

Magic mountain: 'The ancestors cannot be relocated'

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Introduction

In South Africa in the southwest of the province of Limpopo there is a crescent-shaped ridge of rounded, verdant mountains, rising above the montane grasslands, yet built on a human scale and supportive of occupation and productive purpose. To varying degrees, many of the mountains in this region consist of major deposits of iron ore. Since at least the sixteenth century, local inhabitants have smelted iron ore dug by hand from the mountain slopes, to forge tools, weapons of war and the hunt, ornaments, symbols of political rank, and artefacts of sacred ritual often used in Batswana and Bapedi 'cleromancy' (Huffman, 2007; Leslie and Maggs, 2000) or divination.

At the base of Meletse mountain, the tallest peak in this range, sits a rugged, winding cave known as Madimatle, that penetrates deep into the interior. Since the earliest times, mountains and caves have played a role in the history of group interaction in South Africa, both peaceful and violent. Mountains and the caves on their slopes provided refuges and rallying points for both people and domestic animals under attack during the many wars of the 18th and 19th centuries that involved both African and European invaders. This explains why traditional healers and African Christian 'prophets' who conduct ceremonies of healing at Madimatle, as well as at Mautse and Matouleng in the Free State, Modimolle (Limpopo), and other mountain/cave sacred sites in South Africa, spoke to us of honouring the 'graves of the ancestors who died on the mountain', whether or not there are actual known graves there.

The spirits of great chiefs and their diviners who defended their people on the mountains of Thaba Bosiu or Mathebe against the Orange Free State, or that of Mooroesi from the Cape British, or the caves of the Bahanwana and of Madimatle of the Bakgatla from the Transvaalers, are believed still to inhabit their vastness. This makes these mountain caves sacred to and constitutive of the present collective identity of their descendants. Local informants report that the leader of the Bakgatla defenders is believed to have died inside the cave while in refuge. It is the 'blood' of such legendary ancestors that gives power, solace, and meaning to African communities and to traditional health practitioners who revere Madimatle. The significance of Madimatle is due partly to the history of conquest and loss. The name Madimatle, meaning 'beautiful, or royal blood', refers to the blood that was shed on the mountain and

has its source in the belief that there were ancestors who died inside the caves and on the hills of Madimatle during times of war and raiding in the early 1800's.

This chapter is based and focused on the study and discussion of the Madimatle cave and Meletse mountain as a site sacred to the people and practitioners of indigenous African religion of the Bakgatla ba Bagkafela, a Setswana-speaking people, and their neighbours. The cave and mountain are presently threatened with destruction by the construction of an opencast iron mine. In method, ours is an ethnographic study based on lengthy consultations with residents who have been and will be profoundly affected by the destruction of the cave and mountain site, popularly known as Madimatle, conducted in Setswana during August 2019 and June-July 2020.

Our field research, following that of van Vuuren (2014, 2019), documents how traditional healers (Setswana: *dingaka*), and more recently, Afro-Christian pilgrims and prophets have come to regard such caves and the mountains that 'guard' them as abodes of the ancestors, or meeting points between living and ancestral worlds. Sufferers from a host of misfortunes, heartbreaks and the thousand natural, supernatural and unnatural shocks that flesh is heir to (Shakespeare: *Hamlet*, Act 3 scene 1). consult there with healers and prophets. These clairvoyants direct them through dreams and divination to seek holistic restoration through rituals, medicines, sacred waters, holes and caves that connect to the subterranean 'villages' of the ancestors.

Furthermore, caves in Setswana folk stories are said to be sites where creation took place, where the god of creation, *Modimo* emerged with the Batswana people and brought them to this world of the living as we know it (Malebye, 1997). Ancient tales about mountains transmogrified into living giants are now, with the revitalised longing for the 'lost' land in the post-apartheid period, told with a special longing to return to the caves (Malebye, 1997). Mountains are viewed as meeting points between the visible and the invisible worlds, and between heaven and earth (Matsepe and Madise, 2005:361). These spiritual as well as social connections are vitally at issue in the role of mines and mining in the context of colonial and indeed post-colonial dispossession. Anything that interferes with natural places evokes resentment and may produce a hostile reaction from the people concerned. Whatever takes place on the mountain or in the cave has special meaning to the people participating in those rituals and holding such beliefs.

The independent or indigenous African churches combined a continued faith in their ancestors with a belief in the blessed working of an almighty God. But there is a widespread lack of respect and appreciation for African religion which has informed, variously, the ways in which African forms of religious thought and experience are regarded even in a 'non-racial' South Africa. As Chidester describes it, indigenous Christianity involves: 'complex strategic negotiations in which symbolic forms are formulated, appropriated, manipulated, and mobilized to carve out a human identity and a place for that human to stand and to act as a human being'. (cited in Masondo, 2014:21). The African indigenous churches exemplify the African struggle for self-identification and self-realisation. Theologian and biblical scholar Itumeleng Mosala commented on the topic of reconciliation and points out that Africans were not 'alienated' from white people but from their land, their cattle and themselves. The indigenous churches, therefore, provide an avenue for African self-definition by highlighting what is good about being African and inculcating a sense of pride in that identity (Mosala, 1985: 103-111)

For philosopher Gabriel Setiloane, land is holy property, as it does not belong to any individual but to the ancestors. Even chiefs do not own it but are trustees who distribute it to people in order for them to be able to make a living (Setiloane, 1991:32). Land is not considered wealth as is livestock, since no one can possess it and exclude others within the polity from benefiting from its fruit. Prior to colonial expropriation, even the loss of territory through armed attack and expulsion by more powerful neighbours did not bring to an end this sense of group identification. People's ancestral land still 'belonged' to them through their ancestors.

In urban black townships, people may not know the names and histories of their families beyond their grandparents. This is why sacred cave shrines such as Madimatle have special settings reserved for the divination of the celebrants' family tree, lineage and clan names and praises (see also Coplan, 2003). Madimatle is today a resource for people whose roots in the land and its associated culture were torn out by colonial and apartheid dispossession. 'The place is not sacred purely because it is a mountain, but rather for its rich history,' explains Bakgatla ba Bakgafela community elder Grace Masuku. 'In my culture, if a person wants to destroy you, they only need to destroy your roots, and thus your identity is destroyed,' Masuku explains. 'Without your identity, you simply have no value as a person. Once our identity is lost and our ancestors have retreated, we shall no longer enjoy protection by the ancestors. This is frightening' (quoted in Bega, 2015).

In a more fundamental sense, we must consider what sites such as Madimatle and its associated Meletsi mountain mean for the cohesive self-definition of the local community. At some sacred sites in South Africa, such as the famous Mautse, Matuoleng, and Modderpoort caves and mountains in the Free State, 'ownership' is ascribed to the ancestors and by extension to the religious communities who perform rituals and healing at the sites (Coplan, 2003). This is not so much a formal or legal 'land claim' as an attempt to replant the uprooted roots of historically resident indigenous communities or polities in the land. It is this 'identity function' that makes sites such as Madimatle the only appropriate location to practice ancestral rituals apart from family homes.

Struggles over conquest, exclusion and appropriation are thus intrinsic to sacred space (Chidester, 1994: 229). The conquerors can erase sacredness, but the former inhabitants and holders of the land will continue to claim and retain it from a position of de-centred exile. Sacred sites such as Madimatle are vectors of dis-alienation, particularly important in 21st Century South Africa, where historically and socially grounded perceptions of alienation from the land are so prevalent and powerful. Sacredness is thus about power relations and the sacred site a place where one is truly 'at home' in this world as well as in the previous one, and the next (Chidester, 1994: 226-229). Deeply involved in these power relations is the problematic role of government, specifically the national and provincial mining departments, that continue to issue mining licences to outside companies without consultation with local communities. In the process, such communities are deprived of their ancestral lands and of their meaning and value, both tangible and intangible. In our present case, a central vector of the underlying conflict is that between BBB-EE 'Black empowerment' imperatives that favour the interests of an already empowered elite above those of these local communities. There is as well a lack of coherence and failure to recognise indigenous cultural intangible knowledge within our formal systems of law and policy-making (Tlale 2020). Just who is being empowered and how does this imbalance affect the vital relationship between South African people and the land?

Gods of iron

The mountain that is our subject conceals many millions of tons of iron ore beneath its summit. Until a few years ago, the mountain was the legal property of local Afrikaner farmers, whose forebears had expropriated the area from Batswana clans during the nineteenth century. But the mountain is not suited to cultivation or stock raising, and it was left to shelter workers on the farms, small farmers who gardened at its base, and many species of wild game. The two farms within which the mountain and its cave were situated were ultimately sold to an Australian mining company, who *were* interested in the peak, indeed exclusively. Application for a mining license was made to the provincial government, and prospecting began in 2014. Ultimately, the plan projected the total removal of the upper 40% of the peak by means of opencast mining. This plan was not without precedent. Only 30 kilometres away stood

the iron mining town of Thabazimbi, where just such an opencast mine had been in operation for eighty-four years. Then in 2015, the collapse of the main retaining wall sent an avalanche of debris down into the outskirts of the town below. The mine was closed and sold as a loss, 1,160 miners were retrenched, and none of the promises to rehabilitate the landscape were kept. The site is currently an appalling disaster area, the municipality bankrupt, and the future of the town of 26,000 in doubt (*Die Kwevoel* 2015). Recently AcelorMittal, which bought the mine for a nominal sum, has reconsidered reopening some operations at Thabazimbi (Seccombe 2018).

Returning to our own case, objections were immediately raised to the construction of the mine. Among the main arguments in opposition was that the sacred cave site, called *Madimatle*, would be compromised, even destroyed by mining operations, violating Constitutional and legislative protections of freedom of religion and religious and cultural heritage. The Australian investors were not prepared for the costly delay and the negative publicity and sold the mine site to a local 'black empowerment' consortium with black ownership and management. The Province approved licenses for prospecting and feasibility work on the mountain, known as *Meletse* ('place of waters'). The new owners, however, had not reckoned with a range of well-resourced local interests. These interests opposed the construction of the mine – the amputation of the top half of the mountain – and the resources they could deploy were formidable and diverse.

Very soon, vocal complaints emerged from a 'community' of traditional healers, African church prophets, and their patients and congregants. The mine, they argued, would destroy Madimatle cave as a centre for herbal, religious, ceremonial, and divinatory ritual involving direct communication with the spirits of the ancestors. Throughout the year, healers bring their patients for treatment with herbal medicines (some that are gathered on the mountain slopes), prophets and pastors arrive with their followers for days of prayer and ceremony, along with unaffiliated individuals who come to visit for a brief immersion in the sacred, and for healing, supplication, and communication with the 'ancestors'.

The healers and prophets and their advisors argued that the noise, heavy lorry traffic, pollution, waste processing, storage and other facilities would make the cave unusable and destroy its sacred atmosphere and status. The ancestors, who were said to occupy an entire village underneath the mountain and the cave, would not be able to communicate with their living descendants, and would be driven away from the site. Activists from within the Bakgafela chieftaincy within whose district the

mountain and cave were located were quick to argue in the print and broadcast media that the cave was sacred not only to their religious beliefs and practices but to their historical rootedness and cultural identity. Historically, they noted, the caves and mountains were sites of supplication to ask for favours such as rains for their crop and livestock, fertility and regeneration among the people.

Madimatle is central to the cosmological world of the Batswana who live in its vicinity. They testify that disturbing the physical or even non-physical environment of the cave will destroy its usefulness and status, its sacrality. It will 'suffocate' sounds of the ancestors' villages. There will be no privacy for the healers, and herbal medicine plants will be destroyed (van Vuuren, 2014:11-12). Words and phrases such as 'horrified, terrified, hurt, depressed, hopeless, shattered, our soul is destroyed, it is killing the spirit, it is killing our work and power, we are disrespected, dishonoured, disgraced, we will lose our identity' are used along with expressions of fear, worry, and danger about the construction of the mine. These included the likelihood of forced entry by disgruntled pilgrims once access has – inevitably, informants thought - been physically closed off. The Traditional Healers Organisation (THO – A Statement of Significance of Madimatle Mountain, Annexure S.3, August 2014) argued that mining the mountain will cause spiritual genocide, since the umbilical link between the landmark mountain and its intricate cave system – and the wildlife they support – hold 'special healing power'. Pauline Maomi, a professional healer, says the mountain heals and provides herbal medicines and sacred water, both used in healing, hence the name for the mountain, 'Meletse'. Understandably she is, like other healers, worried about being put out of business by the mine. She says God (*Modimo*) is on the mountain and will attack the mine. She is one of many commentators who believe restrictions on entry and the eventual construction of the mine will cause natural disasters and injuries and deaths among the mine workers. As her colleague Bernard Msomi commented, 'We need the mountain because no one else helps the people' (A Statement of Significance of Madimatle Mountain, Annexure S.4, August 2014).

When the land was sold to the mining company in 2014, a court case to interdict the mine was launched in the name of the traditional healers, their organisation, and local farm residents. The mining company argued in reply that the cave was a full three kilometres distant from the mining site, that the mountain itself could not be shown to have any sacred or religious status in connection to the cave, and that if necessary, the cave site could be sequestered and protected from damage or interference from mining operations. Many millions of rands were at stake. The company argued that the local population stood to gain employment and government, significant revenues. Business, including tourism, would

supposedly thrive. 'Black empowerment' goals would be furthered, 'development' would arrive, bringing a better life for all.

The Traditional Healers Organisation, and other interested parties supporting them, engaged one of Johannesburg's most prominent law firms to submit an application before the South African Heritage Resources Agency (SAHRA) for the protection of the cave and the mountain as a recognised national heritage site for its religious and cultural significance. The mining company hired an equally large and prestigious firm to oppose them.. Even a short, superficial visit to the area makes apparent the destruction that an iron mine involving the removal of the upper half of the mountain would cause. The nominators argued that the natural beauty and tranquillity of the mountain chain and valley would disappear, the surrounding ecology would be destroyed, local residents forcibly removed, wild game driven out, water sources, the land, and the air polluted, the tourism industry ruined, the promises of eventual landscape rehabilitation empty. Not least, the mine would make religious activity and sanctuary impossible. The disappearance of the peak as a beacon, the noise, the dust, the mountain roads and erosion of the lower slopes, the destruction of the vegetation, the processing and waste management activity: all would turn the sacred into the appallingly profane. These landed interests are not mentioned as applicants in the case. Instead, it is the unempowered traditional healers and mendicant prophets and pilgrims who are formally pitted against the politically and financially empowered black corporate sector and government. That said, Madimatle is actually a case of local people, both black and white, with local common interests, uniting to protect their land and its inherent value from the earth mover of outside interests that would lay it waste.

The Constitution protects freedom of religious practice and both tangible and 'intangible' cultural heritage in South Africa. In the late 1990s, enabling legislation specifying these protections was enacted. In addition, the Recognition of Traditional Marriages Act 120 of 1998 and other legislation implies more broadly the equality of African law and custom and the existing corpus of civil law. However difficult to define, specify, and institute in practice, heritage and its rights and protections are paid far more than lip service in a country that is especially sensitive to the wholesale dismissal of traditional law and the dispossession of millions of black South Africans decreed by colonial and apartheid laws prior to the 1990s.

Since the democratic transition to majority government, however, the equation and the discourse of 'restitution' has changed. During the administration of President Thabo Mbeki (1999-2008) a policy of 'black empowerment' was implemented with the purpose of transferring a major share of macro-economic enterprise to an emergent black *haute bourgeoisie*. The institutionalisation of this policy has brought into serious question the state's commitment to righting past oppression, expropriation, and apartheid's destructive reformulation of identity broadly among ordinary citizens, and not merely among the already 'empowered' officials and clients of the new ruling party. In the domain of traditional and customary law, thought to be a repository of the rightful claims for restitution and upliftment for the disempowered majority, elite empowerment has in practice displayed its heavy hand. Further, the lack of specificity in the recognition, promulgation, and application of indigenous African law in the post-1994 legislation provides a wide field for legal contestation and for the employment of legal advocates on every side. This is where we come in.

In so doing we must acknowledge that standards in legal anthropology call for case-based evidence: citations, references, actual quotations from litigants, witnesses, and from the judgement, all of which clarify the reasoning and argumentation; the processes and problematics. Currently, our account cannot simply present evidence submitted in the case, due to the requirements of confidentiality and the fact that the matter forming the litigation is currently before the courts for final determination. We also do not wish to prejudice the status of SAHRA's process or of long-standing court proceedings. Those who spoke to us trusted our assurances that no negative personal consequences would result from their testimony and cooperation. Nevertheless, we argue that the case should be presented here while it is still topical, and while the immediate issues it illustrates are hotly contested in the domain of law and society in South Africa. This explains why our chapter is more essay than article, and reliant on our own compressed narrative, summations and interpretations.

African customary law?

With the legal re-valorisation of indigenous principles of dispute resolution, there arose the problem of finding a mechanism for ascertaining what had once been, what was, and what was not 'traditional' or 'customary' African law. African polities before, parallel to, and since the imposition of promulgated colonial law had elaborate legal and bureaucratic systems of justice and adjudication. But their written codification had been undertaken only under colonial government and tended strongly to institutionalise colonial policy and principles of overrule. Many issues more domestic to African

community life and law were not codified but left in the official limbo of oral contestation. Since 1994 as well, there have been widespread efforts to contest colonial and apartheid era laws, rulings, and precedents. Among these in many instances are cases of legal marriage and divorce, descent, inheritance, succession to high office, chieftaincy, land tenure, and most recently, religious freedom and protection of sometimes inchoate 'heritage'.

In our present case, the mining company commissioned a lengthy report by independent consultants (Shangoni 2014) that included a section by a senior anthropologist to research the cultural and heritage value of the cave and mountain and its relevance African users and residents. The company hoped to use his findings to argue that the mine would not destroy the cave shrine or make it unusable, and that the mountain to be mined had in any case no religious, heritage or ecological connection to the cave. The anthropologist (van Vuuren, 2014) that the cave shrine was not directly connected to the mountain, that controlled access and proper oversight and maintenance could protect and facilitate the religious uses of the site during construction and operation of the mine. True to his profession, however, he provided copious survey testimony from traditional healers and 'prophets', and other local residents involved with the shrine. There were other subsidiary reports from an archaeologist and an ecologist (Almond 2012; Miller 2011). Ultimately, SAHRA declared the cave a level 2 (provincial) protected site that must not be compromised by mining activities. Permission to construct limited roadway of three kilometres for prospecting and preparation for the mine on the mountain was granted, and the company began physical operations on the slopes.

This result was of course not satisfactory to the nominators, the opponents of the mine, whose backers had hoped to secure protected status for the mountain itself. They argued that planned fencing and controlled entrance to the cave site and construction of visitor facilities would themselves violate the religious traditions of open access, prohibition of physical modification or commercial development, and absolute tranquillity in which the ancestors could dwell undisturbed. Preventing the mine from removing the mountain was after all more the point of the application than preserving the hardly noticeable cave shrine. Legal contestation has continued up to the present, and currently there is a second case pending before SAHRA seeking level 1 (national and international) protection for the cave and mountain as a unitary religious and heritage site. This time, the opponents of the mine engaged our services to bear expert witness to the violation of religious freedom and irreparable destruction mining would cause.

Yes, the mine would provide millions of rands in tax revenue and local development, but also destroy the natural beauty and ecological system of the entire area. Not only the ancestors, but also their descendants would be driven from the land. Indeed, residents whose homesteads were located within the actual mining concession and land now owned by the mining company had already been removed to a nearby black township, where neither horticulture nor stock raising are possible. They were not compensated (van Vuuren, 2014:11-15), and currently they are without employment. In violation of the conditions under which prospecting rights had been granted, eleven times the allowed length of exploratory roads had been constructed (33 kms.), visibly scarring the mountain slopes. The cave shrine had been fenced off from the road, and an entrance gate, albeit unlocked, constructed. A steel signboard stating rules and conditions for visiting the cave now greeted the pilgrims' arrival. An employee of the new mining company sat near the entrance all day making visitors write down their personal details, place of origin, and reasons for visiting. Knocked down by the new owners, the remains of a brick shed that had once served as a storage place for healers' paraphernalia littered the margin.

Since the establishment of democracy in 1994, the demand for the restitution of land to the majority who were removed from it has endured. The Bakgatla ba Bakgafela were first dispossessed of their land in the late 1880's, notwithstanding concerted efforts to purchase part of it, under the name of Transvaal President Paul Kruger. In the 1890's the land was again purchased by community subscription in their own name. Following the Land Acts of 1913 and 1936, the Bakgafela were again removed, and further efforts continued well into the apartheid period. From 1919, mining interests purchased and exploited the area, particularly near Thabazimbi. Today, the majority of Bakgafela are not living on their ancestral land, most of which is in various private hands, but the memory persists (Pörsel, 2014).

Research at Madimatle

Among the many documentary sources we excavated, few were as useful as the first report of our old anthropological colleague (van Vuuren 2014), and a second report addendum he submitted at the behest of the new owners (van Vuuren, 2019). True to his vocation, he had included not only original informants' testimony. He also expressed his own misgivings about the effect of the mine on the cave shrine, the mountain, and the people who for so many generations had been healed or initiated or supplicated or prayed and meditated or simply lived among their groves, hollows, streams, and shadows. The testimony rang out with distress, fear, warning, and genuine horror of the cultural destruction sure to accompany the detonation of explosives and the cacophony of earth movers and

monster lorries shifting crushed rock and decapitating the landscape forever. The ancestors as well as their descendants would be driven from their homes below and above ground and into the wilderness to plot revenge. Community roots would be torn up, identity would be lost, souls destroyed or made vagabond. Sickness and misfortune would reign, and plagues descend upon the unknowing miners. The sacred order of nature established over centuries would become, quite literally, an unholy mess.

Equally persuasive were the objections to the fencing off and policing of the site, the imposition of rules and regulation, the proposed facilities for religious tourism. Our colleague had written of these controls and developments as positive, a form of recognition and upgrading. Littering and ecological damage would be controlled, ceremonial would be orderly and uncompetitive, charlatanism challenged, and refreshment and resting places provided. Almost without exception our colleague's informants objected to these 'improvements'. The shrine should be accessible to all who came, whatever they were seeking. Permission to enter could only be granted by the ancestors and other resident spirits. Only God could say who was a charlatan. The ancestors did not like modification of holy ground by the living and would retreat forever from their supplicants. The cave was among those few sacred places visualised in dreams and prescribed by traditional healers where sufferers might be 'cured', and where essential personal, family, and communal rituals could be carried out. The clearly audible sounds of life from the subterranean villages of the ancestors would cease or be drowned out. Most tellingly, cave and mountain – as at other sacred sites in South Africa – were inseparably linked as an enspirited whole. Herbal medicines were gathered on the mountain for application in the cave, healing waters flowed from deep within the mountain down into the recesses of the cave for use by pilgrims. The mine would permanently destroy the existing game farming and tourism industry in the area. The Shangoni Report of 2014 actually stated that the area made 'irredeemable' would include 'the Madimatle Cave hub of the indigenous religious shrine as well as the associated Meletse Mountain within a perimeter of 8 kilometres around the mine and beyond (Shangoni 2014: 178). The cave itself, the report stated, would no longer be viable for purposes of praying and connecting to God and the ancestors (Shangoni, 2014: 181).

Testimony from Bakgafela residents in the vicinity that we collected ourselves was even more telling. One man, who works for the mining company as a caretaker emphasized (TM, interview 26, June, 2020):

Nothing should be forced; it should all take place through the ancestors. A *ngaka* (healer, diviner) works with the ancestors and receives the tools for their work through the ancestors.

Traditionally speaking you do not abandon the land from which you were born, you in fact notify the land when you leave so as to cut your ties to the land in a conducive manner. People are lost, the ancestors are looking for them and they don't know where their children have gone. This is a serious crisis of identity for a lot of African people everywhere who are not connected to their ancestors. People come here looking to find themselves.... A lot of them do not know their own parents nor their bloodline and they come searching for them here....

...The cave is not a church or a place where healers come to practice divination. It is more than that, it is the place of the ancestors and they know why they are established here. Even coming to the cave, you must have dreamed about being there, thereby leading to your coming here. The ancestors must have shown you in a dream while laying on your bed in your home, that you must come and see us here; we have work for you. They will invite you to come to the cave to come collect your blessings, healing, and gift of their powers. You do not just rock up here and do as you please, you will be gravely punished with illness and misfortune. You come here by divine prayer or dream communication. This place is no joke. When you are divinely ordained to be here your ancestors will pin point you out of the crowd, you will hear them call you by your name to say [whistles instructively] 'you come here!' and you will not get lost in there to wherever they lead you within the cave. People who come to communicate with the ancestors in the cave sleep there.

A report for NGT Management Services by heritage specialist Dr. Sibongile Masuku (Masuku, 2019) recommends moving and relocating ancestral graves we were shown on the slopes of the mountain. Masuku seems to suggest that the ancestors can be removed from their emplacement. This is in fact confusing a homestead practice with a remote communal sacred site. She contends that an ancient sanctuary of the ancestors can and should now change location on the basis of the prospective mine. In Setswana religion, homesteads can be moved, but the ancestors residing in their caves and mountains cannot. The ancestors cannot be relocated.

The present head of the Manaiwa family who took us to visit their ancestors' graves, Jacob Manaiwa, explained this religious problematic (Jacob Manaiwa, interview 26 June, 2020):

This entire land belongs to the ancestors, the mountain and cave are of the same area geographically and spiritually because they are both the dwelling place of the ancestors and they

own it. This place is ancestral and has a rich cultural history of our people. They cannot be removed from this place because they choose it, it is theirs and their people, us. The rivers demarcate this area that belongs to *badimo* (ancestors).

The Manaiwa family are still very angry about the loss of their original land rights and forceful removal from these lands by the white colonial and apartheid authorities and land speculators. Powerless to gain redress or repossession of their land, they take refuge in stories or predictions of the terrible fates that have befallen and will befall anyone who attempts to mine, develop, or further 'desecrate' (in their view) these lands of their ancestors.

A member of the independent Zion Christian Church whom we met with fellow congregants at the cave was even more forceful (name withheld, interview, 25 June 2020):

...but why is it when it comes to our matters as Africans, we also must justify them for the European outlook? Explain to me why, when one goes to Germany there are places which have been kept in their natural state due to their historical significance and these places attract many tourists. These places are often vacant land that have no developments and you will hear them say this is where the king was killed, or they show the old Catholic church which remains unchanged and undisturbed. Why is it that we have to justify ourselves and change our ways of living or the things we hold dear as heritage and history? In Europe you can still visit the first and oldest buildings; they renovate them, but they do not change things that are historical to them. Why is *our* history irrelevant?

Batswana religious belief and practice require that the natural settings in which the ancestors reside as a place of interaction with their descendants be left unmodified and undisturbed. A religious site of the nature of Madimatle, like the Mautse and Matuoleng caves in the Free State, is incompatible with visits or usage by groups of tourists, nature lovers and hikers, students, or even educators and researchers in any significant numbers, and religious pilgrims to all the sites have often told us so.

Black empowerment?

Back in Johannesburg, the CEO of the mining company was making much of the claim that it was 'rich whites' who were behind a grand plan to obstruct black empowerment – in the form of his company – and the economic upliftment of the area and its black, mostly poor and landless, population. It must be

noted that it isn't only the local, indigenous community that seeks to defend against the construction of the mine, as land-based business and property owners of diverse racial groups are collaborating with the healers, prophets, and their adherents to prevent the construction of the mine. 'Black empowerment', be it said, has been famously shown as an often unequally distributed resource. The most famous instance in the domain of mining is of course that of the Royal Bafokeng platinum mines near Rustenburg in the Northwest Province (Comaroff and Comaroff, 2011), but that is far from the only one. There are many recent cases, such as at Xolobeni in the Eastern Cape (Mitchley, 22 Nov., 2018), where mining has been successfully (or not) ruled illegal on the basis of non-consultation and exclusion of the affected community members. This occurs most often through private concessions granted to mining interests by senior traditional leaders, who stand to benefit hugely and improperly from such agreements. The signing into law on 20 November of the *Traditional Khoisan Leadership Bill, No. 3 of 2019* demonstrates the backing that the ruling African National Congress is giving this process (Heywood 2019)

With the black empowered mine company and revenue-hungry provincial government against us, we had only SAHRA and, if that appeal failed, the thin red-robed line of the courts to rely upon. We argued before SAHRA (Coplan and Moopelo 2019) that with regard to the land, exploitation, destruction, and dispossession have continued over the past twenty-five years under new political arrangements. How long would our democratic, constitutional legal system allow this to continue? In other countries, such an argument might not have carried much weight. In South Africa, however, issues of the land and who has which rights to benefit from it are of the greatest moment. This was demonstrated by the Xolobeni case, where the judgement against the miners threw the Minister of Minerals and Energy Resources into an apoplectic fury (Matya, SABC News 22 November 2018).

Amidst the current debate over land reform and even expropriation, there is a widespread yearning that goes far beyond the demand for land for productive purposes. The African value of *ubuntu-botho* ('humanism') includes historical placement in the earth that goes long precedes claims of material residence and possession (Mazamisa 1993:5). Prior to colonial expropriation, even the loss of territory through armed attack and expulsion by more powerful neighbours did not bring to an end this sense of identification. People's ancestral land still 'belonged' to them they maintained, through their ancestors. That is why it is no coincidence that Basotho sacred sites including Mautse and Matouleng are located in the 'Conquered Territory', lost to the Orange Free State in the wars of the 1860s. At these shrines, the

pilgrims' insistence that 'these caves belong to the ancestors' appears to be an unacknowledged strategy for reclaiming the land; the ancestors reconquering their territory when other means are unavailable (Coplan, 2003).

Among Africans, land has not been traditionally conceived as real estate that can be bought and sold (Coplan, 2001; 2003). It is a source of being and a basis of identity because it is where their ancestors are buried. In the KwaZulu-Natal townships, when asked where they come from, people would say for example: '*Ngokuhlalangise Mlazi, kodwa inkaba yami iseNkandla*', which means: 'I live at Umlazi, but my umbilical cord is at Nkandla' (Silitsena 1990:151). The umbilical cord that had tied the baby to its mother now symbolically unites or binds a person to a piece of ground. If this piece of land were sold, it would mean that the person would be rootless. The architects of apartheid understood this, driving black people from their lands and its livelihoods into reserves and 'locations' where they had no connection to the soil. There, like livestock, African people could be herded and kraaled wherever and for whatever purpose the white rulers advanced. Over a century since the infamous Native Land Act of 1913, such rootlessness remains an obstacle to national and community identification and social improvement. It is within this context of identity deprivation that the African indigenous churches emerged. They proclaim that God is concerned not only with the salvation of the soul but with poverty, oppression, and liberation from affliction. Through their rituals of healing and purification, they responded to people's existential needs and empowered them to re-assert their personhood (Chidester 1994).

In the present, our legal system must determine the role and prominence of African indigenous knowledge systems into the national agenda and identity. These include the right to Africans to practise religion and cultural practices linked to sacred sites. Are we to allow destructive exploitation to continue under our present rights-based democracy? How then will we replant the roots of the majority of the people in the land? The activity at sacred sites is a small means available to displaced African people to grow the sense of social rootedness and national common destiny that colonialism and Apartheid systematically destroyed. The Meletse Mountain is just such a site. To allow it to be decapitated and hollowed out would embody as well as signify a willingness to both spiritually sell off our people's land today, as it was by an illegitimate governmental and legal system in the past. Protecting Madimatle is one small step toward resolving the land problem in the interests of national identification. This will remain unstable until there is not only material restitution on the land but a genuine sense of it among

all affected parties. The preservation of Madimatle sacred site in line with constitutional rights will be a step towards that.

It is important to point out the complicit role of various government departments that continue to issue mining licences and mineral rights without placing much regard to the significance of matters of intangible African religious and cultural practices.

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