CAMBRIDGE

Cambridge University Press
978-1-107-02693-3 - Migration and National Identity in South Africa, 1860–2010
Audie Klotz
Excerpt
More information

Introduction

"[South Africa] makes a noise and stir in the world disproportionate to its small population."

James Bryce[1]

"America leads to Africa; the nations of Europe and Asia meet in Australia; the margins of the nation displace the centre; the peoples of the periphery return to rewrite the history and fiction of the metropolis. . . . "

Homi Bhabha[2]

An exceptional outburst of xenophobic violence in May 2008 displaced thousands of South African residents. Creating a national and international stir eerily reminiscent of township upheaval

[1] James Bryce, *Impressions of South Africa* (London: Macmillan, 1897), p. x. Considered an international expert on race relations, Bryce greatly influenced his contemporaries and future historians; see Ronald Hyam, *Elgin and Churchill at the Colonial Office, 1905–1908: The Watershed of the Empire-Commonwealth* (London: Macmillan, 1968); John Cell, *The Highest Stage of White Supremacy: The Origins of Segregation in South Africa and the American South* (New York: Cambridge University Press, 1982); Marilyn Lake and Henry Reynolds, *Drawing the Global Colour Line: White Men's Countries and the International Challenge of Racial Equality* (New York: Cambridge University Press, 2008).

[2] Homi Bhabha, "Introduction: Narrating the Nation," in *Nation and Nationalism*, ed. Homi Bhabha (London: Routledge, 1990), p. 7. He finishes by specifically mentioning black South Africans as "not yet" having such a voice.

© in this web service Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-1-107-02693-3 - Migration and National Identity in South Africa, 1860–2010
Audie Klotz
Excerpt
More information

during the waning years of apartheid, putative foreigners faced brutal attacks. Those who survived witnessed family members killed, belongings looted, and homes burned. Angry neighbors did not stop to ask about citizenship or differentiate those with paperwork to confirm legal residence. They themselves claimed to be the victims of lost job opportunities, crime, inadequate housing, and a range of other ills. Media coverage with lurid pictures of burning bodies, "necklaced" by a flaming tire encircling the victim's head, fueled the violence.[3]

The scope of these attacks was unprecedented in the post-apartheid era, but for more than a decade, xenophobic violence had periodically broken out on commuter trains and in the townships. The media consistently reinforced the association of foreigners with a host of social problems, often without much evidence. For instance, as early as January 13, 1995, the *New African* characterized "refugees" from neighboring countries as "streaming" into the country, drawn by romanticized images of a new land of opportunity and welcoming employers keen to hire at lower wages – ignoring that most of them were arriving from long-standing sources of intraregional immigration. Relying on innuendo, furthermore, the paper accused these Africans of bringing problems of organized crime, drugs, and disease. Similar complaints and more, such as "stealing" women, recur as motives for contemporary attacks.

[3] For extensive descriptions of the violence and reactions to it, see Shireen Hassim, Tawana Kupe, and Eric Worby, eds, *Go Home or Die Here: Violence, Xenophobia and the Reinvention of Difference in South Africa* (Johannesburg: University of Witwatersrand Press, 2008); Southern African Migration Project [SAMP], "The Perfect Storm: The Realities of Xenophobia in Contemporary South Africa" (Cape Town/Kingston: Idasa/Southern Africa Research Center of Queen's University, 2008); Ronny Steinberg, "South Africa's Xenophobic Eruption," *Institute for Security Studies Paper 169* (Pretoria: Institute for Security Studies, 2008); International Organization for Migration [IOM], "Towards Tolerance, Law, and Dignity: Addressing Violence against Foreign Nationals in South Africa" (Pretoria: IOM Regional Office, February 2009); David Everatt, ed., "Xenophobia, Civil Society and South Africa," *Politikon* 38 (1), 2011, special issue; Loren Landau, ed., *Exorcising the Demons Within: Xenophobia, Violence and Statecraft in Contemporary South Africa* (Johannesburg: Witwatersrand University Press, 2011).

© in this web service Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-1-107-02693-3 - Migration and National Identity in South Africa, 1860–2010
Audie Klotz
Excerpt
More information

Such xenophobic imagery had already become so prevalent by the mid-1990s that Section 5 of the 1997 Green Paper on International Migration called for a national educational campaign to promote positive attitudes toward foreigners, a proposal that advocacy groups often reiterated.[4] In response, the newly created South African Human Rights Commission, along with the National Consortium on Refugee Affairs and the United Nations High Commissioner for Refugees, did initiate a Roll Back Xenophobia campaign in 1998. Based on the presumption that the media fueled popular sentiments, they targeted journalists through educational seminars and developed materials to be distributed publicly through print, radio, television, and Internet.[5] With immediate effects on newspaper coverage modest at best, the subsequent May 2008 attacks underscored the campaign's inability to transform public attitudes.[6]

Yet the media do not bear sole responsibility for the discourses that they filter. Critics have also accused politicians of willful ignorance or lack of concern. President Thabo Mbeki in particular faced intense scrutiny for framing the 2008 attacks as disgraceful but driven by "naked criminal activity," not "mass and

[4] E.g., Human Rights Watch, '*Prohibited Persons': Abuse of Undocumented Migrants, Asylum Seekers, and Refugees in South Africa* (New York: Human Rights Watch, 1998), p. 13.

[5] South African Human Rights Commission, 4th Annual Report, December 1998–December 1999, pp. 12–13. Xenophobia and the rights of non-nationals subsequently became minor themes in its Education and Training program.

[6] David McDonald and Sean Jacobs, "(Re)writing Xenophobia: Understanding Press Coverage of Cross-Border Migration in Southern Africa," *Journal of Contemporary African Studies* 23 (3), September 2005, 309–10; South African Human Rights Commission [SAHRC], "Report on the SAHRC Investigation into Issues of Rule of Law, Justice and Impunity arising out of the 2008 Public Violence against Non-Nationals," 2010; Tamlyn Monson and Rebecca Arian, "Media Memory: A Critical Reconstruction of the May 2008 Violence," in *Exorcising the Demons Within: Xenophobia, Violence and Statecraft in Contemporary South Africa*, ed. Loren Landau (Johannesburg: Witwatersrand University Press, 2011), pp. 26–55. The National Consortium on Refugee Affairs is now the Consortium for Refugees and Migrants in South Africa, which has been critical of the SAHRC; see Tara Polzer, "South African Government and Civil Society Responses to Zimbabwean Migration" (Kingston: SAMP Policy Briefing No. 22, December 2008), p. 17.

© in this web service Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-1-107-02693-3 - Migration and National Identity in South Africa, 1860–2010
Audie Klotz
Excerpt
More information

mindless hatred of foreigners"; he also expressed shame over the damage inflicted but failed to offer solutions beyond promises to prosecute perpetrators.[7] Some commentators also drew on parallels to township turmoil prior to the first universal suffrage elections in 1994 to suggest that the violence, manifest in all major urban areas, might actually be coordinated, with some ulterior political motive behind it. Although eventually refuted, those accusations were reinforced by the slow and ineffectual official response to widespread rioting. Following two weeks of failed police efforts, the violence was finally quelled with help from the army.[8]

After initial proclamations of surprise, most politicians did decry the violence, but few offered solutions. Most striking, Mbeki merely promised to create a committee to investigate, despite routine criticism that his "quiet diplomacy" policy toward neighboring Zimbabwe, and his unwillingness to admit its failure, was the underlying problem.[9] Meanwhile, the police did arrest some perpetrators and provided limited protection at the municipal buildings or makeshift camps where victims had fled. Confronted with the reality of this massive displacement, municipalities set up temporary shelters under disaster management plans, but these local governments soon ran out of funds. Victims of the attacks then faced the dubious choice of

[7] Speech at Pretoria City Hall, quoted in *Mail & Guardian*, July 3, 2008. See also *Mail and Guardian*, May 25, 2008, June 4, 2008; Polzer, "South African Government and Civil Society Responses," p. 15.

[8] Jonathan Klaaren, "Citizenship, Xenophobic Violence, and Law's Dark Side," in *Exorcising the Demons Within: Xenophobia, Violence and Statecraft in Contemporary South Africa*, ed. Loren Landau (Johannesburg: Witwatersrand University Press, 2011), pp. 135–6. Domestic deployment of the army, for the first time since 1994, created additional controversy (*Mail and Guardian*, May 21, 2008; May 23, 2008). On the brutal enforcement of apartheid by the security forces, see Gavin Cawthra, *Policing South Africa: The SAP and the Transition from Apartheid* (Cape Town: David Philip, 1993).

[9] *Mail and Guardian,* May 25, 2008. The numbers of Zimbabweans fleeing political violence and economic collapse increased dramatically in the early 2000s, but Mbeki resisted calls for greater pressure on the Mugabe regime. For details on Zimbabweans entering South Africa, see Chapter 4. For an assessment of regional policy, see Chapter 5.

© in this web service Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-1-107-02693-3 - Migration and National Identity in South Africa, 1860–2010
Audie Klotz
Excerpt
More information

returning to their former neighborhoods in South Africa or repatriation, with United Nations assistance, to their countries of origin.[10]

Such efforts by government departments and nongovernmental organizations have foundered for lack of understanding about the underlying politics of antiforeigner sentiment and xenophobic practices. For instance, if politicians in a truly democratic South Africa need to be responsive to previously marginalized voices, they have little reason to put resources into anti-xenophobia campaigns. In addition, if new channels of representation provide an avenue for certain groups to promote xenophobia, then both the design and implementation of policies will hinge on political bargains that, so far, remain opaque. Ironically, it appears that Nelson Mandela's inclusive "rainbow nation" rewrote a century of racism into a new unifying economic nationalism that promotes the broad embrace of another type of intolerance.

Advocates of education campaigns also overlook the issue of institutional capacity, perhaps because the apartheid-era state was readily apparent in armed personnel carriers rolling through the townships and police forcibly removing people to far-flung locations. Now, there is an understandable presumption that the post-apartheid state can protect on the same scale. Setting aside decades of authoritarian rule, the new constitution underscores those expectations by enshrining economic and social rights alongside political ones.[11] Yet, the role of "the state" is subtler since 1994. Contestation continues, certainly, but it also plays out in new venues. For instance, in a bizarre twist discussed in Chapter 4, the dispute between the president and minister of

[10] UNHCR Global Report 2009 – South Africa (released June 1, 2010, www.unhcr.org); Klaaren, "Citizenship, Xenophobic Violence, and Law's Dark Side," p. 135; Darshan Vigneswaran, "Taking Out the Trash? A 'Garbage Can' Model of Immigration Policing," in *Exorcising the Demons Within: Xenophobia, Violence and Statecraft in Contemporary South Africa*, ed. Loren Landau (Johannesburg: Witwatersrand University Press, 2011), pp. 151–5.

[11] Eduard Fagan, "The Constitutional Entrenchment of Memory," in *Negotiating the Past: The Making of Memory in South Africa*, ed. Sarah Nuttall and Carli Coetzee (Cape Town: Oxford University Press, 1998).

© in this web service Cambridge University Press www.cambridge.org

Cambridge

Cambridge University Press
978-1-107-02693-3 - Migration and National Identity in South Africa, 1860–2010
Audie Klotz
Excerpt
More information

home affairs over implementing regulations for new immigration legislation landed in a constitutional court that previously did not even exist. Also, the South African Human Rights Commission, key in the Roll Back campaign, was established to foster understanding of the new constitution. However, the ineffectiveness of its attempts to combat xenophobia calls into question the capacity of the state to reconstruct social identities.[12]

In the current policy debate, only one thing is undisputed: the results of numerous opinion polls and the patterns of violence confirm that xenophobia is commonplace in post-apartheid South Africa.[13] This consensus is based on reasonable inferences from empirical evidence, but the nature of those data – *new* attention to black attitudes and *recent* attacks – implicitly suggests that xenophobia itself is novel. Beyond the headlines, hostility toward migrants is nothing new. As early as the 1890s, angry mobs periodically gathered at the port in Durban to protest the arrival of indentured Indian laborers. Most famously, attackers pelted Mohandas Gandhi as he sought to return from a trip abroad to galvanize opposition to colonial Natal's discriminatory policies.[14] And throughout the twentieth century, culminating in the creation of putatively independent ethnic homelands, national policy defined almost all Africans as migrants rather than citizens, often forcibly removing them from their homes or land.[15]

[12] On the South African state's prior importance in constructing identities, see Leroy Vail, ed., *The Creation of Tribalism in Southern Africa* (Berkeley: University of California Press, 1991).

[13] SAMP, "Perfect Storm"; IOM, "Towards Tolerance"; Pierre Du Toit and Hennie Kotzé, *Liberal Democracy and Peace in South Africa: The Pursuit of Freedom as Dignity* (New York: Palgrave Macmillan, 2011), pp. 163–71, 182–7; Ipsos Public Affairs, "Global Views on Immigration," Global @dvisory poll, August 2011, conducted June 15–28 (www.ipsos.com).

[14] Robert Huttenback, *Gandhi in South Africa: British Imperialism and the Indian Question, 1860–1914* (Ithaca: Cornell University Press, 1971).

[15] Ivan Evans, *Bureaucracy and Race: Native Administration in South Africa* (Berkeley: University of California Press, 1997); Deborah Posel, *The Making of Apartheid, 1948–1961* (Oxford: Clarendon, 1997); Klaaren, "Citizenship, Xenophobic Violence, and Law's Dark Side."

© in this web service Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-1-107-02693-3 - Migration and National Identity in South Africa, 1860–2010
Audie Klotz
Excerpt
More information

Persistent prejudice against foreigners does not always turn violent, but when people are murdered on the basis of their presumed nationality, condemnation understandably ensues. Particularly in a new democracy with a long, infamous history of urban violence and police brutality, many people inside and outside South Africa expect an extra degree of diligence by the state in protecting its citizens and legal residents. That the constitution guarantees key rights to *all people* living in South Africa underscores those demands, as do international commitments to the rights of refugees, who were prominent among the victims. Still, ambiguities, dilemmas, and paradoxes blur the lines of even the most ethical aspirations, as the chapter titles in this book suggest.[16] Regardless of whether South Africans accept or deny that theirs has always been a country of immigration, finding suitable governmental and societal responses hinges on understanding a complex mix of causes.

Since 1994, the South African state has implemented substantial reforms, notably robust rights for refugees. In essence, human rights advocates have effectively leveraged the new legal system. At the same time, however, the revived salience of electoral politics favors exclusionary immigration policies based on a commitment to ameliorate abiding inequalities among citizens. Xenophobia thrives in this climate of widely embraced economic nationalism. Any attempts to counter xenophobia, therefore, need to target this foundation. From a comparative perspective that replants South Africa among the former British Dominions, I argue that political dynamics involving courts and coalitions explain this contradictory mix of post-apartheid immigration policies.[17] Consequently, any remedies also hinge on courts and coalitions, rather than public education campaigns.

[16] I am grateful to Mervyn Frost for bringing these tensions to my attention.

[17] Robert Huttenback, *Racism and Empire: White Settlers and Colored Immigrants in the British Self-Governing Colonies, 1830–1910* (Ithaca: Cornell University Press, 1976); Daniel Gorman, *Imperial Citizenship: Empire and the Question of Belonging* (Manchester: Manchester University Press, 2006); Lake and Reynolds, *Drawing the Global Colour Line*; James Belich, *Replenishing the Earth: The Settler Revolution and the Rise of the Anglo-World,*

© in this web service Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-1-107-02693-3 - Migration and National Identity in South Africa, 1860–2010
Audie Klotz
Excerpt
More information

These dynamics in South Africa are surprisingly similar to those in other countries of immigration, but the dominant forces are inverted. Elsewhere, liberal courts and promarket coalitions have typically converged against exclusionary policies.[18] In contrast, as far back as decades before the Union of South Africa formed in 1910, advocates for rights were weak as a result of a dearth of legal protections. In addition, they lacked allies in favor of open markets for labor, because key industrial conglomerates relied on monopoly (or monopsony) power. Subsequent institutionalization of exclusion – due to the absence of a liberalizing coalition – has allowed for the persistence of xenophobic attitudes and protectionist policies all the way into the post-apartheid era. Although refugee advocates in the past two decades have achieved compliance with most international standards and many constitutional protections, their efforts still do not fully counterbalance the prevailing protectionism. In the absence of electoral incentives to challenge xenophobia, I conclude, democratization in South Africa has primarily produced incremental policy reforms that, on balance, reaffirm exclusion.

Given this underlying political foundation, any major transformation is unlikely. Yet gradual amelioration of intolerance is still possible, if rights advocates pay greater attention to building grassroots allies. Although I highlight lessons from the mobilization among Canadian and Australian immigrant communities in overturning legacies of racism, I do not deny South Africa's distinctiveness. Similarities with other countries of immigration certainly should not be overdrawn. Thus Chapter 1 defends my use

1783–1939 (New York: Oxford University Press, 2009). In Chapter 5, I turn to the implications of the South African comparison for Canada and Australia.

[18] James Hollifield, *Immigrants, Markets, and States: The Political Economy of Postwar Europe* (Cambridge: Harvard University Press, 1992); David Jacobson, *Rights Across Borders: Immigration and the Decline of Citizenship* (Baltimore: Johns Hopkins University Press, 1996); Christian Joppke, "Why Liberal States Accept Unwanted Immigration," *World Politics* 50 (2), 1998, 266–93; Daniel Tichenor, *Dividing Lines: The Politics of Immigration Control in America* (Princeton: Princeton University Press, 2002).

© in this web service Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-1-107-02693-3 - Migration and National Identity in South Africa, 1860–2010
Audie Klotz
Excerpt
More information

of the comparative literature on immigration in liberal democracies, which points to the significance of rights advocates, both on their own terms and in coalitions. I also stress that the alternative Marxist and postcolonial literatures have limited utility because they perpetuate a false dichotomy between white immigration and black migration. Unlike colonies that gained independence after World War II, the South African state did not emerge from the ashes of empire in 1994, and its constitution even provides some rights that go beyond prevailing practices among democracies.[19]

I start with the puzzle of why immigration policy took a contentious decade to reform, whereas most other legacies of apartheid were quickly overturned, or at least substantially reformed. Conventional wisdom relies on an array of explanations that fall into the general category of "path dependency," a notion that stresses the difficulties of overturning institutionalized policies.[20] Yet the easy invocation of path dependency, based on evidence of policy continuity, too often forecloses deeper analysis. Instead, we need to examine whether alternatives were seriously considered, and if so, why those options got rejected. In effect, deterministic explanations – be it path dependent or postcolonial – underplay the role of agency in replicating the status quo, as I argue has happened in South Africa. Taking snapshots of policies in 1994 and 2004, for instance, overlooks an array of actors involved in serious attempts at reform that mostly failed.

[19] See Heinz Klug, *Constituting Democracy: Law, Globalism, and South Africa's Political Reconstruction* (New York: Cambridge University Press, 2000); c.f. Mahmood Mamdani, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism* (Princeton: Princeton University Press, 1996).

[20] Jens Meierhenrich, *The Legacies of Law: Long-Run Consequences of Legal Development in South Africa, 1652–2000* (New York: Cambridge University Press, 2008); Darshan Vigneswaran, "Enduring Territoriality: South African Immigration Control," *Political Geography* 27 (7), September 2008, 783–801; Darshan Vigneswaran, "Taking Out the Trash? A 'Garbage Can' Model of Immigration Policing," in *Exorcising the Demons Within: Xenophobia, Violence and Statecraft in Contemporary South Africa*, ed. Loren Landau, pp. 151–71 (Johannesburg: Witwatersrand University Press, 2011).

© in this web service Cambridge University Press www.cambridge.org

CAMBRIDGE

Cambridge University Press
978-1-107-02693-3 - Migration and National Identity in South Africa, 1860–2010
Audie Klotz
Excerpt
More information

To explain why so many politicians and policy makers accept the status quo, I examine how the South African state has enshrined specific exclusions in its "securitized" official discourse and institutional practices. This framework reveals key macro-historical shifts in the status of "foreign Africans" and their relationship to other targets of prejudice. The roots of contemporary xenophobia go back to the late 1800s. White settlers institutionalized a fear of Asians, turning British subjects into disenfranchised foreigners through clever procedures, including an innovative literacy test. By the mid-1900s, supplementary quotas also filtered out a range of undesirable whites. Tension between this long history of exclusionary control and a post-apartheid commitment to rights is hardly surprising, but abiding treatment of foreign Africans as a threat presents an anomaly. In 1986, at the height of domestic unrest, the apartheid government lifted restrictions on black migration, both internally and across borders, thus abandoning one of its core commitments. Only in 1994, however, did expansion of the franchise create meaningful differentiation based on citizenship, with foreign Africans subsequently derided for "stealing" the benefits of South African democracy. Ironically, overturning a century of racism reinforced xenophobia toward these neighbors.

Turning to the historical evidence for these claims, Chapter 2 begins with the colonial era to explore key turning points when the racism of whites trumped the imperial rights of immigrant Indians. During a time when all settler societies grappled with fluid social boundaries, adoption of a lightly veiled literacy test aimed to exclude Asians, with substantial success. Additional political debates and court battles determined the categorization of other liminal groups. Underscoring how contested these lines were, Jews and Syrians came to be counted as white in South Africa but not always in other countries.[21] By 1913, when the

[21] Brazil treated both Assyrians and Japanese as white; see Jeffrey Lesser, *Negotiating National Identity: Immigrants, Minorities, and the Struggle for Ethnicity in Brazil* (Durham, NC: Duke University Press, 1999), chs 3–4. In contrast, Canada categorized Armenians as Asians; Freda Hawkins, *Critical Years in Immigration: Canada and Australia Compared* (Montreal/Kingston: McGill-Queen's University Press, 1989), p. 21. Caught in between, the status of

© in this web service Cambridge University Press www.cambridge.org