

A challenging text inviting further inquiry

Saul Dubow, *South Africa's Struggle for Human Rights*

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In contemporary discourse the term “human rights” is very common. It is sometimes assumed that its meaning is self-evident, and that there has always been a struggle to achieve such rights. In his Introduction to this short, clearly-written and often stimulating book, Saul Dubow points out that the term, which has come to acquire a much more expanded meaning in recent times, is “not conducive to rigorous definition” (p 12). Does it include collective as well as

individual rights? What are those rights? Sensibly avoiding a narrow definition, Dubow is interested in exploring struggles for human rights over time.

Since 1994 South Africa has had a Human Rights Commission and a public holiday called Human Rights Day. The *South African Journal on [sic] Human Rights* has been published since 1985. John Dugard published a classic text entitled *Human Rights and the South African Legal Order* in 1978. And yet Dubow is the first scholar to tackle the history of the development of a concept of human rights in this country. As he points out, the idea of “human” rights is relatively recent (and is not used in, say, the title of the Bill of Rights that lies at the heart of the post-apartheid constitution), so his title is anachronistic. It is often much easier to establish what people were struggling against (such as segregation and apartheid) than what they were struggling for. Such quibbles aside, Dubow, who has touched on this topic in some of his previous writing – such as his article on “Smuts, the United Nations and the Rhetoric of Race and Rights” (*Journal of Contemporary History*, 43, 1, 2008, pp 43–74) – now boldly ranges over much of South African history to explore “competing rights’ regimes” (p 11), opening up a significant field of study, while making a series of assertions, many of which cry out for more detailed exploration.

The earliest context in which one can speak of a struggle for rights in South Africa, he claims, relates to what in the era of Dutch East India Company rule at the Cape was called “burgerschap” [sic], and he briefly discusses the rebellions against Company rule in the late eighteenth century. Then, after the British took over the Cape, a small but very vocal humanitarian group lobbied both for the ending of slavery and for ameliorating the lot of the Khoi. This humanitarianism fed into an often ambiguous Cape liberalism, more concerned, Dubow suggests, with rights for white colonists than for indigenous peoples. After skipping rapidly from the campaign for freedom of the press in the 1820s to that for political rights, omitting, say, the struggle for responsible government at the Cape, Dubow moves into the twentieth century, where he draws upon his chapter in the second volume of the *Cambridge History of South Africa* (2011) to write about the further confinement of rights to whites after the creation of the new South Africa in 1910. He briefly describes the growth of challenges to white supremacy before and after 1948, the year that saw both the advent of apartheid and the passage by the United Nations General Assembly of the Universal Declaration of Human Rights.

Dubow shows how the issue of rights for black South Africans gained traction in the international community, alongside the growth of the idea of the universality of human rights and the development of a global movement for achieving those rights. He suggests that the mid-1970s was “a key moment in the process of linking anti-apartheid struggles to the international human rights movement” (p 16), and associates the growth of a concern for human rights in South Africa in the 1970s and 1980s with the rise of non-governmental organisations. Finally, in a chapter cleverly entitled “Setting the New Nation to Rights”, he explains why both the National Party, after decades of hostility to human rights, and the African National Congress (ANC), which had proposed a Bill of Rights in 1923 and again in 1943, both came to accept in the late 1980s the need for a human rights regime embodied in a democratic constitution. Despite the human rights activism we have seen since 1994, perhaps most notably in the work

of the Treatment Action Campaign on the issue of HIV/Aids, Dubow points to ongoing concerns about respect for human rights in South Africa. Twenty years after the advent of democracy, the ANC government has clearly often failed to protect human rights, while it is not evident, Dubow writes, that a broad civic and political consciousness of the importance of human rights has become rooted in popular culture (p 9). One topical issue relates to what extent the rights accorded South African citizens are to be extended to refugees from other African countries.

Dubow's little book, then, is concerned with very different rights and very different contexts in which there were struggles for those rights. There was no single "struggle for human rights" in this country, and much more work is needed on the connections, if any existed, between the very different struggles he writes about. But Dubow has produced a very challenging text, and it is now up to others to show its weaknesses and investigate its themes in greater depth.

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