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**Book Review: From Prohibited Immigrants to Citizens: The Origins  
of Citizenship and Nationality in South Africa**

Penelope Andrews

Americans of the structural causes of poverty, future “economic upheaval” (235) will yet transform the cultural discourse. If anthropology’s cultural lens directs us to a vision too distant, then perhaps Bridges might have concluded more constructively with an agenda for legal reformers.

The disappointments of the conclusion notwithstanding, the heart of *The Poverty of Privacy Rights* demands reading as a significant contribution to—and critique of—rights. The patchwork quilt of privacy law today appears much more coherent when skillfully woven through Khiara Bridges’ multidisciplinary toolkit and, importantly, when viewed through the eyes of poor women. Their lives attest that inequality does not merely make rights less effective; under the most severe conditions, inequality excludes some people from the umbrella of rights altogether.

## References

- Bridges, Khiara (2011) *Reproducing Race: An Ethnography of Pregnancy as a Site of Racialization*. Los Angeles: Univ. of California Press.
- Isenberg, Nancy (2017) *White Trash: The 400-Year Untold History of Class in America*. New York: Penguin Books.

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*From Prohibited Immigrants to Citizens: The Origins of Citizenship and Nationality in South Africa*. By Jonathan Klaaren. Cape Town: UCT Press, 2017.

Reviewed by Penelope Andrews, New York Law School

Jonathan Klaaren has written an important study of the historic formation of South African citizenship against the backdrop of its admirable 1996 Constitution and Bill of Rights, its embrace of dignity and equality as founding principles, and especially the commitment in the Preamble: *We, the people of South Africa ... believe that South Africa belongs to all who live within it, united in our diversity*. Klaaren refers to the inherent contradictions of this constitutional promise in contemporary South African public discourse and judicial decision making, notably the dichotomy between citizens and residents and citizen residents and citizen nonresidents. He locates the origins of these contradictions in the period leading up to as well as after the establishment of the

Union of South Africa, many decades before the advent of constitutional democracy.

Although not the primary focus of his study, the questions related to nation and citizenship in a constitutional democracy are notable in light of South Africa's history of racial exclusion, and as societies across the globe similarly grapple with questions of sovereignty, citizenship, identity, immigration, and belonging. Klaaren's book is a timely and thoughtful exploration of these issues through the "making" (2) of citizens who were once prohibited immigrants in South Africa.

Klaaren seeks out to investigate and analyze when South Africa's varied population became something more than individuals occupying the same geographical space. Klaaren therefore explores the fundamental question of when South Africa's preconstitutional citizenship was established and how it came about.

Like all societies, South Africa's history since the onset of European colonialism in the 17th century has been one of settlement, migration, population displacement, control of resources, and conflict, with dominant epochs and events that have preoccupied historians, social scientists, and other scholars. Klaaren has chosen to concentrate his analysis on the regulation of mobility in South Africa, from 1897 to 1937, of three population groups, namely, Africans, Asians, and Europeans, and the differing and discriminatory levels of control over each group.

Klaaren argues that this historic focus provides a useful lens through which to understand successive colonial and apartheid governments' regulation of the population, especially the non-White population, as well as the contemporary notions of citizenship in South Africa and their contested meanings. The bookends are the first immigration laws of the provinces that eventually became the Union of South Africa, culminating in various immigration laws passed by the South African Parliament. The first example of such laws was the Immigrants Restriction Act passed in 1897 in the province of Natal, followed by others, and embodied in the South African Aliens Act of 1937.

Utilizing the interdisciplinary methodology of law and society scholarship, Klaaren's study traverses legal, sociological, historical, political, postcolonial and migration and mobility studies. The book is divided into 10 chapters, commencing with an introductory chapter that sets out the structure of the book, and locating the question of South African citizenship in its historical and disciplinary (migration and mobility studies) context, as well as the development of South Africa's legal culture.

The book then moves on to the early policies and practices of regulating the mobility of Indians, Chinese, and Africans in the

four provinces that became the Union of South Africa, listing the laws regulating such mobility and the development of comprehensive immigration laws. Included in these laws are the early incarnations of the infamous pass laws that controlled the movement of Africans for the centuries preceding South Africa's first democratic elections in 1994, and was such an odious and defining feature of apartheid South Africa.

Klaaren examines the convergence of two parallel national developments, namely, the evolution of laws and policies regulating the movement of populations with the emergence of the new national polity, the Union of South Africa. One of the earliest pieces of legislation passed by the Union government was the 1913 Immigration Regulation Act, which was pivotal in the unification process. Klaaren examines its centrality in laying the foundations for the ensuing tensions between the "paternalistic non-racial" (87) approach of the colonial authorities in London and the "racist intent" (87) of the local colonial administration.

Klaaren examines the growth of immigration control bureaucracies, starting in the provinces but ultimately located in the new national legislative and policy framework. He points out how it was the processes of laws, particularly immigration laws, that underwrote the unified state's notion of nationality and citizenship—one predicated on distinctions among the various populations. Klaaren's salient point throughout the book is that the control and regulation of immigrants from the Indian subcontinent provided the basis for the consequent unitary state, the Union of South Africa (and later the Republic), which was embedded in distinctions and inequality until the advent of constitutional democracy.

In his concluding chapter, Klaaren considers some innovative ways for South Africa to embrace a unique and inclusive global cosmopolitan approach to nationality, sovereignty, and citizenship. He pays particular attention to an Afropolitan approach in recognition of South Africa's role and location on the African continent.

Klaaren writes in a clear and accessible manner. His empirical methodology and conscription of a wide range of theoretical and policy perspectives, as illustrated by his impressive bibliography, make for a sophisticated and textured sociolegal analysis. He therefore has succeeded in making a noteworthy contribution to the literature on the subject.

Although located in South African historical, social, political, and legal developments, this study has reverberations globally. Indeed, some scholars and commentators have referred to the current global politics of immigration as "apartheid without apartheid" (228). Klaaren's book has the potential to inspire and encourage other scholars to initiate and build on research of their

own histories and contemporary controversies regarding nationality, citizenship, immigration, and identity. The book's appeal is to a wide multidisciplinary audience and its contribution to the field of migration and mobility studies is particularly pertinent and valuable. Klaaren's contribution to sociolegal studies is considerable – and particularly exciting for law and society scholars who are engaged in research on the global movement of people. His books will also be useful to law and society scholars examining the possibilities and limitations of law and legal processes.

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*Living Emergency: Israel's Permit Regime in the Occupied West Bank.*  
By Yael Berda. Stanford: Stanford University Press, 2018.

Reviewed by Noura Erakat, School of Integrative Studies, George Mason University

Yael Berda's *Living Emergency* uses ethnographic data compiled during her career as a human rights attorney and legal analysis to scrutinize Israel's permit regime in the occupied West Bank. The short book, part of Stanford University Press's *Briefs* series, is divided into four chapters and uses Israel's management of Palestinians as an "extreme case (study)" of population control through a logic of security (9) and demonstrates the interplay of surveillance, emergency, and law. Berda relies on conversations with Palestinian clients as well as officials from the military Civil Administration to provide a penetrating analysis of the, often, erratic logic, processes, and effects, of a bureaucratic edifice that appears otherwise formidable. She highlights that the permit regime regulating movement and predicated on data collection and surveillance is not as deliberate nor as precise as we tend to imagine repressive regimes to be.

Israel has directly controlled the movement of Palestinians from the West Bank and Gaza within the territories and across a nonexistent border into Israel since the 1967 War. Israel has attempted to integrate as much of the territories with as little Palestinians as possible in order to expand the state's jurisdiction without disrupting its Jewish demographic majority. Israel's overarching ambitions, for territory without its natives, has shaped its military bureaucracy.