Transformation and Optimism in South Africa

Arriving at the campus of the University of Durban-Westville was a physical lesson in the legacy of apartheid. A “bush” university, created for the use of the Indian population, UD-W is many kilometers from central Durban and serviced by scant public transportation; most maps of Durban do not show one of the two main roads leading into the campus. The legacy is not the whole story, however.

What is happening today at UD-W is a story of transformation. It will be a slow and sometimes painful transformation, but the end product is beginning to show. Eventually, UD-W will be an inclusive university, where students and faculty of all races, cultures and language groups will study, learn and teach together.

During my half-year stay with the faculty of law at UD-W, I learned much about the process of transformation. My major task as a Fulbright lecturer and visiting scholar was to give lectures in family law, criminal law and practical legal training. Supplemental tasks included assisting staff to develop a more sophisticated clinical program and working with junior faculty members on their scholarship.

These tasks allowed me time to work with five students from the University of Maryland School of Law who were spending a semester in South Africa on an externship program and to pursue my own research on gender equality under the U.S. and South African constitutions. I also found time to lecture at several other universities in South Africa and at meetings of lawyers and law professors, and to do some writing and consulting for a legal organization providing legal services and education in rural areas near Durban.

As I learned from my many South African friends and colleagues, transforming South Africa from apartheid to a nonracial, nonsexist democracy is a multifaceted task. People who have never been permitted access to governmental structures need to learn how to participate, and the government must consistently invite their participation. Economic entitlements must be rethought and re-sorted, so that past exploitation is redressed while present property rights are not undermined. And South Africans must learn to live with the startling event of the birth of a constitution that promises both rights and judicial supremacy over parliament.

Despite the daunting challenge of transformation, what South Africans communicate to American visitors is their optimism, a faith that things will change for the better, even though it will take time. Indeed, my common response to the common question of how the United States compares with South Africa was that, in the U.S., we have low unemployment, low inflation and lots of pessimism, while in South Africa, there is high unemployment, high inflation and lots of optimism.

It is impossible to leave South Africa without being infected by hope. Most South Africans believe that, somehow, they will defy the odds and learn to live together after 50 years of legal policies driving people apart. They believe that, somehow, they will find the resources to rebuild a country crushed by exploitation, terror and fear. And, somehow, their spirit of reconciliation and the beauty of their country convinces even the most skeptical visitor that they are right.

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