

## REVIEW ARTICLES

### **Nostalgia and the Native Commissioners: A hundred years in the Old Transkei**

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*The Native Commissioner: A Novel.* By Shaun Johnson. Johannesburg: Penguin. 2006. 244 pp. ISBN 978-014302-5016.

*Unconventional Reminiscences.* By William Charles Scully. Johannesburg: Penguin. 2006. xiii + 276 pp. ISBN 978-014318-5468.

*Cattle Thief.* By Frank Brownlee. Johannesburg: Penguin. 2007. 234 pp. ISBN 978-014318-5543.

*Transkei Stories.* By William Charles Scully. Cape Town: David Philip. 1984. xxvi + 129 pp. ISBN 978-086486.

*The Law of Commoners and Kings: Narratives of a Rural Transkei Magistrate.* By Dial Ndima. Pretoria: Unisa Press, 2004. xxiii + 129 pp. ISBN 978-186888-2861.

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*The Native Commissioner*, although formally a novel, is a lightly fictionalised account of the life of Shaun Johnson's father, based on papers he left behind after committing suicide in 1968. George Jameson (as he is called in the novel) was a farmer's son who joined the old Department of Native Affairs in 1933 because his family lacked the resources to send him to university. George initially enjoys his rural postings as Native Commissioner but doubts begin to creep in, not only because the Department of Native Affairs is taken over by the apartheid regime in 1948, but mainly because one of the accused in a black-on-black assault case at Centane asks George, the Presiding Officer, 'What has it to do with you, Sir?'

George realises that his entire career has been built on an illusion. 'What right had he to judge anything at all about these people, never mind the effort he was so proud of putting into understanding them and learning their languages? It was a right conferred by conquest alone; that is the only historically accurate thing you could say about it' (91). George loves Transkei, but the coming of homeland self-government confirms his apprehension that there was 'no chance of real acceptance for the white man in the black man's land or for the black man in the white's' (137). Nobody pushes him out of Transkei, but he voluntarily applies for a transfer and is moved to Witbank, an industrial town where his duties force him to apply ever-increasingly harsh apartheid pass and labour laws. He remains convinced that 'Europeans in Africa have a real responsibility ... to promote balanced race relations, responsible training for all, and the creation of equal opportunities for all' (161). He dabbles in African history and ethnography,

and attempts to convey his love of African languages to uncomprehending white audiences. With less than five years to go before retirement, he tries to stick it out but he cannot face his dirty work and eventually shoots himself.

No historian can ever be satisfied with a second-hand account, and my initial reaction to encountering this novel was to wish that Shaun Johnson had stayed out of it altogether, and simply published his father's papers as he found them. But the primary sources quoted verbatim in the text are mostly personal (letters of commendation etc.) and leave one with little desire to probe more deeply into the private affairs of the Jameson/Johnson family. Suicide is indeed an extreme reaction but 'George Jameson' was by no means the only Native Commissioner to feel, even before the advent of apartheid, that bureaucratic centralisation had destroyed the essence of a noble calling.<sup>1</sup> Frank Brownlee's son, also named Frank Brownlee, once told me that his father ended his days in a fog of alcohol and strongly opposed him joining the Native Affairs Department. The question arising out of *The Native Commissioner* is not, therefore, so much whether it accurately depicts the dilemma of an old-style Native Commissioner under the apartheid regime but whether the ideal-type Native Commissioner of nostalgic reminiscence ever existed in actual fact. We also need to consider whether 'George Jameson' did not perhaps depart too hastily for Witbank and whether or not the subsequent experience of Transkei magistrates bears out his fear that white men would never be accepted in a 'black man's land'.

Assisting us with the first question and, perhaps anticipating a boomlet in Native Commissioner studies, Penguin Books (South Africa) have helpfully reissued two books by distinguished Native Commissioners, WC Scully's *Unconventional Reminiscences* (an abridgement of the two-volume *Reminiscences of a South African Pioneer* originally published in 1913) and Frank Brownlee's *Cattle Thief* (originally published as *Ntsukumbini: Cattle Thief* in 1929). To these, we may add Jean Marquard's edition of Scully's *Transkei Stories*, published as long ago as 1984 but amazingly still in print. Like 'George Jameson', both Scully and Brownlee prided themselves on their ability to understand 'the native' and set out to share that understanding with their fellow colonials. As Frank Brownlee wrote in his introduction to *Cattle Thief*, 'the study of native mentality has appealed to me not only as part of my job but also as something intriguing in its ingenuousness and fascinating for its subtle simplicity.' Brownlee might have been speaking not only for himself but for the first generation of 'native commissioners' in the Transkeian Territories. These men saw Africans in terms of social evolutionary theory, according to which African society – however inferior to European 'civilisation' – was admirably suited to Africans, and in the context of which individual Africans could exhibit qualities which Europeans could respect – bravery, sagacity, above all loyalty.

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1 Saul Dubow has convincingly identified the 1923 dismissal of EJ Barrett as Secretary of Native Affairs as the death knell of the old guard. See S. Dubow, 'Holding "a just balance between white and black": the Native Affairs Department in South Africa c.1920-33', *Journal of Southern African Studies* 12(2), 1986: 217-239.

It was unfortunate though inevitable, so went this train of thought, that these fine characteristics were ever exposed to the downside of European culture. ‘Next to the liquor traffic’, thought WC Scully, ‘nothing has so much demoralised the Natives as the European legal system’ (*Reminiscences*, 228). Fortunately for ‘the Natives’, they had wise and reliable friends to guide them through this clash of cultures – none other than the Native Commissioners themselves. Thus was born the congenial self-image of Native Commissioners as a special breed of uniquely gifted administrators possessed of extraordinary tact and insight.

The reality was somewhat different. A remarkable memorandum of 1866, cited by Russell Martin in his fine thesis on the Transkei’s first colonial administrators, warned that the first British ‘Residents’ possessed no legal jurisdiction in terms of British law, and that their legal authority derived ‘strictly speaking’ from the chiefs and people over whom they ruled. ‘But’, the memorandum continued, ‘although it is right that these officers should themselves correctly appreciate their position, it by no means follows that they should bring this circumstance prominently into notice, and thus lower their own influence in dealing with the natives.’<sup>2</sup> From its very inception therefore, colonial rule in the old Transkei was sustained by colourful personalities imposing themselves on unwilling subjects by means of a gigantic confidence trick, a form of arbitrary personal rule subsequently euphemised by the rhetoric of benevolent paternalism.

Africans being, according to Major Elliot, ‘but children, by nature impulsive, changeable and easily led’,<sup>3</sup> were amenable to patriarchal rule by the magistrates who had seamlessly glided into the places vacated by their chiefs. And although Transkei magistrates, by admission of Captain Blyth, were not as capable of understanding ‘legal points’ as circuit court judges, they did possess the rare ability to understand ‘the African mind’ which, they felt, entitled them to ‘exercise power’ without the needless intervention of ‘Agents, Attorneys and Barristers etc who so confuse the case to the unsophisticated native mind, that all sense of justice is lost.’<sup>4</sup> It is therefore not surprising that the Transkeian magisterial autocracy resisted all attempts to align the Transkeian districts with the administrative and judicial systems of the Cape Colony; or that it was ruled by proclamation and not by law; or that it possessed its own Penal Code (1890) and its own Appeal Court (1894).

Both WC Scully and Frank Brownlee fitted snugly into this comfortable framework, ruling their domains as they saw fit but encapsulated, like the people whom they ruled, in a rural niche as yet untroubled by the social and economic crises which followed the First World War. Brownlee, for example, saw no contradiction in the role of Native Commissioner ‘who hears his cases ... not only as a Magistrate but also as a native chief, taking cognisance primarily of the native custom surrounding the matters at issue, at the same time applying to them the

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2 Richard Southey (Colonial Secretary) – British Residents Transkei, 8 November 1866 cited in S.J.R. Martin, ‘Political and Social Theories of Transkeian Administrators in the Late Nineteenth Century’, MA thesis, University of Cape Town, 1978: 151.

3 Cited in Martin, ‘Political and Social Theories of Transkeian Administrators’: 86.

4 Martin, ‘Political and Social Theories of Transkeian Administrators’: 166-7.

principles of British equity, justice and fair play' (*Cattle Thief*, 2). Scully is not as explicit, yet he too aimed at employing his observations to elucidate African mindsets in such matters as 'the several definite stages corresponding with the amount of their potations' of an African beer-drink (*Reminiscences*, 99), and their reactions to rinderpest at Nqamakwe. 'The psychology of the natives under stress of their sharp trial afforded an interesting study. Fear, levity, desperation and suspicion passed like waves over the febrile general mind' (*Reminiscences*, 251).

As an exercise in sustained irony, *Cattle Thief* is a literary *tour de force* but it also makes the whole society look, at best 'intriguingly ingenuous' or at worst stupid. Ntsukumbini, the cattle thief, assumes a tone of false naivete that renders the incidents he describes as all but opaque to interpretation. He tells us, for example, that his father initiated him into thieving by instructing him to steal a sheep from his maternal uncle with whom he lived on terms of 'harmony and friendship'. He tells us that his mother was burned out as a witch, although 'she was a person full of kindness and kindly acts' (46). One thing which comes out very clearly from the text is the deference shown by thieves to chiefs, magistrates and all persons in authority, and one wonders if this does not account for the indulgence shown by the Commissioner/Narrator towards the appalling activities of his hero. On the other hand, episodes such as Kamteni's case (chapters 4–7) are clearly intended to be comic, but we seem to be laughing at Ntsukumbini rather than with him. 'Kindly reader,' exhorts Brownlee, 'deal patiently with Ntsukumbini. His mind does not work in the same way as your own' (3). It is fortunate indeed that we have Native Commissioners who understand such people. Some kind of contextualisation is badly needed, and we close the book uncertain and unsatisfied.

Scully is much easier to interpret than Brownlee and, despite the shining light of his good intentions, comes off much worse. His liberalism is well attested not only by his address on the 'Native Question' to the Lovedale Literary Society but by the fact that he lectured at Lovedale in the first place. He has a sense of the importance of African history and African culture, as demonstrated in his well-known description of his method of collection (*Reminiscences*, 226–7). He is clearly deeply impressed by many of the Africans whom he meets, and he strives by all means to communicate this admiration to his fellow Europeans. This is evident in *Transkei Stories* where Scully enjoys more scope than the *Reminiscences* allow. 'The Quest of the Copper' revolves around heroism, 'The Imishologu' around maternal love, and 'The Lepers' around human dignity. Unfortunately, Scully seems unable to highlight these virtues except by portraying them as unusual or even as directly antithetical to African norms. Thus the 'splendid valour' of 'Quest of the Copper' is contrasted with the 'senseless suspicions' of the 'brutal irresponsible tyrant', Tshaka (33), while the mother's love in 'Imishologu' is frustrated by 'fraud and superstition' of the 'most celebrated witch-doctor' (76–7) and, by extension, of African society as a whole.

One does not doubt that all of these stories – together with other fine tales such as 'Ukushwama' and 'The Quick and the Dead' – are based on real incidents and we owe Scully a debt of gratitude for preserving them at all. Yet it has to be said that Scully is an over-intrusive narrator, a characteristic equally evident in

his historical narratives,<sup>5</sup> who significantly obscures the reader's view of what might have happened. In this respect, both Scully and Brownlee are far inferior to WT Brownlee's posthumously published *Reminiscences of a Transkeian* (1975), stories from the same period suffering from the same colonial prejudices but far straighter and more to the point.

A fine introduction from Jean Marquard opens *Transkei Stories*, including apt comments such as 'A literary magistrate in border posts, he saw himself as uniquely placed to interpret the ways of the indigene to the absent white or foreign reader. But the modern reader may be more interested in what Scully reveals about himself' (xxiii). Something similar should have been provided for the *Reminiscences*. At the very least, the editor should have revealed the criteria used in arriving at the abridgements implemented in this edition. Some of the omitted passages are very damning, more especially the following: 'Native children are not improving companions for youthful Europeans; men whose playmates in childhood were Kaffirs usually have a secretive bent and a difficulty in giving straight answers to questions of fact' (*Further Reminiscences*, 248), and I think we should be told.

Dial Ndima joined the Transkei Department of Justice in 1976 just before the birth of Transkei 'independence' and resigned at the end of 1994 shortly after its unregretted demise. *The Law of Commoners and Kings*, Ndima's memoir of his years as a Transkei rural magistrate, was written at the request of his Unisa colleagues. It provides us with a salutary perspective on the world abandoned by 'George Jameson' when he made his fatal decision to request a transfer.

Ndima grew up in Mqanduli District during the 1960s when attorneys and magistrates 'were associated with the repressive apartheid establishment that was feared and hated as an instrument of white supremacy' and 'all white people, except perhaps some traders ... were associated with the police who treated every person with suspicion and contempt'. He finished school at St John's College in Mthatha where 'only white teachers were in positions of power' and were 'feared, not respected' (xi-xii). After working as a clerk at the Majola Tea Plantation, he received a bursary from the Department of Justice and eventually graduated with a B Juris from Fort Hare.

Ndima's life at the opposite end of the racial divide could not have been more different from that of Scully or Brownlee, and he instinctively disliked not only Roman-Dutch Law but Bantu Law, written by 'strangers' (76), and which he strongly differentiated from genuine African customary law. But, as a student activist, he discovered that 'using law both as an instrument of oppression and as a weapon of liberation served to legitimize law in the midst of illegitimate state institutions' (xviii). And one of the threads that runs through a very discursive and anecdotal narrative is Ndima's devotion to legal process in despite of black businessmen (30), National Ministers (50), Security Police (68) and Chris Hani himself (106-7). He frequently excoriates obnoxious white people and the stub-

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5 Published in *The State* (1909). For some comment, see J Peires, 'Matiwane's Road to Mbholompo' in C. Hamilton, ed., *The Mfecane Aftermath* (Johannesburg: Witwatersrand University Press, 1995): 216.

born remnants of white privilege, but he takes it for granted that his white superiors Venter (24) and De Beer (92) will back him up when the sanctity of legal processes are at stake. And one cannot but note that, perhaps unbeknown to Mr Ndima, the foggy interface between community norms and legal mandates often forces him into decisions no less personalised than those taken by the Native Commissioners in days of yore. There is much to instruct and entertain in this fascinating book, from the case of the hunchback who walked around Butterworth carrying the head of his murder victim to the legitimacy of seizing furniture in lieu of cattle to recover a customary debt. Its value to the historian goes far beyond the constraints of this review article. But in this context it is important to stress that the examples of Venter, De Beer and many other legal officers show that 'George Jameson' need never have left Transkei, and that he could have stayed on as white magistrate though never as a Native Commissioner.

It must be stated that, however grateful we may be for Mr Ndima's corrective vision, we do not as yet have anything in writing from the perspective of the subjects of the Native Commissioners, that is to say from the people themselves. In conclusion, therefore, I may be excused for sharing some information which came my way in 1993 when I was interviewing the old chiefs Isaac Matiwane and Charles Madolo at Sulenkama in Qumbu. I had become interested in a certain Mr Lancaster, who served several years as Magistrate of Qumbu in the 1950s and who appeared from his correspondence as a hammer of the State but, in the memory of Qumbu's white residents, as prissy and fastidious. It occurred to me to ask Chiefs Isaac and Charles what they thought of Mr Lancaster. At first they looked blank, but suddenly memories came flooding back, and they literally fell about laughing, calling out a nickname which I greatly regret having failed to record for posterity. When they recovered themselves they explained, still laughing, that the nickname was an onomatopoeic representation of the sound of Mr Lancaster's urine hitting the toilet of the Qumbu courthouse. I wonder what names their forebears might have had for Brownlee, Scully and their ilk.