

# The Making of South African Legal Culture 1902–1936

Fear, Favour and  
Prejudice

MARTIN CHANOCK

# **Making Of South African Legal Culture 1902 1936 Fear Favour And Prejudice**

**Roger Blanpain, Frank Hendrickx**



## **Making Of South African Legal Culture 1902 1936 Fear Favour And Prejudice:**

*The Making of South African Legal Culture 1902-1936* Martin Chanock, 2001-03-05 Martin Chanock's illuminating and definitive perspective on that development examines all areas of the law including criminal law and criminology the Roman Dutch law the State's African law and land labour and rule of law questions

**Labour Law and Social Progress** Roger Blanpain, Frank Hendrickx, 2016-04-22 For forty years the international watchword has been deregulation of labour law and of social security Now however the rise in unemployment and lack of employment security the dizzying inequality gulf and the environmental disasters and mass migrations caused by this deregulation are generating an impetus that defines social justice no longer merely in terms of the equitable distribution of resources but also and often primarily in terms of the just recognition of persons This collection of incisive essays recognizes that the growing interdependence of all of the people of the earth demands that labour rights are understood as an aspect of human rights and thus envisaged at the international level Contributions by twenty outstanding labour law scholars from a range of countries worldwide provide in depth analysis of such aspects of the debate as the following collective action in the interests of market effectiveness as well as fair outcomes for workers right to strike resilience of trade unions and collective bargaining as mechanisms of labour market regulation importance of national policy despite the influence of global market forces in shaping national outcomes work as the locus of the relationship between humans and nature search for a legal foundation for corporate social responsibility litigation as an alternative to collective bargaining the role of collective labour relations for immigrants and disabled people lessons that developed countries could learn from mechanisms pioneered in developing countries in coping with conditions of austerity and the trap of soft law and of declarations of intent that weigh lightly in the face of the power of the interests at play in international trade The essays take stock of the dimensions of the current situation and also explore paths leading to a better achievement of social justice in labour law These essays recognize that economic development and the pursuit of social justice are interwoven in a quest for social progress that includes mechanisms designed to eliminate unjustifiable inequality For lawyers and other parties committed to the emerging political will to not only respect fundamental rights but more broadly improve labour and environmental protection this book opens abundant avenues that can be pursued in practice and in policy The volume is based on a selection of papers presented at the 21st World Congress of the International Society for Labour and Social Security Law in Cape Town in 2015

*Insights into Policies and Practices on the Right to Development* Carol Chi Ngang, Serges Djoyou Kamga, 2020-10-06 As the world continues to grapple with a range of practical development challenges that are directly linked to livelihood concerns about human well being and declining living standards often overlooked is the human right to development which remains largely unfulfilled In the face of successive global initiatives seeking to remedy these challenges it has become urgent to ask what the universal recognition of the right to development implies if it cannot be translated into improved well being for impoverished peoples around the world The

contributors in this timely volume argue that setbacks to development are deeply rooted in the failure to implement the right to development which by nature guarantees equality of opportunities and equitable redistribution of the resources that contribute to better living standards Assessing policy and practical measures or the lack thereof they offer practical suggestions for implementation that will make the right to development a reality for everyone

**Migration and National Identity in South Africa, 1860-2010** Audie Klotz, 2013-09-16 An extraordinary outbreak of xenophobic violence in May 2008 shocked South Africa but hostility toward newcomers has a long history Democratization has channeled such discontent into a non racial nationalism that specifically targets foreign Africans as a threat to prosperity Finding suitable governmental and societal responses requires a better understanding of the complex legacies of segregation that underpin current immigration policies and practices Unfortunately conventional wisdoms of path dependency promote excessive fatalism and ignore how much South Africa is a typical settler state A century ago its policy makers shared innovative ideas with Australia and Canada and these peers which now openly wrestle with their own racist past merit renewed attention As unpalatable as the comparison might be to contemporary advocates of multiculturalism rethinking restrictions in South Africa can also offer lessons for reconciling competing claims of indigeneity through multiple levels of representation and rights

**M.K. Gandhi, Attorney at Law** Charles R. DiSalvo, 2013-11-15 a must read for persons from all walks of life interested in understanding the philosophical evolution of an ordinary man into the extraordinary Indian Law Journal In 1888 at the age of eighteen Mohandas Gandhi sets out from his modest home in India Shy timid and soft spoken he embarks on what he believes will be a new life abroad Twenty seven years later at the age of forty five he returns this time fearless impassioned and ready to lead his country to freedom What transformed him The law M K Gandhi Attorney at Law is the first biography of the Mahatma s early years as a lawyer It follows Gandhi as he embarks on a personal journey of self discovery from his education in Britain through the failure of his first law practice in India to his eventual migration to South Africa Though he found initial success representing wealthy Indian merchants events on the ground would come to change him Relentless attacks by the white colonial establishment on Indian civil rights prompted Gandhi to give up his lucrative business in favor of representing the oppressed in court Gandhi had originally hoped that the South African legal system could be relied upon for justice But when the courts failed to respond he had no choice but to shift tactics developing what would ultimately become his lasting legacy the philosophy and practice of nonviolent civil disobedience As he took on the most powerful governmental economic and political forces of his day Gandhi transformed himself from a modest civil rights lawyer into a tireless freedom fighter Relying on never before seen archival materials this book provides the reader with a front row seat to the dramatic events that would alter Gandhi and history forever

**Biometric State** Keith Breckenridge, 2014-10-02 A groundbreaking study of South Africa s role as a site for global experiments in biometric identification throughout the twentieth century

Decolonizing the Criminal Question Ana J. Aliverti, Ana Aliverti, Henrique Carvalho, Anastasia

Chamberlen,Máximo Sozzo,2023 This volume explores the uneasy relationship between crime crime control and colonialism foregrounding the relevance of the legacies of this relationship to criminological enquiries It invites and pursues a better understanding of the links between imperialism and colonialism on the one hand and nationalism and globalisation on the other

Policing and Human Rights Julia Hornberger,2011-10-21 Policing and Human Rights analyses the implementation of human rights standards tracing them from the nodal points of their production in Geneva through the board rooms of national police management and training facilities to the streets of downtown Johannesburg This book deals with how the unprecedented influence of human rights combined with the inability by police officers to live up to international standards has created a range of policing and human rights vernaculars hybrid discourses that have appropriated transmogrified and undercut human rights Understood as an attempt by police officers as much as by the police as a whole to recover a position from which to act and to judge these vernaculars reveal the compromised ways in which human rights are and are not implemented Tracing how in South Africa human rights have given rise to new forms of popular justice informal private policing and provisional security arrangements Policing and Human Rights delivers an important analysis of how the dissemination and implementation of human rights intersects with the post colonial and post transformation circumstances that characterise many countries in the South

*Survival in the 'Dumping Grounds'* Laura Evans,2019-05-27 Survival in the Dumping Grounds examines a defining aspect of South Africa s recent past the history of apartheid era relocation While scholars and activists have long recognised the suffering caused by apartheid removals to the so called homelands the experiences of those who lived through this process have been more often obscured Drawing on extensive archival and oral history research this book examines the makings and the multiple meanings of relocation into two of the most notorious apartheid dumping grounds established in the Ciskei bantustan during the mid 1960s Sada and Ilinge Evans examines the local and global dynamics of the project of bantustan relocation and develops a multi layered analysis of the complex histories and ramifications of displacement and resettlement in the Ciskei

Mining Gold and Manufacturing Ignorance Jock McCulloch,Pavla Miller,2023-03-20 This open access book charts how South Africa s gold mines have systematically suppressed evidence of hazardous work practices and the risks associated with mining For most of the twentieth century South Africa was the world s largest producer of gold Although the country enjoyed a reputation for leading the world in occupational health legislation the mining companies developed a system of medical surveillance and workers compensation which compromised the health of black gold miners facilitated the spread of tuberculosis and ravaged the communities and economies of labour sending states The culmination of two decades of meticulous archival research this book exposes the making contesting and unravelling of the companies capacity to shape and corrupt medical knowledge

**British Royal Visits and Black Loyalism in Twentieth-century Southern Africa** Hilary Sapire,2024-10-31 Exploring the entwined histories of British royal visits to Southern Africa in the twentieth century this book analyses the clashing voices of dissent

and cheering crowds that accompanied royal tours providing insight into the shifting nature of Black loyalism Originating in the Indigenous empire loyalism of eighteenth century Canada Black loyalism encompassed loyalty to the British crown and a shared ideology of rights and entitlements which positioned the crown as a source of protection against white settler rapacity colonial violence and racial oppression However expressions of monarchical devotion were often double edged and addressed the fundamental contradiction of a crown that was both the source of rights and complicit in colonial conquest appropriation and misrule It was on royal occasions such as jubilees coronation celebrations and especially royal visits when the sovereign was literally amongst their more distant subjects that loyalist sentiment was rekindled reinvented and made directly relevant to the concerns of the day By analysing change and continuity in Black perspectives towards both the British and Indigenous African monarchy during these visits this book offers a fruitful way into examining an array of Black Southern African discourses on governance political values and cultural identities across the region It argues that the refashioning of British imperial monarchy in the twentieth century was profoundly shaped by African initiatives and re imaginings and provides valuable reading for those researching imperialism popular attitudes to the British monarchy in the twentieth century and the diverse politics and identities of southern Africa

**One Hundred Years of Social Protection** Lutz

Leisering, 2020-12-14 While the rise of social protection in the global North has been widely researched we know little about the history of social protection in the global South This volume investigates the experiences of four middle income countries Brazil India China and South Africa from 1920 to 2020 analysing if when and how these countries articulated a concern about social issues and social cohesion As the first in depth study of the ideational foundations of social protection policies and programmes in these four countries the contributions demonstrate that the social question was articulated in an increasingly inclusive way The contributions identify the ideas beliefs and visions that underpinned the movement towards inclusion and social peace as well as counteracting doctrines Drawing on perspectives from the sociology of knowledge grounded theory historiography discourse analysis and process tracing the volume will be of interest to scholars across political science sociology political economy history area studies and global studies as well as development experts and policymakers

*Technology and Governance Beyond the State* Nicole Stremmlau, Clara Voyvodic Casabó, 2024-09-30 This book explores how information and communications technologies are adapted governed and reinterpreted in areas where the state has limited reach The governance and regulation of new technologies from social media to AI has never seemed more urgent Efforts to harness the potential benefits to encourage innovation and novel applications yet restrain the known and unknown harmful aspects of these technologies have posed unprecedented challenges This book brings together an eclectic collection of cases from around the world from the favelas in Brazil to the border regions of Ethiopia and Somalia and to markets in Thailand to tease out the broader arguments and logics about how diverse enabling environments for technology and innovation may evolve and the wide range of public authorities that may be involved in providing governance and security for

such innovation beyond the state The term the rule of non law refers to the breadth and array of rules norms and systems that enable novel technological assemblages and uses By looking at technologies and the rule of non law in areas that are often seen as marginal or at the peripheries from a profit and business perspective this book reflects new insights back to more Western dominated mainstream debates about law technology and innovation This book will be of great interest to students of Socio Legal Studies Science and Technology Studies Critical Security Studies and International Relations *Can We Unlearn Racism?* Jacob R. Boersema, 2021-08-17 In contemporary South Africa power no longer maps neatly onto race While white South Africans continue to enjoy considerable power at the top levels of industry they have become a demographic minority politically subordinate to the black South African population To be white today means having to adjust to a new racial paradigm In this book Jacob Boersema argues that this adaptation requires nothing less than unlearning racism confronting the shame of a racist past acknowledging privilege and to varying degrees rethinking notions of nationalism Drawing on more than 150 interviews with a cross section of white South Africans representationally diverse in age class and gender Boersema details how they understand their whiteness and depicts the limits and possibilities of individual and collective transformation He reveals that the process of unlearning racism entails dismantling psychological and institutional structures alike all of which are inflected by emotion and shaped by ideas of culture and power *Can We Unlearn Racism* pursues a question that should be at the forefront of every society's collective consciousness Theoretically rich and ethnographically empathetic this book offers valuable insights into the broader sociological process of unlearning relevant today to communities all around the world *Access to Justice and Human Security* Sindiso Mnisi Weeks, 2017-11-22 For most people in rural South Africa traditional justice mechanisms provide the only feasible means of accessing any form of justice These mechanisms are popularly associated with restorative justice reconciliation and harmony in rural communities Yet this ethnographic study grounded in the political economy of rural South Africa reveals how historical conditions and contemporary pressures have strained these mechanisms ability to deliver the high normative ideals with which they are notionally linked In places such as Msinga access to justice is made especially precarious by the reality that human insecurity a composite of physical social and material insecurity is high for both ordinary people and the authorities who staff local justice forums cooperation is low between traditional justice mechanisms and the criminal and social justice mechanisms the state is meant to provide and competition from purportedly more effective twilight institutions like vigilante associations is rife Further contradictions are presented by profoundly gendered social relations premised on delicate social trust that is closely monitored by one's community and enforced through self help measures like witchcraft accusations in a context in which violence is culturally and practically a highly plausible strategy for dispute management These contextual considerations compel us to ask what justice we can reasonably speak of access to in such an insecure context and what solutions are viable under such volatile human conditions The book concludes with a vision for access to

justice in rural South Africa that takes seriously ordinary people's circumstances and traditional authorities lived experiences as documented in this detailed study The author proposes a cooperative governance model that would maximise the resources and capacity of both traditional and state justice apparatus for delivering the legal and social justice namely peace and protection from violence as well as mitigation of poverty and destitution that rural people genuinely need

**Rethinking South Africa's Past** Christopher J. Lee, Andrew Offenburger, 2025-03-18 This book presents key historical scholarship published in *Safundi* from 1999 to 2024 tracing South Africa's past through approaches of comparative history transnational history and visual history in addition to addressing the importance of topics like gender labor and class dynamics as well as regional historiographies The first section of the book focuses on comparative history as a founding method for *Safundi* given the journal's origins in American and South African studies while also recalibrating this approach through a variety of topics cities biographies and practices of violence rather than nation states writ large Drawing upon innovative sources of evidence the second section moves beyond the comparative method to address transnational histories as a new narrative technique for storytelling and analysis Whether issues of education immigration or visiting musicians to South Africa these chapters demonstrate the importance of a post national approach for understanding the past The sections that follow fan out into other subject areas including the uses of visual history gender roles class cultures and environmental history all of which illuminate connections between South African history and other parts of the world This book will be an indispensable resource for scholars students activists and policymakers as well as those readers who are generally interested in understanding South Africa's complex history over the past several centuries

**The Man before the Mahatma** Charles DiSalvo, 2012-10-01 At the age of eighteen a shy and timid Mohandas Gandhi leaves his home in Gujarat for a life on his own At forty five a confident and fearless Gandhi ready to boldly lead his country to freedom returns to India What transforms him The law The Man before the Mahatma is the first biography of Gandhi's life in the law It follows Gandhi on his journey of self discovery during his law studies in Britain his law practice in India and his enormous success representing wealthy Indian merchants in South Africa where relentless attacks on Indian rights by the white colonial authorities cause him to give up his lucrative representation of private clients for public work the representation of the besieged Indian community in South Africa As he takes on the most powerful governmental economic and political forces of his day he learns two things that unifying his professional work with his political and moral principles not only provides him with satisfaction it also creates in him a strong powerful voice Using the courtrooms of South Africa as his laboratory for resistance Gandhi learns something else so important that it will eventually have a lasting and worldwide impact a determined people can bring repressive governments to heel by the principled use of civil disobedience Using materials hidden away in archival vaults and brought to light for the first time The Man before the Mahatma puts the reader inside dramatic experiences that changed Gandhi's life forever and have never been written about until now

**To Swim with Crocodiles** Jill E Kelly, 2018-06-01 To Swim with



Crocodiles Land Violence and Belonging in South Africa 1800 1996 offers a fresh perspective on the history of rural politics in South Africa from the rise of the Zulu kingdom to the civil war at the dawn of democracy in KwaZulu Natal The book shows how Africans in the Table Mountain region drew on the cultural inheritance of ukukhonza a practice of affiliation that binds together chiefs and subjects to seek social and physical security in times of war and upheaval Grounded in a rich combination of archival sources and oral interviews this book examines relations within and between chiefdoms to bring wider concerns of African studies into focus including land violence chieftaincy ethnic and nationalist politics and development Colonial indirect rule segregation and apartheid attempted to fix formerly fluid polities into territorial tribes and ethnic identities but the Zulu practice of ukukhonza maintained its flexibility and endured By exploring what Zulu men and women knew about and how they remembered ukukhonza Kelly reveals how Africans envisioned and defined relationships with the land their chiefs and their neighbors as white minority rule transformed the countryside and local institutions of governance *Sol Plaatje's Native Life in South Africa* Janet Remmington, Brian Willan, Bhekizizwe Peterson, 2016-10-01 Sheds new light on Native Life appearing at a critical historical juncture and reflects on how to read it in South Africa's heightened challenges today First published in 1916 Sol Plaatje's *Native Life in South Africa* was written by one of the South Africa's most talented early twentieth century black leaders and journalists Plaatje's pioneering book arose out of an early African National Congress campaign to protest against the discriminatory 1913 Natives Land Act *Native Life* vividly narrates Plaatje's investigative journeying into South Africa's rural heartlands to report on the effects of the Act and his involvement in the deputation to the British imperial government At the same time it tells the bigger story of the assault on black rights and opportunities in the newly consolidated Union of South Africa and the resistance to it Originally published in war time London but about South Africa and its place in the world *Native Life* travelled far and wide being distributed in the United States under the auspices of prominent African American W E B Du Bois South African editions were to follow only in the late apartheid period and beyond The aim of this multi authored volume is to shed new light on how and why *Native Life* came into being at a critical historical juncture and to reflect on how it can be read in relation to South Africa's heightened challenges today Crucial areas that come under the spotlight in this collection include land race history mobility belonging war the press law literature language gender politics and the state **Elusive Promises** Simone Abram, Gisa Weszkalnys, 2013-07-01 Planning in contemporary democratic states is often understood as a range of activities from housing to urban design regional development to economic planning This volume sees planning differently as the negotiation of possibilities that time offers space It explores what kind of promise planning offers how such a promise is made and what happens to it through time The authors all leading anthropologists examine the time and space creativity and agency authority and responsibility and conflicting desires that plans attempt to control They show how the many people involved with planning deal with the discrepancies between what is promised and what is done The comparative essays offer insight into the expected and

unexpected outcomes of planning from visionary utopias to bureaucratic dystopia or something in between how the future is envisioned at the outset and what actual work is done and how it affects people's lives

## Unveiling the Magic of Words: A Review of "**Making Of South African Legal Culture 1902 1936 Fear Favour And Prejudice**"

In a world defined by information and interconnectivity, the enchanting power of words has acquired unparalleled significance. Their ability to kindle emotions, provoke contemplation, and ignite transformative change is really awe-inspiring. Enter the realm of "**Making Of South African Legal Culture 1902 1936 Fear Favour And Prejudice**," a mesmerizing literary masterpiece penned by a distinguished author, guiding readers on a profound journey to unravel the secrets and potential hidden within every word. In this critique, we shall delve into the book's central themes, examine its distinctive writing style, and assess its profound affect on the souls of its readers.

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