is difficult to assess because of our inadequate knowledge of Shona bride-wealth. A third influence is Nguni and Tsonga. In the past these contacts have caused differences between the various sections of Venda but there has lately been a tendency towards a unification of the Venda group.

Bride price must be given to render a marriage legal.

(1) Lestrade, G.P.: The mala system of the Venda-speaking Tribes in the Union. Dept. of Native Affairs Ethnol. Publ. 1; Contributions to Venda history, religion and tribal ritual.

Stayt, H.A. The Bavenda: Oxford.

See also Gottschling: The Bawnda, Brit. & S.A.Ass.Adv.Sc.111.

The man's family received the right to the woman's functions as a wife and mother, and on his death or impotence, they may assign her to any other male in the group to raise up seed for him. There is a proverb - "Cattle, not men, beget children", i.e (in Lestrade's somewhat formalised description) for a certain consideration in cattle a family may buy from another family one female unit of potential reproductive power who, if she does not fulfil her function, must be replaced by another unit who does. Either side can claim only one possession - either the woman and her children or the cattle. Compare the Nguni proverb - "The cattle are where the girl is not"

(1) The ceremonial connected with marriage is important as it illustrates symbolically the social and legal relations between the two families. Descent is patri-lineal and a house must get females, by means of some consideration, from some other house to propagate itself. The attitude of the family of the man is one of humility until the contract has been ratified. The man's father approaches the father of the girl and asks his permission and the number of cattle roughly required. If the answer is encouraging, other messengers are sent "to open the mouth" and elicit a promise that the contract is now valid. Sometimes another visit is paid by the women of the man's group, and it is said that the bride undergoes a searching physical examination. After these formalities, the business of bargaining begins.⁽²⁾ Some tribes hold with the Sotho idea that this is reprehensible - at least in public - but others take a more realistic outlook and heated debates as to the number and nature of the beasts are carried on. In this bargaining the people most concerned, i.e. the two fathers and the engaged couple, have officially nothing to say. The affair is "stage-managed by the two families". During the discussions there is a spirit of antagonism

(1) I have used Lestrade as a basis, supplemented by information from Stayt, and, to a much lesser extent, Gottschling.

(2) A great deal of bargaining goes on between the contracting parties. Sometimes a man betrothes a child (sometimes even unborn) to a man from whom he has borrowed cattle. If the whole thakha is not paid over at once, a check is kept by both parties on string or by notches on a stick. These promises and agreements about the marriage dowry lead to untold complications and form the nucleus of most of their family feuds.

and strain between the two families but this disappears as soon as an amicable agreement has been reached. The husband's group may then insist, or even presume, on their rights.

Mala is not confined to men among the Venda. Any woman may mala a wife in exactly the same way as a man. Apparently this occurs quite frequently among the nobility, especially among women who are petty chiefs or witchdoctors and can accumulate some cattle. These "wives" may be brought home and the woman's husband allowed to have sexual relations with them - though he has no rights over them. They occupy a menial position and help the wife to do the work. Their children refer to the woman who mala'd them as "father" and, sociologically, as such she is regarded.

Nature, Amount, Contributors:+ The total number of beasts agreed upon is not usually handed over at once and there is no stipulation that it must be handed over in one instalment. Usually the majority are handed over directly, the rest remaining to be claimed by the wife's family. The thakha is divided into two parts (a) the vhumala and (b) the ndzadzi. The latter is always a cow and a calf and goes to the girl's mother. Formerly the mother's brother (malume) had a right to these beasts and, even today, if he requires them they are seldom refused him. (1) Even in the case of divorce and the return of the bride-wealth, this beast is never given back. Its name, ndzadzi, seems to bear out the explanation given by informants that it is, at least in theory, the price of the bride's virginity, for which the mother is held responsible. Now and then, before the actual marriage, and at certain times afterwards - such as the birth of the first child or the departure of the wife to her husband's home - certain gifts, consisting mainly of small stock, but sometimes of large, are given to the wife's family by the husband's. It is difficult to know whether to class this with the thakha or not, and there is difference of opinion among informants. It can be reclaimed if the marriage is dissolved together with ornaments and clothing given during the

(1) Stayt: page 143.

engagement and it is probable that in former times wedding expenses were reckoned in with the thakha.

The chief constituent of thakha is still cattle, but, according to Stayt (p.37) before the coming of the European only chiefs and important headmen owned cattle, the ordinary people using hoes as the medium of exchange. He believes that originally the Venda were cattle-owning but tsetse fly and rinderpest caused such depredations that they were forced to take up agriculture. "The BaVenda do not depend on their stock for subsistence, and the poorer people, who can seldom afford to kill an animal, collect them for the sole purpose of lobola" (p. 39). He also states that copper objects (musuka) were sometimes hammered down and turned into bangles which were valued at £10. or the price of a cow. They were used to pay thakha.⁽¹⁾ Money, however is growing in importance as a medium of exchange and is taking the place of cattle in various transactions. In parts of the country a woman is mala'd with £40 - £50. (p.43)

There does not seem to be any taboo on the number as among the Tswana but 2 beasts seem to be the minimum; the average is about six, plus the extra gifts and presents and a varying number of goats, usually 8, and ten is considered a good price - even for a girl of good family. The cattle for the thakha are derived, firstly, from the house to which the man belongs, i.e., those cattle assigned to that house by the head of the family. They are augmented by cattle obtained through marriage by daughters of that house and they may be supplemented from the property of the head who has to find wives for all males in subordinate houses. This general property may be composed of thakha beasts derived, for example, from the marriage of a sister of the household head and other sources. The maternal uncle need not contribute as among the BaHurutse, although he usually does so. If a father cannot pay thakha for his son he may do it after the marriage or even when a daughter of the marriage is married. "Sometimes a poor man, wishing to obtain a wife, will ask a rich

(1) Stayt: pp. 66 - 67.

friend to help him with a gift of cattle for the lobola. When asked for a surety he points to his little toe, implying that the first daughter of the union will be given to the benefactor".

Husband and wife both begin to call the benefactor "son-in-law". (1)

Delivery: After the preliminaries the first instalment is paid over at once. Just before the wedding the vhumala plus £1. in cash is taken by the man and a friend to the girl's kraal. The father refuses to come out and count the cattle until given £1. - formerly, a sheep. In accepting this, he signifies his final acceptance of the marriage gift and cannot change his mind provided the full amount is paid. Five goats are then given by the mukhadi, or specially appointed go-between, to the girl's mother, who gives them to her husband. They are named as follows:

- (a) Lufhanga: (knife) "to pay for the knife which is going to cut up the cattle when they die".
- (b) Mbado (axe) - to buy the axe which is going to chop up their bones.
- (c) Mulumo vha khotso ("mouth of father") to enable them to eat the flesh of
- (d) Mulumo vha mme ("mouth of mother") the cattle.
- (e) Thuba ya kholomo ("the switch for driving the cattle") -

"The girl's father's acceptance of this acts as a receipt to the man's father". (Stayt. p. 147) i.e. the thuba.

The second part of the lobola - the ndzadzi - is not paid until two months later, after the man has paid another goat, (tsindela mavu) which he kills at the girl's kraal, and makes a tshirivha, or skin skirt worn by married women, for his bride. As he presents this goat he says: "I want my calabash of water", i.e. the bride. The mukhadi asks the parents whether the girl may go and they demand the ndzadzi, the cow and calf being given to the mother, and, after some further gifts, the girl consents to go with the man.

"The idea of a gulf to be breached is reflected in the procedure with the cattle in the vhumala transactions. Every detail is considered, and the presenting and accepting of the goats symbolises the change of ownership. The cattle belong to another

(1) Stayt: p. 176.

family, and until the rights of the last owner are broken down and the taboos removed by the goats, the two representing the knife and the axe, and the two sanctioning the eating of the flesh by the girl's parents, their passage to the new family is not complete".

Allocation: As we have seen, the ndzadzi, a cow and a calf, go to the wife's mother as well as most of the numerous presents of ornaments, bracelets etc., all of which are included in the thakha and can be reclaimed in a court of law. The man is also expected to give labour service during the betrothal period.⁽¹⁾

The Venda practise cross-cousin marriage and a maternal uncle is bound to agree to a marriage of his daughter with his sister's son. If he refuses, he must return to his sister the ndzadzi which he received at the marriage of her daughter (and which she passed to him) so that she can use it to get a daughter for her son somewhere else. From this it appears that the maternal uncle has a right to the ndzadzi of his sister's daughter which provides thakha for her son when marrying his daughter. For the rest, according to Lestrade, the thakha falls to the woman's father to do with what he likes although, actually, he must use it to get wives for his other sons - and himself.

Consequence of Non-payment: If a man did not pay thakha his wife could leave him with all the children and his only recourse would be to claim back such cattle as he had paid, or else he could demand custody of children paid for. In any case, he loses his rights over his wife who may be mala'd to another man who becomes the legal father of the children. Once the first deposit is paid the man takes formal possession of his wife with whom he may cohabit. They go to live at the home of the girl's parents until the first child is born and then start a home for themselves nearby. Very often the wife's people begin to insist on the payment of the rest, but it is rarely given them, and, indeed, is usually paid out of the thakha of the wife's

(1) Stayt: p.144

first female child, or, more rarely, by that of the man's sister.

If he delays too long, however, other measures may be taken. The woman may return to her parents with all her children and the husband will not be able to force her to return without making some satisfactory arrangement. It is said that if he really could not pay he would be let off and a husband can demand that the wife's people be satisfied with one beast for every child that the woman has borne him plus the ndzadzi beast. For instance, if he has paid four beasts and owes two and the wife bears three children, the situation is regarded as quite - the girl's family being satisfied with those beasts which it has obtained, the husband keeping custody of the children.

Return of cattle: Cattle can only be returned on the dissolution of the marriage. If the woman returns to her group, for any reason and refuses to live any longer with her husband, the thakha may be reclaimed.

If a man ill-treats his wife, neglects her and refuses to eat the food she has prepared for him, she is likely to run away to her own group. She may be urged by them to return, more especially as a divorce means the return of the cattle - a troublesome business, as they are probably scattered - or they may take her side and a divorce results. If the man is impotent, or dies before his wife is pregnant, his family have the right to have seed raised up to him by some other male in his family. This man is called mboho (bull) and his sole function is to cause the deceased man's wife to bear children. These children belong to the man who paid the thakha for their mother, i.e., the deceased, and not to their physiological father. If the widow objects to a certain individual another may be appointed, but she cannot refuse someone of her late husband's family. If the husband's family is not in a good financial position they may prefer to send her home and get the cattle back, but this is rare as they stand to lose the ndzadzi and other gifts not included in the thakha.

There seems to be some disagreement among informants whether the levirate is resorted to if the woman has already borne children and as to the status of the children so "raised up". This seems to be the case, and children tend to belong to the second husband - but this seems a departure from the original Venda law. (1)

The children "raised up" for an impotent man definitely belong to him. An interesting extension of this principle is seen in the case of a man dying unmarried - especially if the only male in the house. A wife is mala'd for him with cattle from the house and seed raised up by a male relative. The woman is considered the wife of the deceased.

We have been considering cases where the man is at fault. What happens to the thakha if the wife does not fulfil her part of the contract? Conjugal rights come into being from the moment an undertaking has been reached between the two families - sometimes even before the wife has been born. As the thakha gives him the right to all her reproductive power, the husband has the right to any children she may have before her marriage. If she is barren or dies before she has given birth to a child (thus not fulfilling her side of the contract) she must be replaced by another female from the family. No thakha is paid. If a woman has borne children but died at an early age, a substitute may still be given, but here a reduced thakha is given, but if the number of children born is commensurate with the amount paid, the wife's people cannot be forced to provide a substitute. If the husband of a deceased woman so wishes, he may return all the children of the marriage and so become entitled to a refund of the thakha.

Apparently a husband has no claim whatever if his wife's children are stillborn or die in infancy. Cases exist where a woman has borne child after child without being able to rear any to maturity, and in such cases it depends on the goodwill of the wife's family whether the man gets another woman or not. If the wife leaves her husband maliciously or is sent away by him for

(1) Lestrade: p.xvii.

good cause, efforts are made by both families to reconcile them but if this is impossible certain of the thakha will be returned. A substitute wife is seldom given in such cases. If a woman elopes with a lover, the husband may claim the equivalent of the thakha plus increase. But, according to Stayt (p.152x) "a man cannot return a wife to her parents and receive compensation unless she has had several abortions, committed incest, become an habitual adulteress or thief, or been designated a witch".

A chief's wife is mala'd by cattle from members of the tribe (vuhosi) in the same way, but if the contract is broken, the contributors do not get their shares back.

We have now extracted a common Venda type characterised briefly by a different name - mala - the presence of bargaining, and the fact that women may mala wives. Then, too, the thakha is divided into two parts - the ndzadzi and vhumala, the former going to the bride's mother as a token of gratitude that she has kept the girl's virginity intact. The accompanying gifts are included in the thakha and are recoverable with the cattle in the event of the marriage being dissolved. The cattle given vary between 2 - 8, 6 being the average. There is no taboo on the number as among the Tswana. Formerly ewes were given and copper objects (musuka). When the vhumala is given they must be accompanied by 5 goats which symbolise the change of ownership. The maternal uncle need not contribute but, as cross-cousin marriage is practised, he usually receives the vhumala from the marriage of his sister's daughter. The man is expected to give labour service during the betrothal period.

Once the first deposit is paid the man takes possession of his wife but stands to lose the children if he does not pay the rest. Cattle are returned if marriage is dissolved or the wife dies or is barren, but a substitute wife is usually given. There does not seem to be a very great divergence from the general Bantu type.

CHAPTER V.

THE TSONGA DIVISION.

The Tsonga (Thonga) tribes are situated mainly in Portuguese East Africa, although there are important settlements in the Union, and are divided into three groups, Southern, Central and Northern. (See Chap. 1). Our main information is taken from Junod's monumental "Life of a South African Tribe" which is a detailed but generalized account of Tsonga culture. More specifically, we have data on the Southern (Ronga) tribes by Clerc⁽¹⁾ and on the Central (Tshangana, Nhlanganu, Nkuna, etc.) especially the Transvaal tribes, by Ramsay⁽²⁾ augmented by Junod's account, on which we must rely for all our information on the Northern clans.

Southern Tribes:

To this group belong the clans of Maputa, Tembe, Mpfumo and others classed by Junod under the name Ronga, and our data refers especially to the clans of the Maputa district lying south of the Espirito Santo, Portuguese East Africa.

Significance: There are three main stages in a Ronga marriage, viz: the payment of lobola, the procession of the bride to the home of the bridegroom and the feast. Of these perhaps the lobola is of the greatest importance - "it is the pivot of Bantu marriage". Ronga marriage is concluded by the transmission of the bridewealth from the man's group to that of the woman and is dissolved when a whole or part is returned. Marriage is controlled by what Clerc calls "the bukongwan alliance" (p. 79). "The bukongwan prevents matrimony between the sisters, nieces, etc., of a man, and all the people who have taken, or might have taken, possession of the lobola paid by that man It also prevents a marriage taking place between a man and all the women who might have been married by transmission of the lobola" - in fact, the wife's clan or relations by marriage.⁽³⁾

- (1) Clerc, A: The marriage laws of the Ronga Tribe, 1938. Bantu Studies, Vol. 2.
- (2) Ramsay, T.D. Tsonga Law in the Transvaal: African Studies, V. 5: September, 1946.
- (3) Junod: 1912 - p. 230.

A man may not marry into either his father's or mother's clan. Contrast the preferential marriage of the Sotho and Venda. According to Clerc, however, the stipulation of the bukongwan may be obviated by a small ceremony called hi ku siba mahlu ("to shut one's eyes"), and the payment of £1. to the bride's family. This does not apply to the wife of his wife's brother or the elder sisters of the wife.

Nature, Amount, Contributors: The lobola is divided into two parts - (1) the šigila and (2) the mali ya ku hloma or procession money, and the bride does not leave her home to go to that of her husband until this latter instalment is paid. The payment of the šigila marks the betrothal of the two parties and the girl's family council are responsible for settling the amount of lobola with the man's group and deciding on the amount of the first instalment. The girl is asked if she is satisfied with the arrangements, and, if this is so, the šigila are paid over with a ceremony.

According to Junod (p. 109) referring to the Mpfumo tribe, the lobola was formerly paid in hoes, sometimes numbering as many as 40 - 50. These were distributed among the relatives who came to the lobola feast carrying them on their heads. A mock battle ensued at the girl's kraal and, amidst much laughter, the girl's relatives tried to steal them from the visitors. After some time the hoes were deposited in the centre of the kraal and fixed into the ground in groups of ten and the bride's relatives gathered round and counted them. It was important that there was a large number of witnesses. Apparently these hoes were eventually used by the bride's brother to obtain a wife. It seems that the use of hoes has largely fallen into disuse among the Southern tribes as Clerc does not mention them. He says (p. 85) that the Southern Ronga pay a lobola of between £30. and £40. or 10 - 15 head of cattle. The Tsonga were not, formerly, a cattle people owing, presumably to the tsetse fly infested coastal areas which they inhabit, but the use of cattle seems to be general now. Junod (p. 258 - 261) maintains that lobola consisted first of mats and baskets, but, when European

traders entered the country, beads of iron and brass were used. He thinks that oxen were used for a long time and hoes were only employed from 1840 - 1870 owing to a scarcity of cattle caused by wars with the Zulu. Of recent years, however, money has tended to supersede both hoes and cattle as a medium of lobola exchange.

Today it is rare that the whole amount is paid over at once. Usually about £1. - 10s. is paid for the marriage and the rest handed over in easy stages. This allows young people to marry at a much earlier age than otherwise and gives a young bachelor a chance against a wealthy polygamist. One gets the impression that cash has almost entirely superseded cattle in these payments, and one finds such expressions as "one does not owe money to the people of one's own yindlu (house)" and the name of the second half of the lobola - "the procession money" in connection with Tsonga marriage. The term for the sum paid is ndjobolo or bukosi (wealth). Junod (p.259) says that goats are never used as lobola and remarks this is odd because they are "the oldest domesticated animal of the Southern Bantu" (1) If cattle are paid, eight is a forbidden number as when one is sacrificed, the unlucky number 7 is left (cf Sotho).

The lobola is raised by assistance from all the relatives of the bridegroom, i.e., all the men who have a say in the family council, including father, uncles and brothers both uterine and by other wives of the father. Apart from these contributors, lobola may be obtained in two ways (mentioned by both Clerc and Junod). Firstly a man may get cattle or money from the lobola paid to his father when his sister was married and which he employs, with the consent of the family council, to get a wife for himself. This is the original method. Today, however, it is often much easier for a Tsonga man to go to the mines or European labour centres and earn money for lobola, starting a herd for himself (tisungulela ntlhambi) - particularly if he has no sisters. According to Clerc (p.99) a woman married with lobola obtained from the marriage of her husband's sister has a more privileged position in the hierarchy of wives than a woman who is not.

Delivery: The first instalment is paid on the eve of the wedding before the greatest possible number of witnesses.

(1) But compare the similar taboo among the Sotho Tribes.

Presumably this is the šigila. Both families are present at the ceremony excepting the betrothed couple and the muloboli or go-between is responsible for the payment of the lobola. The money is received by the father, or brother or even mother, if they are absent, and the girl's family exclaim aloud "a lobolile ha ku kari" ("he has paid a lobola of so much"). If there is still a debt outstanding it is mentioned openly before witnesses. The payment raises two obligations - the bride's family must deliver her at her husband's kraal and the husband's family must receive her as his wife and allow her to take her rightful position in the village.

Allocation: In the Maputo district the bride's father is the nwinyi wa bukosi (the master of the lobola) and has sole right over it but evidently in the Nwapulan tribe the men of the bride's yindlu, i.e., her brothers, are responsible for it, under the father's direction (p. 99). The bride's mother, paternal uncle and maternal uncle each receive £1. and the rest of the lobola is left as a lump sum which, in Maputa, may be squandered by the father if he so wishes, or, in other tribes, will be used to obtain wives for the brothers of the bride: "lobola difanela ku buyisa nsati" ("the lobola must bring a wife").

The question arises, who may use this money to get married? The first claim goes to the bride's uterine brothers, i.e., those men of her mother's yindlu. If she has no brothers other sons of the father (by other wives) may be permitted to use the lobola. The sum is never divided but given to the oldest bachelor related to the bride (Clerc p. 100). Thus in a given yindlu (house) the eldest brother gets the lobola of the eldest sister - brother and sisters are paired as among the Sotho. If a woman has only daughters, sons of other wives may lay claim to their lobola, but the son of a superior yindlu has prior rights and is not obliged to refund it. If the daughter of a monogamous muti (village) gets married and has no brothers, the father's uterine brothers have first claim and then other brothers, some being, perhaps, younger than their niece. All receivers of lobola who are not of the same

house as the bride regard it as a loan and must repay it.

In the majority of marriages the whole lobola is not paid and debts are outstanding. There is strong pressure from the creditors, e.g., the man's father-in-law, for the man to pay them out of the money received from his daughter's or sister's marriage. Thus a conflict arises between those who want to be married and those who want to be paid. The rule is that the father-in-law must be paid first.

Return: The return of the lobola is the conclusive sign of a divorce, but if the cause of the divorce has been the ill-treatment of the wife by her husband, the lobola will be refunded only if the woman marries again. Lobola may be refunded if the wife deserts the home or if the husband is impotent or refuses her part of game killed during time of dearth (p.90). A man may marry legally a woman separated from her husband. The suitor must first get into touch with the family of the separated husband with a view to paying back the whole or a part of the lobola to him and also offer to pay a minimum lobola to the wife's people. These arrangements must have the approval of the first husband, of his successor, of the woman and of their three families (Clerc: p.91). This form of marriage is uncommon.

A man has the right to repudiate his wife, without, however, claiming back the lobola, if she has committed adultery, is a witch (noyi) has used bad language to bring discord to the home or has not performed her duties in the home. The last two features can end in divorce but the woman's group, not wanting to refund the cattle, will usually do their best to bring about a reconciliation. "The family will urge her, by violent admonitions and even brutal treatment, to reform, and to go back to her husband's home". If a Ronga man dies his widow is delegated usually to other male relatives who raise up seed to her late husband. Certain conditions must be fulfilled: a substitute authorised by custom must be appointed, the widow must give her full approval, a year of mourning must pass and the substitute must notify the woman's family of the position by sending them £1. (1)

(1) A discussion of who may substitute will be found on pages 88 - 89 in Clerc, 1938.

Unfortunately the data available does not give us a detailed description of the rules governing the return of lobola among the Tsonga but in a footnote (p. 265) Junod quotes information for the Southern Sotho saying that the Tsonga custom is the same, viz: "a woman married under lobola bears children but possesses none. The children belong to those who gave the cattle". We can assume, then, that a man can only claim the children if he has paid lobola and, in the event of a dissolution of the marriage he can reclaim the amount minus a certain number for every child of the union - unless he wishes to repudiate possession of the children in favour of the lobola.

The Northern Tsonga.

We have no definite information about this group except what we can deduce from the generalized account of Junod. He maintains⁽¹⁾ that the average number of cattle given is 15 head.

The Central Tsonga.

Our date applies mainly to the Tshangana, Nhlanganu and Nkuna and allied clans, especially in the Pilgrim's Rest district, and is admittedly Tsonga law as modified by present day usage.⁽²⁾

Significance: Marriage is concluded by the payment of lobola or ndzovolo by the family of the man to the guardian of the woman. The preliminary negotiations are conducted by the relatives and friends of the man and the man himself does not take part at all. Special messengers are appointed (ntsumi) and they take with them £5. or a beast (in the Letaba district £2.) as a qoma or vuta (engagement fee). This seems to correspond to the Southern sigila and becomes the property of the father or guardian. Later it is usual, but apparently not essential, for £1. as nyaniso or ntiyiso (earnest) fee to be paid to the bride's guardian. Ramsay makes the

(1) op. cit. p. 117.

(2) Ramsay; Tsonga Law in the Transvaal.

statement (p. 144) that "these fees do not form part of the dowry, but are generally termed lobola or ndzovola and are returnable with the dowry on dissolution of the marriage." It is difficult to see why he differentiates these fees from the lobola proper and it seems more likely that they form part of it as Clerc maintains in discussing the sigila. On the other hand, the Nhlangu do not recognise these fees as lobola, and among them they are not returnable.

Nature, Amount, Contributors: Ramsay makes no specific statement as to the nature and amount of lobola given in the Transvaal, but it would seem to consist of cattle or cash and average about 10 - 12 head. Stevenson-Hamilton⁽¹⁾ says that the price of an ordinary girl among the Hlangane was formerly 10 head of cattle, but is now £35. to £50, according to the status of the girl's family. Should a Hlangane man desire to marry into a Tshangana clan the price would be raised, as the Tshangana and others who had been subjects of Gungunyane despise the Hlangane and treat them as dogs. We have no direct data on the contributors, but no doubt it follows the usual Tsonga pattern and the father and family rally round and help to provide lobola. A man would get the lobola from his sister's marriage and it seems likely that working for a wage and getting together his own herd is even more common among these Tsonga, living, as they do, so much nearer the Witwatersrand labour centre.

Delivery: After the engagement is announced, the payment of the lobola is arranged between the two parties. The girl's family may insist on the payment of the whole amount at once but, more frequently, instalments are allowed provided there is not much delay. If the cattle are not to be handed over immediately, payment may be made "by word of mouth", i.e., by pointing out the stock with a promise to pay later. Payment of dowry should, among all these tribes except the Tshangana, be accompanied by the payment of £1. as a "knife fee". If this fee is not paid and a lobola beast dies after the delivery, even years after the marriage, the payer is obliged to replace the beast. (The fee is the "knife" by which the girl's

(1) Stevenson-Hamilton, J: The Low Veld: Its Wild Life and its People: p. 238.

father kills, skins and cuts up the beast for his own consumption). If the fee is not paid the donor of the beast can lay claim to the carcass and thus the "knife fee" seems to transfer ownership of the lobolo⁽¹⁾.

In the Letaba district, if a lobola consists of cattle and cash, no knife fee is payable. In the event of the lobola being returned the fee is also returnable.

In addition to the lobola the husband may give gifts to his mother and father-in-law as a token of goodwill. Some of them are referred to as "fees to open the door of the bride's hut, to allow her to emerge", but they are not obligatory and are not returnable at the dissolution of the marriage.

After delivery of the lobola the guardian of the girl bears any loss due to the death of any of the cattle, provided the bride has been delivered. They may not actually have been delivered but merely pointed out - the delivery being symbolical. Ownership passes when the wife is handed over.

Failure to pay: If the full dowry is not paid within a reasonable period, the girl's guardian may sue her husband for the balance. If it is still not paid, the man may remove his daughter or ward and impound her until the husband pays, but he should be careful to make a public declaration about what he is doing, or else the husband may lay a claim for desertion. Failure to make a declaration, however, does not invalidate the impoundment.

If a husband dies before having completed the payment for his wife, his father must pay. If his father is already dead and the widow been ngena'd, i.e., taken over by a male relative of the husband to raise up seed, the new husband must be responsible for paying.

Often, when a man has finished paying lobola, and he and his father-in-law are on friendly terms, he may be given a younger sister of his wife to assist her. She is called "nhlantswa wife" and a reduced lobola (about 7 head) is paid for her. She becomes a seed-raiser for her sister and her male children must be brought up in the latter's hut. If the elder sister has no son, the eldest son of the nhlantswa will

(1) o/. The goats given by the Venda.

rank as the son of the original wife. Nhlantswa children are regarded as children of the main wife but do not interfere with the ranking of her own children.⁽¹⁾

Allocation: The only specific information about these tribes is from Stevenson-Hamilton who says⁽²⁾ that at weddings the bridegroom's group must always provide an ox over and above the lobola for the purposes of providing a feast. Custom lays down certain portions which must be given to the various relatives of the bride, especially the mother, father and maternal uncle. We can surmise that these tribes have the same pattern of allocation as the Southern Tsonga, but there is no data at hand to prove it.

Return of the Lobola: Lobola is returned on the dissolution of the marriage even if there is no order of court.

It may take place because of the desertion of the wife for inadequate reasons. In such a case the husband is liable to the return of the cattle and the custody of the children. This custom has lately been modified by the Native Appeal Court in accordance with Bantu practice elsewhere, viz: one head of cattle is forfeited for every child born of the union. This does not apply to children conceived by the wife after the desertion. In the Sibasa district, 2 cattle are forfeited for a girl-child and one for a boy, but a man may renounce his rights over the children and claim all the cattle.

If the desertion is justifiable, e.g., on an accusation of witchcraft, persistent ill-treatment, failure to support her so that her health and happiness is endangered, a man is not entitled to the return of the cattle. Ill-treatment must be abnormal. Among the Tsonga of Sibasa, there is no such thing as justifiable desertion. A widow who deserts her late husband's kraal or refuses to be ngena'd makes her guardian by birth liable to refund the lobola he received for her. Here again, we see the compensatory nature of lobola. The man's group has paid for the person of one female who becomes part of the group. Death of a husband does not end the membership of the husband's group, and if she leaves, the lobola must be returned.

(1) Ramsay: p. 147.

(2) op. cit. p. 238.

If a wife dies before bearing children, her father must provide a substitute; if this is impossible the lobola must be returned. A reduced lobola (c. 3 head of cattle) is given for a substitute if the original wife was childless, but if many children had been born, the lobola is often almost as much as for the first marriage.

According to Junod⁽¹⁾ those who have no cattle or money for lobola can get a wife by abduction (ku tluba). The couple would probably settle in the muti of the girl's maternal uncle, as her mother's family would probably be more lenient as they have no claim to the lobola. Usually, however, the man tries to collect the amount, leaving it at the door of the girl's mother's hut. If he does not succeed in paying it off, the lobola of the first daughter of the marriage will be utilised for this purpose. "Nwana a ta lobola mamana wa kwe" (the child will pay for her mother). In law, all such children belong to the girl's family.

A Common Tsonga Type :

We are now in a position to see whether we can isolate a Tsonga type of the bride-wealth complex. Briefly it may be characterised by the use of the term lobola or bukhosi to designate the consideration passed, on marriage, from the man's family to that of the woman. Marriage among the Tsonga is prohibited both with the father's and mother's clan (bukongwan), the lobola is divided into two parts, the šigila (nyaniso) and the "procession money", and the family council plays an all important part in arranging the amount, time of wedding, etc. The girl can veto the marriage, however, if it is not to her liking.

Bukhosi consists of hoes, cattle or cash - although there is not a pronounced cattle cult as amongst most of the South African Bantu. As amongst the Sotho, the number seven and the use of goats is taboo. The average is about 10 - 12 head of cattle, or £30. - £40. Negotiations between the two families are carried out by a special messenger - muloboli in the south and ntsumi in the central

(1) op cit. p. 120.

tribes. These are probably the Zulu and Tsonga names respectively for the same person. The sigila is returnable with the lobola. Lobola is obtained in three ways (1) by donations from the relatives of the groom (2) from the lobola of a sister or (3) earned by the man himself, but a wife obtained by (2) is held in greatest esteem.

The first instalment is paid on the eve of the wedding and the rest may be paid in instalments. The mother, paternal uncle and maternal uncle each receive £1. and the rest is kept as a lump sum usually controlled by the father. If there are no brothers in the house of the girl her lobola may be lent to other sons of her father but must be regarded as a loan. Ownership of the cattle is transferred, in the Central tribes by the payment of a "knife fee".

The return of the lobola dissolves the marriage. Original Tsonga law seems to have been that the husband was able to keep both the cattle and the children, but lately there has been a tendency in the courts to make it conform to general South African Bantu practice - forfeit one head of cattle for every child retained by the father.

CHAPTER VI.

THE NGUNI DIVISION

Although this division is one of the best known in South African ethnography, yet we have very little detailed information regarding the bride wealth customs of particular tribes. Most writers refer to the Cape Nguni (usually under the name Xhosa) generally and some go so far as to treat them with the Natal Nguni to the north. Although there is some information referring specifically to the Xhosa⁽¹⁾ the only other Cape tribe for which we have detailed knowledge is the Mpondo⁽²⁾. Cook's book on the Bomvana⁽³⁾ treats too sketchily of bride wealth to be of much use and our information for all these tribes must be filled in from various other sources which, too often, do not specify exactly to which tribe or group they are referring.

With regard to the Fingo and other immigrants into the Cape they are treated en passant by Soga⁽¹⁾ and in the evidence of Commissions etc. On the Bhaca we have a paper by Engelbrecht but that is all. The position is much better when we come to the Natal Nguni (Zulu) and the Swazi but there is almost nothing available on the Transvaal Ndebele. Our Nguni material then will be presented as follows :-

<u>Cape Nguni:</u>	Mpondo and Xhosa
<u>Immigrants into the Cape:</u>	MFengu (Fingo), Bhaca.
<u>Natal Nguni:</u>	Zulu.
<u>Swazi:</u>	

A Nguni type ?

THE CAPE (SOUTHERN) NGUNIMpondo

Significance: The mark of a Mpondo marriage is the passage of cattle from the groom's group to that of the bride (ukulobola) and no marriage is considered complete without this transfer. The cattle which pass are collectively known as ikhazi

- (1) Soga, J.H. 1932: The Ama-Xosa: Life and Customs
 (2) Hunter, M: 1936 - Reaction to Conquest.
 (3) Cook, P. A. W. 1931: The Social Organization and Ceremonial Institutions of the Bomvana.

and without the passage of cattle there is, in Mpondo law, no marriage, even though a woman has lived long with a man and borne him children. "A woman who is not ukulobola has no honour there (at her husband's umzi or kraal) for no matter how many children she bears, her brother can come and take them away". (Hunter, p. 190). Here again we meet the phenomenon general among the Southern Bantu of the cattle transferring the ownership of the children from the mother's group (represented in this case by her brother) to that of the man. A woman who has not had ikhasi paid for her is despised by the other wives who call her ifwe/ewe (woman for whom no ikhasi has been paid). The passage of the cattle also determines the group to which the children of the marriage will belong and there is a proverb "Walandela umntwana amabeka" - the children follow the ikhasi. The passage of cattle legalises the union in retrospect and if a seducer pays an extra beast over the usual 5 levied as a fine, he is considered to have lobola'd the woman and the child is regarded as legitimate.

Nature, Amount, Contributors: Cattle are generally used for lobola but today money is often substituted.⁽¹⁾

In times when there were no cattle some token was substituted as when baskets of grain were given in time of Zulu raids and cattle sickness. The amount of ikhasi varies. It is said that "a father may ask what he likes for a daughter" but the economic position of the groom and his family is taken into account while the attractiveness of the girl might raise the price. In theory the ikhasi given for a divorcee or unmarried mother is less than for a virgin, but, apparently, in practice there is little difference. Among the Mpondo the giving of lobola cattle is not as one-sided as it is among certain other groups of Bantu, for, at the same time, there is a transfer of goods from the girl's family to that of the man's and the amount of ikhasi given has a definite correlation with the number of goods received.⁽²⁾ It seems that whenever the bride's group brings a gift or a beast to be killed at the umt/hate (marriage ceremony), an additional beast in the ikhasi is demanded as a return. An average ikhasi for a bride who brought these presents is eight to ten head but about twenty head for the daughter of a district chief.

(1) See Hunter: p. 483, for description of ikhasi in an urban community.

(2) idem: p. 191.

More often than not the ikhasi is not fixed before the marriage, the father merely asking for an isinyaniso beast (of Tsonga: sigila or nyaniso) when negotiations begin. Usually at least four head are handed over when a marriage is consummated, but the father may demand more ikhasi at a later stage, especially the birth of a child, the return of the man from the mines, etc. To enforce his demands a father may resort to the theleka custom by which a father detains (legally) his daughter and her children at his umzi until the extra cattle are paid. Hunter says that the woman's relatives may go on asking for lobola cattle until her death, or after, and one gets the expression "ukulo6olisa ngamathambo" - to ask ikhasi for bones". Men cynically call themselves the "banks" of their fathers-in-law!

Haggling is usual but the groom and his father-in-law do not take part. The male relatives of both families get together and try to beat one another down, but women take no part. Today goats, sheep, horses, saddles, guns and money are all used as substitutes for cattle, but are still called "cattle." A standardised system of values has grown up and ten sheep or £5. equal one head of cattle. Today there seems to be a tendency to commercialise the lobola.

A man should assist his sons, if possible, to lobola their first wives by providing the whole or part of their ikhasi, and, if a son has inherited, he should try to provide the lobola for the first wives of younger brothers. A man usually pairs his sons and daughters as much as possible (ukufaka "to link") although this is not obligatory. "Usually the eldest daughter of the great house goes to the great son, the second daughter to the second son, and so on. In a junior house, however, the ikhasi of the eldest belongs to the house from which cattle were taken for the ikhasi of the mother. Thus, usually the ikhasi of the eldest daughter of the right-hand house belongs to the great house, the ikhasi of the eldest daughter of an iqadi (rafter) to the house of which it is an iqadi". In returning a debt to another house in the umzi the whole amount is not usually returned, but a part of the ikhasi of the girl married is left to the house to which she belongs. That

part, together with the ikhasi of the second daughter, goes to the eldest son of the house; the ikhazi of the third daughter to the second son etc. The youngest son in each house is provided for by the inheritance of his mother's property. Today the ikhazi is often earned by the man himself, but, unlike the Tsonga, the MPondo do not differentiate in status between women ukulobola'd with cattle from umgi and those married with cattle earned at the mines or borrowed from a chief or an acquaintance.⁽¹⁾

Delivery: As we have seen, delivery takes place in instalments which may extend right through married life. Only the isinyaniso beast is given as a pledge of faith (inyaniso "truth") when the negotiations begin. There does not seem to be any finality about the business.

Allocation: There is some doubt whether lobola given by a father or elder brother must be paid back when a daughter of the union is married. Informants say that they could be claimed in a court of law but only a small proportion should be taken. If, however, the cattle have been contributed by a stranger, or even a father's brother, they are returnable when a daughter of a wife obtained with these cattle is married. Of course, where a man has earned the whole ikhasi for a wife he has nobody to pay. A wife ukulobola'd with cattle from an already existing house is always subordinate to that house. One cow of the cattle given as ikhasi for an eldest daughter is the mother's property, claimable in a chief's court and inherited with her other property by her youngest son. It is called inkomo yesiphipho. Receiving ikhasi entails obligations, and persons who receive ikhasi for a girl are responsible for providing her with wedding outfit, clothes, gifts for her husband's sisters, and, where necessary, stock for ritual killings during her life-time. (p. 128). The ideal is that a man should work for his father in return for being helped with the lobola, but there is a growing tendency for young men to break away and provide their own ikhasi.

(1) Poor men may borrow cattle for lobola which they will return after the marriage of their first daughter. If they have no daughter, then from the ikhasi of a son's daughter, or the daughter of another wife. The borrower must perform services for his benefactor, e.g., building huts, cutting bush, going messages and praising him. No stigma attaches to it, and it is apparently very common today. (See Hunter, p. 135).

Recovery: A marriage is dissolved when a wife is sent away by her husband, or she leaves him and refuses to return. Whether the whole or part of the ikhasi is returned depends on the party responsible for the breach. The husband can only demand return on desertion and formerly death but one beast is left for "the services of the girl", one for each child she has borne and, if the ukut/hato has been performed, one for her outfit, which she does not take back with her. If a wife died the ikhasi was returnable less one beast for her services, one for each child borne, and one "to wipe the father's tears", but if the wife died in childbirth no return was recognised. Today, under European influence, chief's courts do not enforce the return of cattle after death. Barrenness is not a ground either for return or a substitute wife and, if a man sends his wife away because she is suspected of witchcraft or for any other reason, or if a woman leaves her husband and he does not follow her within a reasonable period, the marriage is dissolved and he has no further claim over either wife or cattle. If a wife is ill-treated and leaves her husband he cannot reclaim the cattle. The chief's court will decide whether or not there has been any ill-treatment.

A marriage is not necessarily dissolved by the death of the husband and the widow may remain in the man's group, being taken over by a younger brother by the ukungena custom, which is marked by the killing of a goat or beast. The man who takes her over is responsible for any lobola debt which may remain. It will be seen that the interest taken by both families in the lobola has a strong stabilising effect on Mpondo marriage.

XHOSA

Significance: Soga⁽¹⁾, in speaking of Xhosa bride wealth, makes the statement: "In no country, civilised or uncivilised, is there any custom so powerful, I believe, to secure the status of the married woman, and to protect her from physical abuse" and we have

(1) Soga, J.H: Ama-Xhosa: Life and Customs: p. 263.

seen in discussing the nearly related MPondo why this is so. Kropf⁽¹⁾ in "A Kaffir-English Dictionary" states that ukulobola means (a) primarily to compensate and (b) "give dowry for a wife". He says: "The idea lying at the root of this custom is that the father suffers loss by the marriage of a daughter. He is deprived of her assistance and has a just claim for compensation. And this custom furnished also a guarantee that the woman would be kindly treated after marriage. If she had just cause for complaint she could return to her friends, who demanded one or more cattle before she was allowed to go back to her husband". Thus he regards it as a compensation. We also note that the theleka is in force here as among the MPondo. Soga (p. 274) also refers to the lobola as the "Bantu woman's charter of liberty" and is upheld by the women themselves. Apparently the parents cannot use the ikhasi cattle without consulting the daughter for whom they were given. Sir T. Shepstone, giving evidence before the Cape of Good Hope Native Laws and Customs Commission, 1883, stated that lobola represents the daughter of the house, when that daughter is married and has left her home. It is a bond of alliance between the two families; one gives the daughter, the other fills the void with cattle. "That is how I have heard the natives themselves describe it." The bride is often accompanied by beasts for slaughter and other gifts from her father when she leaves to be married - so the giving of material wealth is not entirely one-sided. The native word for "sale" or "barter" is thenga and is never used in connection with marriage.

Nature, Amount, Contributors: The number given is regulated by the wealth of the groom's family and the economic state of the country, and may number from 10 - 100, usually about ten to twelve among commoners. Both Kropf⁽²⁾ and MacLean⁽³⁾ state that when two men wish to marry the same girl, they will bid against one another by sending cattle two at a time to the father. When the highest bidder has exhausted his resources, the two herds are surveyed and judged, the cattle of the unsuccessful suitor being driven back to

(1) A Missionary of the Berlin Mission, Stutterheim, Cumakala.

(2) Kropf, A. Das Volk der Xosa - Kaffern im Oestlichen Suedafrika: p. 130.

(3) MacLean, J. A Compendium of Kaffir Laws and Customs: p. 45.

their kraal by the girl herself!

Usually, however, negotiations are begun by the father of the bride, especially if the girl is of high rank. The process is frequently a very lengthy one and a messenger is sent by night with a present of ornaments, beads, etc., as an umlomo or "mouth" which is surreptitiously left in the guest hut where it is found next day. As the recipients have probably no idea from whom it comes, a "passer-by" drops in the next day and casually mentions hearing that so and so wished to see his daughter suitably married. This initiates the discussions which include much haggling, enjoyed by all. The girl's father gives presents to his son-in-law, usually one head of cattle for a kaross, one for the hair of its tail which is worn round the neck as a charm, and, if the bride is a person of rank, a number of cows, from three to ten⁽¹⁾.

Cattle for a lobola are usually provided by the father of a man and Kröpf says (op cit) that for many years the father is responsible for the support of the young couple. Van Warmelo⁽²⁾ states that the Cape Nguni present a culture complex of remarkable homogeneity and we probably get the same pattern as the closely-related Mpondo where the relatives help by contributing.

Delivery: Cattle are paid in instalments. Usually a payment of about six cattle is made before the wedding (isinyaniso?) and one or two given at the ceremony. Generally after the birth of the first child an additional demand is made, and, if not complied with, the woman is usually theleka'd to her father's kraal where she remains until the husband sends the cattle demanded. This seems to be identical with Mpondo usage.

Allocation: "When the lobola cattle get to the father's kraal his relatives are assembled together, uncles, brothers, and sons, and the cattle are distributed among them, some regard being given to those who assisted at the ceremony of the intonjana (girl's initiation) and who gave cattle on that occasion to be killed. The

(1) Most of this data is from MacLean op cit.

(2) Preliminary Survey of Bantu Tribes of S.Africa: p. 60.

father of the girl and the heir of the house would have the most say in the distribution"⁽¹⁾. The girl knows all the parties who have received a share in her ikhasi and, as her children grow up, she will tell them so that they will later claim cattle and assegais from them ("something to begin the world with"). If her husband died, she could appeal for aid to them.

Recovery: If the wife dies before the birth of a child or is barren the husband can get the cattle back. There is not much specific data with regard to the recovery of lobola which probably follows MPondo lines, but the Xhosa do not allow the levirate (ukungena) and a widow may have children by strangers, while being prohibited from having any sexual connection with a relative of the deceased.

IMMIGRANTS INTO THE CAPE

Mfengu

The Mfengu tribes have adopted much of the culture of the surrounding Xhosa and MPondo tribes and there is practically no information regarding bride wealth referring to them. Soga (op cit p. 267) says, however, that among the tribes of Lala origin (Fingoes, "and some at least of the Aba-Mbo") a different system obtains than among other Cape Nguni. Among these tribes when a man wishes to lobola a wife, her parents stipulate the number of cattle below which they are not prepared to part from their daughter. The man then collects the amount and pays immediately. Lobola then ceases.

Bhaca.

The only other immigrant tribe for which we have information is the Bhaca of Griqualand East.⁽²⁾ Their marriage customs are not very different from neighbouring tribes, and we get the typical Nguni prohibition of marriage with a girl of either father's or mother's clan. Children of two brothers may not marry, but the ukungena is present, whereby a younger brother raises up seed to the dead man.

(1) Evidence 1883 Commission: 1418.

(2) Engelbrecht, J. A. Enige Huweliksgewoontes van die AmaBaca in Tydskrif van Wetenskap en Kuns 1930-31.

Evidently this does not apply if the man is impotent. Our information relates specially to the Wushe clan of the Bhaca.

When a young man wishes to marry he tells his father who sends two married men to the kraal of the girl, to come to an agreement about the marriage. If the girl and her father are willing, her father asks the two men to bring the isinyaniso beast (" 'n seker - of vas- maak-ding") which is a heifer and will belong exclusively to him. On the day on which it is delivered the girl's father slaughters a goat or sheep which indicates that his group concurs in the marriage. It is eaten by the two messengers. The girl's mother receives one head of cattle called the nguta beast in recognition of her services. The next day, after arranging the number of the lobola, they return home, and finally pay a third visit, bringing the lobola which usually consists of about ten head. Not all is given at once. The delivery is accompanied by feasting during which the father of the bride kills a gelded goat (umthulantabeni) which is only eaten by the visitors. Also an ox - ankomo yothuli lwentombi - is killed. Half of the carcass is taken to the home of the groom and various parts go to the bride's mother, father of the groom, the father's brothers and mother's brothers, i.e., people called umalume. It seems that the nguta beast is not part of the lobola if we compare the analogous Zulu ingqutha which must also be paid on a seduction (see below).

A barren woman is not forced to leave her husband, though she will probably do so that a substitute may be given, as two sisters cannot be with the same man at the same time. If the wife dies leaving children, even if only one, the man has no claim for a substitute. In this case he may take another sister, but he must pay lobola for her - whether full or not is not stipulated.

THE NORTHERN NGUNI

Zulu

Significance: Marriage among the Zulu ⁽¹⁾ is a gradual rapprochement of the two sibs co-operating in the marriage. "The loss of a member disturbs the equilibrium of the group and something

(1) Krige, E.J. The Social System of the Zulu (1936)
p. 120

of great value must be passed". This takes the form of cattle. The Zulu say "Something must be done to soften the blow, and the other sib thus brings with it a number of valuable possessions, consisting of cattle or hoes, to present to the family of the girl". (p. 120). The idea is to obtain the friendship of the bride's family. Kohler⁽¹⁾ says that in the past the idea of money was entirely absent from the native concept of lobola and their cattle are not a means of payment or a measure of value. "Their beloved cattle stand for quite other different things and when he looks at his cattle he sees the outward sign of his sibs strength and solidarity, and is reminded of his ancestors, upon whose good-will his prosperity depends".

Nature, Amount, Contributors: Before the Natal Code of Native Law was drawn up, there was no fixed amount that had to be given and, in extreme circumstances, the groom's people could even give one or two stones and their suit could not be refused.⁽²⁾ On the other hand, it is considered an honour to lobola with many cattle, although the number of cattle in the old days was never more than 4 or 5 (Krige) but today the Code lays down 10. Usually 3 or 4 are given at the wedding and the rest given at intervals afterwards. If they cannot be paid over at once, they are pointed out by the bride-to-be who must touch them with a long reed and state the exact number to her father.

One beast (which has "nothing to do with the lobola cattle") must be given to the bride's mother as a consolation to her for her loss and a thank-offering for the intact virginity of the girl. It is called ingutha⁽³⁾ and does not have to be handed over at a particular time; but it is generally done before the marriage with the first of the lobola cattle. It is the personal property of the mother and is usually slaughtered and eaten by the women of the bride's kraal. It can never be claimed on divorce. Lobola still seems to consist mainly of cattle, although money and other material things seem to be creeping in, 5 sheep or goats, two donkeys or a horse being equal to one ox. At one time brass rings (imidaka) were given (Krige).

- (1) Kohler, M: Marriage Customs in Southern Natal Native Affairs. Dept. of Ethnol. Publ. Vol. 4 p.66.
 (2) Krige: p. 121.
 (3) of Nguni: iqutu

Among poor people the first child born is promised as payment and it is taken home by grand-parents. Lobola goes to grandfather. If a child dies, another must be substituted, and if there are only boys, the 10 head must be paid.

Although the number given depends largely on circumstances, it is considered an insult ⁽¹⁾ to give seven head and this number is only given for divorcees and, occasionally, for a girl who has borne an illegitimate child. Hence the number seven is only given in the absence of the ingquthu (virginity) beast. The a6akhongi (go-between) must also be careful to point out one beast of the lobola as the inkomo yenhloko ("the beast for putting up the hair"). This is so important that a girl will not prepare for her marriage unless it has been given, even if all the lobola have arrived, and if it has been forgotten to be pointed out, another beast must be given.

Braatvedt ⁽²⁾ says that within the last forty years certain foreign customs have crept into Zulu marriage. Among these he lists the isivulamlomo or present to the father-in-law to "open his mouth", the itongwana logwayi or "little snuff-holder", which goes to the mother, and the numerous presents collectively called izibizo i.e. "things by which to call the bride". The bridegroom also has to give to his mother-in-law pots filled with presents for herself and her husband and Braatvedt cites the case of one groom who had to pay as much as £10. to get the bride to enter his kraal. Preliminaries take place without the overt knowledge of the father (this is unusual among the Southern Bantu) and on the day the betrothal is to be announced to him the bride presents herself at her future husband's kraal. She will not enter until she has received various gifts, which become her property.

Cattle for lobola is contributed by the father and comes from house property. A father often links sons and daughters, the lobola of the daughters enabling the sons to get wives. If a man was too poor to pay lobola at all he could ethula his first daughter to his father-in-law, i.e., she would be sent "to replace the mother"

(1) It is said that the man points to the girl who has consented to become his bride with the forefinger (seventh from the left).

(2) Braatvedt, H.P. Zulu Marriage Customs and Ceremonies, S.A.Fr.J. Sc. Vol. 24, 1927: p.553.

at her maternal grandfather's home and be given by him in marriage, he keeping the cattle. Formerly marriage created a very special bond between the two groups. Whether or not a man paid the amount, he was liable to give his father-in-law one beast every time a brother of his wife got married, and was expected to help his wife's father when he was in trouble or debt. If the father wanted cattle for lobola he could send an ox to the husband. Thereupon, he would send as many cattle as he could afford but if he could not afford any he would still keep the ox (inkomo yokucela izinkomo). Some of the cattle have a specific function. The eyokuMemeza is the beast by which the father is officially informed of the betrothal visit of his daughter, while the isikhomasa or ingedo is returned when the girl proceeds to the groom's kraal, and is slaughtered there for the feast.

Delivery: As we have seen, delivery of the cattle may be extended over a very long period. The cattle, when they are brought, are driven by special messengers called asakhongi who make all the arrangements, and the girl's father deals only with them. According to Braatvedt (p. 555) if a man is satisfied with the cattle, his wives enter the cattle enclosure and beat the cattle with the leather pouches used for carrying babies. Sometimes, owing to East Coast fever regulations, the cattle cannot be moved, and in this event they are pointed out to the girl (see above). When the cattle are driven to the girl's kraal there is often a great show of hostility and the girl's male relatives try and drive them away. This is merely symbolic of the sib's reaction to the loss of a member and soon feasting and good relations are resumed. During the course of the wedding, however, the bride and her friends make a final attempt to drive the lobola cattle away, and, if they do not succeed, set up a cry "My father's cattle are eaten". The inkomo yokubeka is a voluntary gift of a beast given by the bride's father to the groom - if the former is wealthy enough.

Allocation: The kraal head is under a moral obligation to assist the members of his kraal to obtain lobola for their wives. Sons and daughters in a house are paired and cattle obtained from the marriage of a girl is allocated to her house for the use of her uterine brothers. A father may borrow cattle from another

house for the lobola of a son but this is a debt which must be repaid and it is a common practice for a girl to be handed over as surety for, or in satisfaction of, a debt for lobola from one house to another.

Recovery: If a woman dies before bearing children, or is barren, the husband can claim the lobola, but usually a sister is sent instead. Contrast this with the MPondo who do not allow return of cattle for death or barrenness. There is a custom by which a young girl is sent with the bride as her inhlanzi (Swazi inhlant'1) or insila, and if this happens she will step into her sister's place. Her children belong to the house of the bride, and even if the bride is not barren, she will never have a house of her own, nor a distinct status in the kraal (Krige, p. 156). A woman may or may not be divorced for adultery but any adulterine child is regarded as belonging to the man who paid lobola for its mother.

The Natal Code, Sec. 163, 1891 gives the following grounds for divorce: adultery, continual refusal to render conjugal rights, wilful desertion, continued gross misconduct, becoming the subject of any criminal sentence carrying five years imprisonment. A wife can sue on these grounds but cruelty and ill-treatment are substitutes for "gross misconduct". Barrenness or impotence is also a ground. This is certainly not true native law, but is much modified by the courts and so does not really concern us in this survey. Apparently the original custom was that if the husband was at fault he forfeited the cattle but if he obtained the divorce, he was entitled to the cattle minus a number (unspecified) for the children born. Krige (p. 157) says that the father always has custody of the children. The ukungena is practised as among the other Nguni.

THE SWAZI

The Swazi group is of recent origin and, before Shaka's time, the present Swaziland was occupied by various Sotho tribes about which we know virtually nothing today. In the south, however, there was a nucleus of clans of Nguni origin, speaking a tekeza

variant of Zulu, and from about 1820 onwards, first under Sobhusa and especially through the conquests of his successor Mswazi, the Sotho were either driven out or subjugated and the Swazi welded into a nation. There are also a number of immigrant clans who emigrated at a much later date, and some Tsonga from Zululand. It is extraordinarily difficult to isolate the various culture areas of the foreign elements in the tribe and our information must be taken as relating to the tribe as a whole. A large number of Swazi live outside Swaziland, mainly in the Transvaal. The Swazi are estimated to number about 153,270 in the Protectorate and about 60,000 in the Transvaal, and the tribe can be regarded as a political unit, as all members owe allegiance to a paramount chief or king who is "the symbol of the corporate unity of the Swazi people".⁽¹⁾ The following data is taken mainly from Marwick's book, supplemented by information from Hilda Kuper's "An African Aristocracy" (1947), a study of rank among the Swazi, and a paper by Engelbrecht.⁽²⁾

Significance: "The really important element in the marriage is the lobola." "It is not a dowry because the cattle come from the man's group, not the woman's, and it is also not a barter as the man obtains no property rights over the woman. He cannot sell her, and if he ill-treats her and she leaves him, he cannot reclaim his lobola. "An examination of the evidence shows that the function of the lobola is, in the first place, to legalise the children"(Marwick op cit. p. 125) and the Swazi hold that a marriage is not legal until the lobola has been paid or, at any rate, some understanding has been arrived at for its payment at a later date. If a child is born and no bride-wealth has been paid, the child belongs - in the event of a separation - not to the physiological father, but to the wife's father. It belongs to the person who paid lobola for its mother. The bride-wealth is also a guarantee for the good conduct of the man towards his wife, as she may leave him if he ill-treats her and he may

(1) Marwick, B.A. The Swazi p. 5 (1940).

(2) Engelbrecht, J. A. "Swazi Customs Relating to Marriage". Annals of the University of Stellenbosch, 8 Sect. B. (1930)

not be able to get back the cattle he paid for her. Marwick seems to incline towards the idea of compensation (p. 129) : "The whole complex of the marriage ceremonies reveal the reluctance on the part of the woman's clan to part with her, and the insistence on compensation for their loss in cattle. There is a gradual rapprochement between the two clans marked by the exchange of gifts and the sharing of meat and the transfer on the one hand of the lobola and on the other of the woman". The passage of lobola definitely gives the woman a higher social status in Swazi society, noblemen especially asking a greater number of cattle for their daughters than commoners, while the marriage cattle of the mother of the heir to the throne is contributed by the whole tribe. This makes her the "mother of the people of the country" and her son the "child of the people"⁽¹⁾. Apparently also the Swazi "pay special attention to the question of lobola when determining the status of a woman in the harem".... "and a clever and self-respecting woman will not remain long with a man who has not given lobola for her".

Nature, Amount, Contributors: The number of cattle given seems to depend on the status of the wife. The Queen Mother's lobola was 150 head while that of the King's sister was 100. Less important princesses cost from about 15 - 20 head. The average commoner pays "ten plus two", although individuals who are grasping may demand more for their daughters. The ten are known as emabeka and the two have special names, the lugege and the msulamnyembeti. Marwick (p. 125) says that although ten is the customary number, it is regarded as unlucky and one of the animals is immediately killed. If this were omitted, it is thought that the woman would probably bear no children. The two special cattle seal the marriage and are the most important, although they are separate from the lobola cattle and no marriage can be legalised if they are not forthcoming. The lugege (from kugege, to make a deviation) is

(1) Kuper: op cit. p. 54: By custom a chief pays lobola for all his wives except the chief wife - for whom commoners are expected to pay. .

killed by a representative of the girl's parents and is divided into equal portions between the groups to show that they accept the marriage. The msulamnyembeti, the "wiper away of fears", or inhlanga (reed used by a mother to give her child an enema) is given to the mother in recognition of her services in bringing up the girl to womanhood. It is not killed. Even if the payment of the lobola proper be delayed, these two animals must be paid at the time of the wedding and, once the lugege and msulamnyembeti have been accepted, nothing can dissolve the marriage except a ritual known as ku6ukula-sisu (to break the stomach) - although a claim can still be made for additional cattle. The "wiping away of the mother's tears" probably expresses ritually the need felt to compensate the mother on the loss of her daughter. Kuper regards the essentials of a Swazi marriage as (1) the consent of the parents or guardians of the young people and (2) the killing of the lugege.

Apparently cattle have always been used for lobola except in times of war and famine. At various times in their history the Swazi's cattle were raided by the Zulu, and hoes, pumpkins and pigs were given instead. This was, however, a purely temporary arrangement and cattle were added afterwards. It sometimes happened in times of scarcity that a man had to give his prospective parents-in-law a cow, the milk of which was to be used to rear his future wife, and perhaps quantities of kaffir corn. These were not returned provided the marriage took place. In time of cattle-disease or famine a man would sometimes marry on the understanding that he would pay the cattle when a daughter of the marriage was married.

It is the duty of a father or his heir to lobola the first wife of a son, and, possibly, to assist the boy to obtain additional wives. If the father is dead and the man himself is the heir he must not lobola his wives, especially his first or main wife, without the consent of the family council which negotiates for him. The malume or mother's brother often assists his sister's child with lobola cattle. The source from which the lobola comes is usually determined by the clan of the groom which holds a meeting before the banyeni party, which represents the groom's interests in the marriage negotiations,

goes off to the bride's village. If a father will not or cannot supply lobola for his son⁽¹⁾ the latter may be forced to go to his malume for help - but this is unusual as it is insulting to the boy's father. No malume would be a party to such an action without the permission of the boy's father or if he persistently and unreasonably refuses assistance. The stock from which the father has to pay consists of cattle inherited from his father and cattle from the lobola of the eldest daughter of each house (the lobola for the eldest daughter of each house goes to the father, but that of every other daughter to the house to which she belongs). The cattle are collected and inspected by the whole family before they are driven away.

The King and Queen Mother own large herds in trust for the nation and male subjects anxious to marry may obtain one or two beasts for this purpose from the "cattle of kingship" refunding, in return, the full lobola of the first daughter of the union⁽²⁾.

Delivery: In theory, the lobola should be paid over in full at the marriage and any deviation from this arrangement is subject to the confirmation of the bride's father who can demand to have the whole amount paid at once. This does not seem usual, however, and in the early days "the lobola did not end", some cattle being given at the marriage and demands for more being made at intervals during the marriage. Actually, if the marriage is approved of by both families, late payment is relatively unimportant, but if there is antagonism, or perhaps a rival suitor, the full amount is usually paid over fairly quickly. Engelbrecht maintains that the cattle can more or less be paid over at will, and the transfer is often delayed till the birth of a child, but if a man did pay over a large amount promptly "he would be inclined to lay claim to a number of children considerably above that which is more or less accepted as normal".

Allocation: The father of the girl allocates the cattle obtained as lobola to the house of the girl married except that

(1) A father is under a moral, but not legal, duty to provide his son with cattle for lobola. A son should pay over his earnings to his father, but often, now-a-days, does not do so, with the result that the father will repudiate his liability to provide lobola: Marwick: p. 47.

(2) Kuper. op. cit. p. 51.

of the eldest daughter in each house, whose lobola goes to general kraal property. Certain cattle are said to belong to a wife, e.g., the liphakelo (animal given when a woman begins to eat sour milk at her husband's kraal) and the msulamnyembeti (to the bride's mother). The former is not really a lobola beast.

Consequence of non-payment: If a man has not paid the full lobola for his wife and she leaves him and lives with another man, her parents have the right to accept lobola from him in order to bukula isisu, i.e., "to break the womb", so that any children of the union would be those of the new man and not of the former husband. If the lobola cattle are not given by a husband the wife may be detained at the father's house until they are paid, but it sometimes happens that the lobola is never paid during the lifetime of the couple, cases being known of a woman's sons paying her lobola even after she is dead. Thus liability of payment can be inherited by a man's heirs. This is all the information we have on this aspect of lobola.

Recovery: The lobola cattle are recoverable on the divorce of the two parties - especially if there are no children of the marriage. In general, where there are children, cattle are usually forfeited by the husband. Thus one head of cattle for each male-child and a cow and a calf for a female child is the customary number. There are only three grounds for divorce in Swazi law - adultery, witchcraft, and sterility, but in every case of marital strain, strenuous attempts will be made to ensure the continuance of a marriage. Apparently, when a whole lobola is returned, the wife's father must return the number plus one for each cow covered by the male animal at the time that they were handed over (?). If a man's wife is barren he is entitled to a sister as a substitute. No lobola is insisted upon, but one or two head are usually handed over "as a sign of gratitude", and the two parties must go through a marriage ceremony. According to Engelbrecht, as a man's wife's sisters are all potential wives (inhlant'1) the husband is entitled to have sexual intercourse (kujuma) with them and, if a child is born, he may claim it by paying one head of cattle (boy) or a cow and a calf (girl).

In general, our information on this aspect of Swazi bride-wealth is rather inadequate.

TRANSVAAL NDEBELE

Lobola among the Transvaal Ndebele seems to consist of about 8 head of cattle, 6 being given at the time of the marriage. Four of these seem to be most important and are given first. They are called the ubukhazi and consist of the ibheya ("thong of the mother") which must be a female, and the ikonyana yebheya (either a male or a female) which go to the mother; the umgada, an ox, which goes to the father, and the isithole sagomisa.

Payment seems to be made at once or in two instalments. (1)

A NGUNI TYPE

We are now in a position to see if the bride-wealth pattern of the Nguni has any predominant characteristics. On a cursory survey we are struck by the fact that there is not nearly so much diversity in practice as there is among the tribes of the Sotho division. This is possibly because of the fact that the Nguni - at least those in South Africa, with the exception of the Transvaal Ndebele - live in areas contiguous with one another and there has not been as much contact with other non-Nguni tribes. Another, perhaps more tempting, theory would be to try and find the reason for this uniformity in the remarkable virility and tenacity of Nguni culture and language mirrored by its persistence in minority communities, whether it be among Southern Sotho (Phuti? and Tebele) Transvaal Sotho (Ndebele) or Shona (Rhodesian Ndebele). Be that as it may, bride wealth among these tribes is designated by the name lobola and consists characteristically of cattle. In all cases it is the most important feature of the marriage and legitimises it in retrospect. The average given is ten

(1) v. Warmelo: Transvaal Ndebele Texts.
Ethn. Publ. of Native Affairs Department.

and includes an initial beast as ratification of the marriage (isinyaniso, lugege) which goes to the father, and a "wiper away of tears" (iqutu, ingquthu, msulamnyembeti) as a thank-offering to the mother for the girl's intact virginity. Not all the lobola cattle are handed over at once (except amongst the MFengu) and instalments are usual - right through life amongst the Xhosa. The family council plays a big part in arranging matters among the Swazi where a man is expected to provide lobola for his son's first wife. Among other tribes, sons and daughters in a house are paired and the lobola cattle of the latter assist the former in getting a wife. A house may borrow cattle from another house, but the debt must be paid.

At delivery there is usually a show of hostility but this soon passes, and, amongst most tribes, gifts are given to the groom's group. Among the Cape tribes people who receive cattle from the girl's group are responsible for assisting her in her wedding preparations.

The levirate obtains except amongst the Xhosa, but there is no form of preferential marriage except with the wife's sisters (inhlanzi) and, among the Swazi, the wife's brother's daughter. The levirate (ukungena) does not involve lobola, but a ritual killing is made. Briefly, cattle are returnable on the dissolution of the marriage, especially if the woman's fault, minus one head (Swazi - one for a male child, a cow and a calf for a female), for every child born of the marriage. Cattle for the great wife of a chief - the mother of the heir - are contributed by the whole tribe. The number 7 is taboo, and among the Swazi the mother's brother is expected to contribute. Within this framework the various tribal variations find their place.

CHAPTER VII

THEORETICAL AND CONCLUSIONS

The Nature of S. Bantu Bride Wealth: We can now see from a perusal of the foregoing material that the South African Bantu present, generally speaking, a picture of remarkable uniformity with regard to the practice of bride wealth. Although there are many divergences in detail, South Africa can be said to be one culture area with regard to this complex. Throughout all the tribes the passage of cattle looms large in the marriage proceedings and, indeed, is the most important part of them. Other ceremonies are dispensable but the courts are coming to consider as essential in all customary unions the consent of the girl and her guardian, and the passage of lobola. "It is native marriage".

The Bantu, although formerly not the Tsonga, have a pronounced cattle cult and the importance of herds in the social structure generally finds particular application in the use of cattle as the medium of bride wealth par excellence. Other objects, whether sheep, grain, stones or ornaments (and now money) are all substitutes whose adoption has been fostered by economic stress. The usual amount seems to be about ten head for a commoner, while a chief's daughter may demand from 20 to 100 head. Cattle for the great wife of a chief is almost universally contributed by members of the tribe.⁽¹⁾

Owing to the strong patrilineal flavour of Bantu family life, the sons of a kraal-head reside in his kraal or village and he is responsible for providing them with cattle for lobola. A very common proceeding is for the man to link together sons and daughters in a house and let the marriage cattle of one provide the lobola for the wife of another. Generally speaking, relatives of a man, especially his maternal uncle, help to provide cattle, and in return, are given cattle from the marriage of a daughter. Both the father and the mother receive special beasts, that for the latter being ostensibly to thank her or "wipe away her tears". Among the Nguni, Venda, and presumably the other groups, it is also connected

(1) Not amongst Tswana.

with the girl's virginity. Among some tribes the woman's group reciprocates by giving gifts to the man's relatives, e.g., the Nguni, while the time for handing over ranges from at once to years after the wedding. Among the Cape Tribes the ukutheleka custom should be noted whereby the father of a girl from time to time impounds her until her husband hands over an additional amount of lobola, while the Venda complete payment only usually after the marriage of the wife's first daughter. Among many tribes, e.g. Zulu, Kgatla and Pedi a poor man may marry without lobola on the understanding that it will be paid from the cattle of his first daughter. Among some tribes, e.g. Tsonga, a fee is paid transferring the ownership of the cattle symbolically, and this is also found in the names of Lobedu munywalo cattle. Cattle, in all tribes, transfers the ownership of the children of the marriage to the man's group for otherwise they would remain the property of the girl's father, and any lobola for them would go to him. Any children born (by any other man, not the husband) yet are accounted as belonging to him.

Bride wealth cattle are recoverable on divorce, death or because of barrenness. These two latter contingencies are usually obviated, however, by the custom of the sororate (seantla) where no lobola cattle are given unless the bride has borne children. Divorce is usually granted because of ill-treatment or accusations of witchcraft, although there are other causes, differing with the tribes, and the general rule (except among some Sotho) is: If the man's fault, the cattle are forfeited, if the woman's, cattle back minus one for every child born of the union. Death of a husband among the Bantu does not necessarily mean the end of the woman's connection with the man's family. They have paid cattle for her and she continues to live in the group, bearing children and leading a full and useful life under the custom of the levirate. Widows are usually taken over by younger brothers, and any children of the union are regarded as belonging to the deceased. The levirate obtains in all tribes except the Xhosa, where a widow is not allowed to have sexual connection with any male relative of her husband, but may bear children by strangers, while continuing to live at the husband's

kraal. Children belong to the group.

There seems a tendency today for money to be more and more substituted for lobola and, thus, an increasing commercialization of the custom but, despite this, it still plays an extremely important part in Bantu social structure.

The Significance of South Bantu Bride Wealth: We have seen above the main features of bride wealth and we must now examine the phenomenon in the light of our knowledge and try to discover its exact significance in the social structure. A certain amount has been said on this point already (in the sections on Significance) where the views on the custom of the different authorities were described in dealing with the tribe they have studied. Much has been said and we must now critically evaluate the various theories with reference to our data. It seems pertinent here to briefly set out the main points of view with which we have met:

One view, which has become classic and has been held by administrators, and especially missionaries, for many years, is that the passing of the bride wealth amounts to a sale and is thus contrary to Christian ideas and morality. It is held that the woman becomes a chattel and has no status except as the bearer of children; in fact, Jennings maintains that "it is much more than the purchase of a woman. It is the purchase by one family of the reproductive fertility of as many woman as may be necessary from the other family... The individual woman is merely a channel through which the children are delivered to the purchaser. It is truly not woman purchase, it is wholesale transaction in childlife"⁽¹⁾. To this indictment he adds (p. 8) "It is my profound conviction that only by renouncing the heathen content of bogadi marriage is it possible to build up a vigorous Christian Church amongst the Native races of South Africa."

This is a serious allegation but one which is not difficult to refute. At the present we will not quarrel with the statement

(1) Jennings, A.E. Bogadi: A Study of the Marriage Laws and Customs of the Bechuana Tribes of S. Africa: L.M.S. Bookroom. p. 21.

that the reproductive fertility of the woman is purchased, but examine the idea of a sale. Willoughby⁽¹⁾ says that all tribes with which he is familiar "hotly resent the assertion that they sell their daughters" and never use such terms as "buying" and "selling", and Calderwood⁽²⁾ endorses this with "It is not a contract of purchase and sale. The terms "buying and selling" are scarcely fair terms to apply in describing the transactions referred to". We have already seen that the native word for "sell" is not the same as that describing the passing of the bride wealth (Sotho reka - "sell", nywala - to give bride wealth; Nguni thenga - "sell", lobola - to give bride wealth). Then, too, a woman does not become her husband's slave. He cannot sell her again and may not kill, injure or maltreat her, and, if she leaves because of his misconduct, he may lose his cattle. This last exercises a very salutary effect on husbands inclined to be heavy-handed. Then, too, among some tribes, especially the Sotho, and, in theory, the Venda, bargaining is looked upon as bad form and there is no idea of the girl's father giving her to the highest bidder. Even among the Nguni, who bid unashamedly, a father will not always give his daughter to the man who offers most and the girl's wishes in the matter are frequently consulted, although, it must be admitted, there is a greater temptation under this system for cupidity to overcome paternal affection. The fact that in many tribes the girl's family reciprocate by giving gifts to the man's group seems also to negative the idea of a sale.

The giving of cattle has another aspect. Those who receive the bride wealth, i.e., the girl's family, thereby also develop an interest in the marriage, as a dissolution would mean the handing back of the cattle which they have received. This is especially evident among the Lobedu where the very pronounced linking of brothers and sisters in the munywalo-chain causes complications which may have extensive repercussions. The bride wealth gives a

(1) Willoughby, W.C., Race Problems in the New Africa, p.110.

(2) Rev. H. Calderwood: Evidence before Special Commission to report on Fingo Locations, 1855, quoted Brookes History of South African Native Policy: p. 233

woman a far more honoured place in the society than an unmarried woman and, if she is ill-treated by her husband, she can appeal to his relatives. If there has been no payment she has no legal remedy. Bantu women despise those who have been married without lobola and Hunter⁽¹⁾ quotes them as saying "A woman who is not ukulobola has no honour there (at her husband's umzi), for no matter how many children she bears, her brother can come and take her daughters away". When there is a quarrel at the umzi the other wives swear at the one married without lobola and say "you have brought yourself; you are a cat for whom nothing is ever given; you are not umfazi (wife) but i/wefwe". It will be seen that, far from being a degrading custom, bride wealth plays an extremely important part in the society, giving as it does, the native women a value which can be conceived in material things. The Kriges do make the point, however, that the Lobedu seem indifferent to our horror of the idea of a sale (even admitting it) and say that we must not try to explain lobola in terms of our own concepts.

Although the above analysis is, as far as we can gather, a correct evaluation of the original custom, there do seem to be signs that, in some cases, it is taking on a more commercial character. Mr. C.A. Wheelwright - "one of the best authorities on Native Administration in Natal" - in giving evidence before the 1903-5 Commission, (Vol. V, p. 296) says: "The system worked admirably until it became codified (under the Natal Code of Native Law of 1891) and a limit was placed on the number of cattle (10 head).

"The idea of barter is to be traced to this period as it did not exist before. Unscrupulous natives at once made use of our Law Courts to claim the highest rates authorised by the Code and the whole principle of lobola lost its virtue". However that may be, this would only apply to the North (Natal) Nguni, but it seems very likely that the introduction to a money economy will have an increasing tendency to introduce modern concepts of barter - especially among the Nguni and other tribes where haggling is allowed and lobola is paid over a long period. In many tribes, on the other

(1) op. cit. p. 190.

hand, especially the Lobedu, money has made very little headway and the general impression one gets is that, in the majority of cases, bride wealth has not lost, to any marked extent, its original character. It is difficult to see how money can ever take the place of cattle among the Lobedu with their extreme importance not only as lobola but in the whole social structure. In any event, this investigation is concerned primarily with the indigenous system, the many problems and trends occasioned by modern contact being outside its scope. To sum up, it may be pertinent here to give the findings of the Native Economic Commission of 1930-32 in regard to bride wealth. "In considering the question whether or not lobola should be legally recognised, the Commission finds that it has the following social and juridical effects :-

- (1) It has contributed much towards preserving tribes and keeping them intact.
- (2) Through it, inter-tribal relations are established by the marriage of chiefs and their sons and daughters with persons of blood from other tribes.
- (3) Lobola establishes bonds between families.
- (4) By strengthening family ties it holds high the rights, authority and dignity of the family head; it is a symbol of unity and cohesion, the solidarity of the family.
- (5) It is, in a sense, a compensation for the loss of the girl.
- (6) It is a gauge of the family's social position.
- (7) It acts as a spur to a man to become a man of status and ensure his social position.
- (8) In many tribes it ensures the maintenance of the bride by the father or guardian in certain contingencies.
- (9) It serves as a guarantee by the bride's family of the virginity of the girl (as a virgin demands a higher lobola), of her wifely conduct and her readiness and competence to carry out conjugal obligations.
- (10) It is also a token of the man's acknowledgment of his obligation in respect of the woman".

Other points are that it upholds the worthiness of the woman and gives her status and security; it makes the marriage valid and legitimises the children, acts against divorce and generally "preserves the sanctity of marriage, the honour of the family and the wellbeing of the tribe". The Commission recommended that the amount of lobola should not be fixed and that lobola marriages be registered.

We have now justified the continuance of lobola and shown the place it has in tribal society. A few other points remain, viz: the evaluation of the various concepts of what the passage of cattle actually means. The theories are as follows : - It is a compensation, a legitimising bond; it ensures the wife a court of appeal in the man's family; it is the price paid for the reproductive power of the girl which is transferred from the girl's group to that of the man; it is a register of native marriage and a dowry. It seems fairly clear that, to a greater or lesser extent, most of these concepts have an element of truth and probably all have a share in the rich content of the meaning of this custom. The concept of a dowry, however, is totally inadequate to explain the phenomenon. The cattle never go with the woman, "The cattle are where the woman is not", and it would be nearer the truth to speak of them as a dowry for her brother. The lobola is definitely a legitimising bond as, without it, no marriage is legal (although a couple may live together for many years without it) and, in the event of a dissolution the first question will be whether the cattle have been paid. If not, the children belong to the woman's group. Ownership of the children has not passed. Any children of a lobola-less marriage are illegitimate and, as we have seen, a woman so married has no status. The bride wealth also gives the wife a claim on her husband's group even if only for the reason that if badly treated she may leave, they forfeiting the cattle they have contributed towards her lobola, which they hope will be repaid from the marriage of a daughter.

The rules of the levirate and sororate and of the recovery of the cattle, with their emphasis on the ownership and procreation of children, bear out the idea that the price is given in exchange for the reproductive powers of the woman. The custom of returning the lobola minus some for every child born of the union vividly portrays the very close correlation between the cattle given and the children born. If a wife has borne many children the man's family are considered to have "had their moneys worth" and no cattle are recoverable on her death. In a society where there are no written records it is extremely important for there to be some tangible evidence that the marriage is really legal and as a registration of

the marriage. This, also, is provided by the bride wealth, and the dissolution of marriage is marked by no other means than by the return of the cattle.

Perhaps the view most generally held, however,⁽¹⁾ is that the giving of bride-wealth is primarily a compensation, from one group to another, for the loss of a member. In a primitive society, where the local group, in the absence of extensive trade, is dependent to a large extent on its own personnel for its wants, any reduction of the group, whether by war, accident, death or marriage, has serious repercussions both economically and socially. Group solidarity has been disrupted and the group reacts with a show of force and hostility at the wedding ceremony and in the reluctant behaviour of the bride. The only way to soften the blow is the giving of gifts and the bride wealth which can be used to obtain another member for the group, and so restore the equilibrium. This is reflected in the importance attached to a marriage being fruitful. All these ideas go to make up bride wealth among the S. Bantu. As Mrs. Hoernle says⁽²⁾ "When the native thought of lobola they thought of the whole complex of ceremonies wrapped up with these cattle. They thought of the gathering of the sibs and the gradual pledging of a head of cattle by this one and that. They thought of the distribution of these cattle among the woman's sib in repayment for their contribution of cattle for the girl's mother, or as stock to be drawn on for sacrificial purposes. They thought of the appeal to the ancestral gods on the part of the girl's father when he implores them to go with his daughter to her new home....." There does seem to be a slight connection between the lobola cattle and ritual (e.g. inkomo yobulungu - see Hunter p. 235) but this is more apparent than real as cattle are not regarded as sacred in the sense of being a class of objects set aside for religious purposes.

(1) By Junod, the Kriges, Hunter, Hoernle, etc.

(2) Hoernle, A. W. The Importance of the Sib in the Marriage Ceremonies of the South Eastern Bantu. 1925. S.Afr.J.Sc. 22, p. 491.

This, then, is Southern Bantu bride price, or at least that of the South African tribes. We have seen the all-important part it plays in the native social structure and the stability it affords native marriage, and native court records reveal the startling fact that, almost without exception, the marriages which are dissolved are those contracted without the additional protection of lobola.⁽¹⁾

Well might we say "Lobola is native marriage".

- (1) Janisch, Miriam: Some Administrative Aspects of Native Marriage Problems: Bantu Studies, 15: 1941 - p. 8.

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