



The Center for African Studies presents
the 2006 Gwendolen M. Carter Conference

**LAW, POLITICS, CULTURE, AND SOCIETY IN SOUTH AFRICA:
The Politics of Inequality Then and Now**

March 5-7, 2006
University of Florida
Gainesville

The Center for African Studies - Gwendolen M. Carter Conference



This year marks the 22nd year that the Center for African Studies at the University of Florida has organized annual lectures or a conference in honor of the late distinguished Africanist scholar, Gwendolen M. Carter. Gwendolen Carter devoted her career to scholarship and advocacy concerning the politics of inequality and injustice, especially in southern Africa. She also worked hard to foster the development of African Studies as an academic enterprise. In the spirit of her career, the annual Carter lectures offer the university community and the greater public the perspectives of Africanist scholars on issues of pressing importance to the peoples and societies of Africa.

Since 2006 is the centennial year of her birth, it is particularly appropriate to celebrate Gwendolen Carter's life and career through a retrospective and contemporary examination of her scholarly influence on African Studies. She was perhaps best known for her pioneering study *The Politics of Inequality: South Africa since 1948* (1958) and her co-editorship of the four-volume documentary *History of African Politics in South Africa, From Protest to Challenge (1972-1977)*. To honor the memory of Gwen's association with the Center, the Carter Conference focuses once again on South Africa by utilizing the concept of the politics of inequality

then and now to examine "Law, Politics, Culture and Society in South Africa." We also want to honor her distinctive professional contribution to African Studies as well as broadening the focus to include the person, the context, the impact, and, finally, the legacy.

The 2006 Carter Conference also marks a new departure in that the Center will jointly sponsor the conference with a university in Africa. In July, the University of Cape Town Faculty of Law will host a second session of the conference. This too is a fitting way to mark the centennial of Gwen Carter's birth, for today she is held in high regard within South Africa as a scholar who wrote forcefully about the political struggle against oppression and also for her pivotal role in preventing the apartheid government's destruction of the documentary record of that struggle.

Gwendolen M. Carter Conference Themes 1984-2006

1984-85	SADCC's Bid for Independence from South Africa: Will it Succeed?
1986	The African Food Crisis: Prospects for a Solution
1987	The Exploding Crisis in Southern Africa
1988	Human Rights in Africa
1989	Structural Adjustment and Transformation: Impacts on African Women Farmers
1990	Health Issues in Africa
1991	Involuntary Migration and Resettlement in Africa
1992	Sustainability in Africa: Integrating Concepts
1993	Africa's Disappearing Past: The Erasure of Cultural Patrimony
1994	Transition in South Africa
1995	African Entrepreneurship
1997	Communication and Democratization in Africa
1998	Africa on Film and Video
1999	Aquatic Conservation and Management in Africa
2000	Renegotiating Nation and Political Community in Africa at the Dawn of the New Millennium
2001	Governance and Higher Education In Africa
2002	Zimbabwe in Transition: Resolving Land and Constitutional Crisis
2003	Dynamics of Islam in Contemporary Africa
2004	Movement (R)evolution: Contemporary African Dance
2005	States of Violence: The Conduct of War in Africa
2006	Law, Politics, and Society in South Africa: The Politics of Inequality Then and Now

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Sunday 5 March - Special Collections Reading Room, 2nd Floor, Smathers Library East
5:00-8:00pm

WELCOME

Leonardo A. Villalón, Director, University of Florida Center for African Studies
J. Bernard Machen, President, University of Florida
Robert Jerry, Dean, Levin College of Law, University of Florida

*In Appreciation of the Life of Gwendolen M. Carter
(July 17, 1906 - February 20, 1991)*

Chair: **R. Hunt Davis, Jr.** (Professor Emeritus of History & African Studies, University of Florida)

"Gwendolen Carter, A Life of Achievement, Courage and Vision"

Patrick O'Meara (Dean, Office of International Programs, Indiana University)

"The Pleasure of Her Company: Four Decades of Friendship and Research"

Tom Karis (Professor Emeritus, Political Science, City College -City University of New York)

"The Gwendolen M. Carter Collection at the Univ. of Florida, George A. Smathers Libraries"

Peter Malanchuk (University Librarian, Africana Collection, University of Florida)

A Literary Perspective

Introduction: **Winston Nagan** (Sam T. Dell Research Scholar Professor of Law, University of Florida)



Photo by Ellen Elmendorp

Jonty Driver reading excerpts from his novel *Shades of Darkness* and poems from *So Far, Selected Poems 1960-2004*

Shades of Darkness is a poignant story which highlights the price paid by a handful of opponents of the apartheid regime. Jamie Cathcart, the central character, has strong views on racial inequality and becomes involved in the clandestine political activities of a group of anti-apartheid activists. Under duress, Jamie leaves South Africa and does not return for 12 years. What happens before and after that return is a tale of fiendish malice, but one which ultimately illuminates the infinite capacity of the human spirit to triumph over adversity.

Monday 6 March – Reitz Union Room 361

- 9:00-10:45 **The Politics of Inequality: How Useful, How Relevant?**
Chair: **Goran Hyden** (Distinguished Professor, Political Science, University of Florida)
- “Invisible Resurrection: The Recreation of a Communist Party in South Africa in the 1950’s”
Sheridan Johns (Professor Emeritus, Political Science, Duke University)
- “The GEAR Conundrum: When Progressive Politics Meets Conservative Economics”
Tandeka Nkiwane (Research Professor, Programme on African Intellectuals, University of South Africa)
- “Growing Up in South Africa: A Personal Reminiscence”
Kamele Oupa Seane (Director, Intercultural Center for Peace, University of North Florida)
- “South African Land Reform and the Global Development Industry”
Thackwray Driver (Chief Executive Officer, South Trinidad Chamber of Commerce)
- 10:45-11:00 **Break**
- 11:00-12:45 **Identity, Globalism, and Cultural Constraints (Part I)**
Chair: **Gwendolyn Z. Simmons** (Assistant Professor, Religion, Univ. of Florida)
- “Manenberg is Where It’s Happening: Abdullah Ibrahim’s Post-Coloured Jazz”
John Mason (Associate Professor, History, University of Virginia)
- “South Africa’s Forgotten People”
Gayle McGarrity, Visiting Assistant Professor, Anthropology, University of Florida)
- “Bridging the Gap: Is the Hip Hop Nation Redefining Reparations?”
Kofi-Charu Nat Turner (Ph.D. student, Education, University of California-Berkeley)
- “In the Dustbin of History: Reflections on Documentary Collecting in South Africa”
Robert Edgar (Professor, African Studies, Howard University)
- 12:45-2:45 **Lunch**
- 2:45-4:30 **Identity, Globalism, and Cultural Constraints (Part II)**
Chair: **Anita Spring** (Professor, Anthropology, University of Florida)
- “The Legacy of Apartheid: Migration and the Spread of HIV in South Africa”
Mark Lurie (Asst. Professor, Community Health and Medicine, Brown University)
- “Language and the Politics of Inequality in South Africa: The Case of the Western Cape”
Mantoa Rose Smouse (Ph.D. candidate, Linguistics, University of Florida)
- “The Transformation of Higher Education in South Africa: Dancing on a Rapidly Moving River”
Sandra Russo (Associate Director, Transnational & Global Studies Center, University of Florida)
Malcolm McPherson (Research Fellow, John F. Kennedy School of Government, Harvard University)
- Commentator: **Aran MacKinnon** (Associate Professor, History, University of West Georgia)

6:15 pm Keene Faculty Center, Dauer Hall
Welcome from Neil Sullivan, Dean, College of Liberal Arts & Sciences

Lecture - “Understanding Oppression in Africa”
Dennis Brutus
(Professor Emeritus, Africana Studies, University of Pittsburgh)

Introduction by:
Winston Nagan (Professor of Law, University of Florida)
Apollo Amoko (Assistant Professor, English, University of Florida)



Tuesday 7 March – Chesterfield Smith Ceremonial Classroom (Room 180) Levin College of Law

9:00-10:30 **Power and the Media: The Politics of Inequality**
Chair: **Michael Leslie** (Associate Professor, Telecommunication, University of Florida)
“Media and Democratic Transformation in South Africa”
Sean Jacobs (Assistant Professor, African & African-American Studies, University of Michigan)
“Framing AIDS and Human Rights in Post-Apartheid South Africa”
Krista Johnson (Assistant Professor, Political Science, Agnes Scott College)
“Contested Legalities in Post-apartheid South Africa’s Polarized Sea-Fishery”
Ken Salo, (Assistant Professor, Environmental Policy, Univ. of Illinois at Champagne-Urbana)
Commentator: **Katheryn Russell-Brown** (Professor, Law, University of Florida)

10:30-11:00 **Break**

11:00-12:30 **Keynote Address**
“Customary Law, Culture and the South African Constitution:
The New Politics of Inequality”
Thandabantu Nhlapo
Professor of Law & Deputy Vice-Chancellor, Univ. of Cape Town
Chair: **Ken Nunn** (Professor of Law, University of Florida)



12:30-2:00 **Lunch**

2:00-3:45 **The Shifting Dynamics of the Rule of Law**
Chair: **Winston Nagan** (Sam T. Dell Research Scholar Professor of Law, University of Florida)
“The Contribution to Global Justice of the South African Constitutional Court Regarding the Justiciability of Economic, Social and Cultural Rights”
Henry Richardson (Professor, Law, Temple University)
“Truth and Reconciliation in Post-Apartheid South Africa—A Pan-Africanist Perspective”
Kenneth Nunn (Professor, Law, University of Florida)
“War Powers under the South African Constitution: Unanswered Questions”
Stephen J. Ellman (Professor, Law, New York Law School)
“Memorialising a Constitution: The Power of Unspectacular Constitutional Forces”
Lourens du Plessis (Professor, Law, University of Stellenbosch)
Commentator: **Kapil Longani** (Clerk for Judge R. Smoak, Federal District Court, Panama City, Florida)

3:45-4:15 **Break**

4:15-5:15 **Plenary session**

ABSTRACTS

Thackwray Dax Driver

“South African Land Reform and the Global Development Industry”

Over the past decade, “land issues” have reclaimed centre stage in international development debates; largely on the back of Hernando De Soto’s influential work on land tenure and capitalism. Post-apartheid South Africa has been highly visible in international discussions and debates about land reform, land tenure and land administration. The three major elements of land policy in South African, namely tenure reform in the former “homelands”, restitution and “market-based” land reform, have frequently been used as an example or model in discussions about land policy in other countries. South African land policy has frequently been used to draw contrasts with the highly publicised land reform policies in Zimbabwe. This paper will analyse the way in which the “South African model” has been deployed in debates about land and development. It will examine in particular the discussions and debates leading up to the World Bank’s 2003 report “Land Policies for Growth and Poverty Reduction”, and the use to which South African examples and policies are put in the final report.

Lourens du Plessis

“Memorializing a Constitution: The Power of Unspectacular Constitutional Forces”

A nation’s constitution is a monument and a memorial at the same time. As a monument it celebrates and as a memorial it commemorates events from the nation’s story. Both are ways or modes of remembering, but they differ in style, strategy and focus.

My input will be to explore the functioning of a constitution as memorial with particular reference to South African experiences so far. I am going to give some examples of how the constitution and constitutional values may be invoked in a (self-)restrained manner, thereby honoring its role as memorial. I shall argue that this mode of dealing with the constitution can be as powerful as (and is sometimes more appropriate) than celebrating “big events” to which the constitution stands as a monument. This, in my view, is a fitting tribute to the memorialization of Gwendolen Carter’s memorable involvement in South Africa’s intellectual and political liberation.

Robert Edgar

“The Dustbin of History: Reflections on Documentary Collecting in Southern Africa”

When I began conducting research as a graduate student in southern Africa in 1973, I was following in the wake of an

intrepid group of American scholars—Gwendolen Carter, Tom Karis, Dan Johns and Gail Gerhart—who were amassing a remarkable collection of documents on the South African freedom struggle for their From Protest to Challenge series. They challenged archival/library research that favored government or establishment sources by creating an alternative archive that laid the foundation for reconstructing modern South Africa’s freedom struggle.

My own experience with documentary collecting on political and religious movements over the past three decades has been unconventional to say the least—and has even involved sifting through dustbins to retrieve documents. Because of my extended relationships with individuals, groups, and communities, my own efforts at documentary collection and retrieval have yielded totally unexpected and often surprising results. This essay is a reflection on the methodology of documentary collection with a focus on two case studies from the eastern Cape: the discovery and return of the long-lost Ark of the Covenant of the Israelite church group and the search for the burial site of the African woman prophet Nontetha in Pretoria and the return and reburial of her remains at her home.

Stephen J. Ellmann

“War Powers under the South African Constitution: Unanswered Questions”

This paper will examine a series of questions about the meaning of South Africa’s constitutional provisions dealing with military force, questions suggested by the recent reappraisal of these issues under the US Constitution. There are too many of these questions for any single paper to resolve, so my aim will be partly to highlight how extensive and potentially important these questions are, and how much the text of the constitution leaves open to debate, and partly to sketch answers to some of the most important issues, in particular in light of recent US experience

Sean Jacobs

“Media and Democratic Transformation in South Africa”

South African media serve as a case study for examining some of the claims made for civil society as a realm in which democracy can be promoted and strengthened, particularly as it relates to the role of the State. Identifying three kinds of positive, democratizing functions attributed to civil society (putting limits on the state; incorporating and empowering various groups; and promoting the flow of information), this paper argues that these are also functions attributed to what we call the public sphere, and that media is a key institution for all of these functions. South Africa’s

mainstream media appears vigorous, diverse and competitive and performs its watchdog role outstandingly.

But in terms of serving as a space of interest articulation and deliberation, the media comes short by failing to include the voices of the poor, black majority. Two key features of the South African media—its segmentation and its limited news model—results in real limits in the kind of information that is presented and the kind of debate that takes place in mainstream media. And these features are of course tied to the very inequalities and democratic deficit that media is expected to help correct.

The main arguments/conclusions of the paper are that the civil society literature confuses what civil society should do with what it actually does in practice. Already sympathetic critics of the civil society and public sphere concepts point out that these are often realms in which social inequality is exacerbated, not mitigated. The case of South African media indicates we should bear these critiques in mind when we think about how civil society can promote and deepen democracy in South Africa (and elsewhere).

Sheridan Johns

“Invisible Resurrection: The Recreation of a Communist Party in South Africa in the 1950s”

Communism was frequently mentioned in Gwendolen Carter’s seminal book, published in 1958, *The Politics of Inequality: South Africa Since 1948*. This paper will analyze South African communism in the opening decade of apartheid and compare it with South African communism of the post-apartheid period from the 1990s to date. It will consider the characterization of communism in opposition as presented in Carter’s book, in light of recently published autobiographies and biographies of communists and African nationalists who were active in the 1940s and 1950s. It will then examine the nature of more recent communism in South Africa, focusing upon the activities of the South African Communist Party (SACP) since 1990 when the party was legalized. During this decade and a half the SACP has been an ally of the ruling African National Congress (ANC) and the Congress of South African Trade Unions (COSATU). Its members now occupy prominent positions within government and within the labor movement at the same time that the SACP is often critical of aspects of policies of the ANC government. In conclusion, this paper will offer an assessment of the extent to which communism now resembles communism then.

Krista Johnson

“Framing AIDS and Human Rights in Post-Apartheid South Africa”

This paper will examine how the AIDS crisis in South Africa is being framed, and the ways in which social movements, the media and the government have been deeply em-

broiled in the ‘politics of signification’ or the construction of meaning around AIDS. It asks why the mainstream media has been accepting of certain discourses on AIDS while clearly rejecting others? What accounts for the disparate coverage of social movements and campaigns especially around AIDS? By examining how organizations such as the Treatment Action Campaign are covered and reported on in the media, this paper will hope to provide insight into the framing and response to the most pressing social problem confronting post-apartheid South Africa.

Mark Lurie

“The Legacy of Apartheid: Migration and the Spread of HIV in South Africa”

Southern Africa has both a rapidly growing HIV epidemic and high levels of population mobility. HIV/AIDS, and other infectious diseases, which spread from person to person, will naturally follow the movement of people. This paper begins with an analysis of the historical roots of population movement in South Africa, and discusses current and emerging patterns of migration and their implications for the spread of infectious diseases, including HIV/AIDS. A conceptual framework for understanding different levels of causation of the HIV epidemic - individual, environmental and structural - and interventions that may be targeted at each of these levels, is then discussed.

Gayle McGarrity

“South Africa’s Forgotten People”

South Africa’s new ‘rainbow society’ supposedly incorporates all ethnic groups into a racial democracy. The extent to which this has actually occurred is heatedly debated both in South Africa and abroad. The plight of South Africa’s mixed race population presents a particular challenge. The fact that there are a significant proportion of South Africans who are the result of racial mixing was not only an uncomfortable fact for the proponents of Apartheid before majority rule; it has also led to considerable confusion and disaffection in the present post-dispensation era.

With so many South Africans grappling with issues of identity, some ‘coloureds’ have insisted that virtually all of them are descendants of the Khoisan people, and they have attempted to carve a space for themselves within the rainbow as yet another ‘tribe’. The problem is that this position plays into the separate-ness ideology of apartheid, and removes all guilt from white South Africans who produced mixed offspring, while simultaneously and hypocritically insisting that the groups should not mix. There is a disturbingly disparaging attitude toward ‘coloureds’ on the part of both black and white South Africans, but perhaps even more among the former who see them in a negative light for many reasons which will be highlighted in this presentation. Will it be possible to

transform the negativity associated with even the term itself into a recognition that coloureds are the quintessential South Africans- creators of so much popular culture and language, the result of the mixing of virtually all peoples who descended on this part of the world? This paper will attempt to open up a discourse on who exactly are the coloureds, the differences in religion, social class, racial origin and phenotype and refute the notion that they are somehow traitors at worse, and simply on the margin at best, in the new dispensation.

Malcolm McPherson and Sandra Russo

“The Transformation of Higher Education in South Africa: Dancing on a Rapidly Moving River”

During apartheid, two systems of higher education were established in South Africa, one for blacks and coloreds (including Indians) and one for whites. The Historically Disadvantaged Institutions (HDIs) were usually placed in the homelands, were under-resourced, and were focused on educating graduates for industry, business, and agriculture. The white institutions had many advantages — more resources, a wider range of disciplines and interests, and an inside track on government work. As the apartheid system unraveled, access to universities opened up. The government adopted a series of policy initiatives (in 1997, 2002, 2003, and 2004) that is transforming the higher education landscape. The entire process of mergers, consolidation, and restructuring (including the formation of comprehensive universities, the absorption of provincial teacher colleges into universities, upgrading of technikons, and forcibly diminishing the differences between the HDIs and the historically advantaged institutions) has been designed to ensure access, improve equity, raise quality, and stimulate higher education to foster key national development goals. Although higher education is facing some major challenges in other countries, South Africa is the only country attempting to totally transform its entire tertiary education system. We will discuss the transformation process, the strains – social, political, and economic – that the new laws and policies are causing, and the impacts, both positive and negative, that are flowing from these shifts in national policy.

Thandabantu Nhlapo

Customary Law, Culture, and the South African Constitution: The New Inequality?

The South African Constitution of 1996 is a liberal document, boasting the widest non-discrimination clause amongst the world’s constitutions. It has also been described as an “undecided” constitution in recognition of its attempts to enshrine the potentially incompatible concepts of multiculturalism, on the one hand, and equality, on the other. Bubbling under these debates is a long-standing

suspicion in some quarters that the liberal values in the constitution were meant to destroy customary law in particular and African culture in general. Ten years after the adoption of the constitution, the question legitimately arises: “Have these suspicions been borne out?”

This paper will attempt to answer this question by sketching the background to the present constitution, including the negotiations for a new political dispensation, noting especially the tension between women’s groups, and traditional leaders. The paper also discusses the 1993 Interim Constitution that resulted from this interaction, the work of the Constitutional Assembly, and the Certification of the Final Constitution. Throughout, the paper examines the court decisions that shaped, and were in turn shaped by, the constitution-making process and the Constitution itself.

Tandeka Nkiwane

“The GEAR Conundrum: When Progressive Politics Meets Conservative Economics”

In June of 1996 GEAR was announced, with the ANC embracing a conservative macro-economic framework. The announcement of GEAR as policy provoked consternation particularly with the alliance partners, COSATU and the SACP. The alliance questioned both the origins of GEAR and the lack of consultation. Many officials were quick to point out that there was no debate even in the ranks of the National Executive Committee (NEC), the top policy-making body of the ANC, but top officials of the ANC declared the policy “non-negotiable”. The main tenets of GEAR as policy closely resembled those of the Washington Consensus. Two stringent and fundamental prescriptions defined government spending: 1) fiscal austerity: this policy was pursued to reduce public sector debt, which stood at 56% of GDP in 1996, 2) increased government revenue would result from higher economic growth and in the short term increased government revenue.

South Africa is ranked as the third most unequal society, surpassed only by Brazil and Guatemala. This socio-economic legacy of apartheid, captured in an absolute poverty rate of 45%, with rural poverty surpassing 50% remains one of the most pressing issues facing the government. Even more concerning is that inequality is increasing as measured by the Gini Coefficient. The distribution question, or the lack of expansion of the circle of ‘winners’ in the face of market reform has brought GEAR into severe disrepute, with a “post-GEAR” consensus spoken of in the same vein that a “Post-Washington Consensus” is discussed. The alliance of elite interests which, albeit begrudgingly, came to back the ANC position on the necessity for market reform, appears to be crumbling. Both COSATU and the SACP have declared their opposition to the policies advocated by GEAR, and the influential South African Council of Churches weighed in against GEAR in 1998. Their challenge has become more bold over time, and

particularly if job creation does not improve, this could prove to be the Achilles Heel of the alliance. Is South Africa, then, sitting on a socio-economic time bomb?

Kenneth Nunn

“Truth and Reconciliation in Post-Apartheid South Africa—A Pan-Africanist Perspective”

This paper examines the current state of human rights in South Africa, with a particular focus on group rights as interpreted by the Pan-Africanist movement both within and outside of South Africa. The paper reviews the negotiated settlement between the apartheid government and the ANC, the establishment of the new constitution, and the subsequent truth and reconciliation process. Finally, the paper will assess the success of each of these processes in terms of the equality of opportunity and equality of status available to all parties in South Africa today.

Henry J. Richardson, III

“The Contribution to Global Justice of the South African Constitutional Court Regarding the Justiciability of Economic, Social, and Cultural Rights”

Coming out of the apartheid nightmare in 1994, South Africa became an immediate sovereign beacon for global justice. The African National Congress-led struggle to build a national legal system to effectively and equitably govern an equitable state continues to help light this beacon. South Africa’s path-breaking Constitution of 1996 is the most rights-protective in the world, and requires its courts to consider and sometimes apply international human rights law in deciding cases.

And under that Constitution, South Africa’s Constitutional Court has garnered global acclaim for the quality of its legal reasoning and the strength of its rights-protective commitment. It has done so in deciding cases presenting quite difficult facts in the equally difficult context of a state so committed but having not yet managed to bring the three-quarters of its population, who are black, substantially into an equitable share of the country’s considerable resources. Decisions such as that prohibiting the death penalty under the Constitution, in a national context of growing crime rates, have inspired rights-protective legal and judicial approaches through the global community.

This is similarly true for the Court’s decisions - especially in the Grootboom and Treatment Action Campaign cases - more recently. Through persuasive opinions, the Court has not only confirmed the justiciability of economic, social and cultural rights as constitutional legal rights protecting individuals in courts, but has given the world its evolving legal reasoning in this regard. It is doing so on striking the balance between appropriate judicial latitude plus judicial orders to shape real and timely remedies for individual rights beneficiaries, as versus judicial restraint in stopping

short of inappropriate interference in legislative prerogatives to decide the national budget and, along with the governmental executive, to fix the aims for aligning national priorities with the needs of the country’s people(s).

This paper explores this Court’s contributions to global justice notions through its legal reasoning in Grootboom and subsequent related cases. Particularly, the paper examines the Court’s use of “reasonableness” as an essential element of its justiciability analysis, and asks how “reasonableness” here advances notions of justice regarding the particular importance to poor people in South Africa and elsewhere of effectively enforcing economic, social, and cultural rights as legal rights. Their basic welfare, made effective through judicially-enforced legal rights.

Ken Salo

“Contested Legalities in Post-apartheid South Africa’s Polarized Sea-Fishery”

Recent poststructuralist interpretations of law as a social field of interconnected and asymmetric plural legalities produced through situated cultural and material practices has shed light on how subordinated people rework ordinate legal categories based on their particular everyday experiences and historical consciousness. This essay uses this lens to expose how recently enfranchised fishworkers forced to subsist in a commercial fishery centered on metropolitan Cape Town, South Africa contest the liberal legalities of a restructuring national regulatory field that attempts to partition their complex and intertwined livelihoods into hierarchical legal categories of unwaged subsistence fishing communities, low-wage contract workers and individualized commercial entrepreneurs. Based on a historical ethnography of disputing practices it argues that impoverished and subordinated fishworkers are reworking national legal schema and practices through an ensemble of violent, bureaucratic and rhetorical practices. Historicized, these reactions are comprehensible as reactions in opposition to the colonial violence, bureaucratic racism and abstracted liberal rhetoric through which commercial fisheries regulation became structured as an unstable frontier of subordinate and dominant legalities in the wake of the colonial encounter.

The essay opens with a brief encounter between subordinated fishworkers, nationalistic elites, corporate exporters and bureaucratic administrators in the aftermath of apartheid relations of production. After developing a pluralistic interpretive lens, it resituates the contemporary encounter as a recent event in a broad historical legal field of interacting legalities. It concludes by restating its main arguments that; Firstly, fisheries conflicts in post-apartheid South Africa are continuation of the hierarchical legalities structured through a long history of colonial violence, apartheid bureaucracy and liberal rhetoric. Lastly, subordinated fishworkers are reworking liberal ideologies of a separated

subsistence and commercial fishery through their lived experiences and historical consciousness as intertwined waged and unwaged producers of a seamlessly interconnected fishery.

Kamele Oupa Seane

“Growing Up in South Africa: A Personal Reminiscence”

This paper is a personal memoir of life under the apartheid system. Most occurrences are in SOWETO where I was born and raised. SOWETO is the most populous black residential area in South Africa. It is located about thirty miles south of Johannesburg. It was created early in the century as a way of moving Blacks from the city and separating them from Whites. By the results of the current census SOWETO has over six million people. The setting is around 1976 during the height of the SOWETO students’ anti-apartheid movement. This is a story of a young man growing up in SOWETO.

Mantosa Rose Smouse

“Language and the Politics of Inequality in South Africa: The Case of the Western Cape”

Language has always been in the spotlight of politics and inequality in South Africa during the apartheid era. The issue of language planning has been used in the past to empower the speakers of the official languages. The demise of the apartheid system brought about many positive changes and challenges in South African communities with regard to linguistic issues. Amongst these changes was the introduction of nine more official languages in addition to Afrikaans and English. While the new language policy was seen as a positive move that would elevate the status of African languages, thereby empowering the speakers of those language, studies on language attitudes, preferences and usage in university settings show that there are still negative societal attitudes towards the usage of black South African languages beyond home (Dreyers 1999, Luckett 1995).

Given that language plays a major role in defining power relations, such negative societal attitudes towards a language may impact on language preferences and perhaps social identity. Studying language patterns, attitudes and preferences provides an insight into political and societal power relations. This paper therefore reports on a

survey of language use, attitudes and preferences in the Cape Flats region. In particular, it reports on language use in the area of provincial offices, provincial and informal sector signage and how these convey messages of political and societal inequality in the new South Africa.

Kofi-Charu Nat Turner

“Bridging the Gap: Is the Hip Hop Nation Redefining Reparations?”

Much like the struggle against apartheid and the politics of inequality in South Africa represented by Truth and Reconciliation, the United States, the world’s lone superpower, is poised to go through a process of restitution termed Reparations. Instead of being through armed struggle, the U.S. is being forced into negotiations to recompense for the bloodshed and brutality during the period of slavery and Jim Crow segregation. Across the nation more and more reparations lawsuits are being filed, conferences being held, books being published, and cases being won which points to the inevitability of reparations as a tangible outcome.

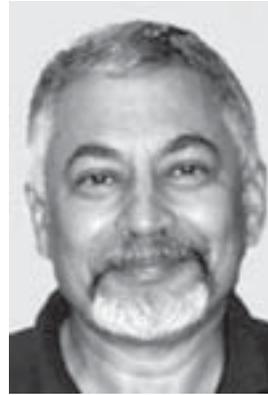
For three out of the past five years at the University of California, Berkeley local youth, undergraduates and graduate students along with several key centers, institutes, and grassroots organizations have put together one and two day symposia and conferences aimed at achieving reparations. Together they share resources, strategies, visions, and build networks that will empower them achieve black reparations.

This paper will report on discussions, findings, and action plans presented at the 2006 reparations conference, set against the backdrop of a major movement in the U.S. for reparations. Following recent race theorists, especially critical race theorists, the paper explores how young people who claim to be part of the Hip Hop Nation are rejecting capitalist modes of production and exchange, which have their basis in racist historical law, in favor of a more just and participatory social order which keeps the value created by their cultural production in the urban neighborhoods they come from. Through an analysis of these youth’s speeches, poetry, music and lyrics the paper illustrates several economic and educational themes that are represented in their creative work: self distribution networks; indigenous rights claims; inter-generational knowledge sharing; and after-school programs.

CONFERENCE ORGANIZERS



R. Hunt Davis, Jr. is Professor Emeritus of History and African Studies at the University of Florida and was formerly director of the UF Center for African Studies and editor of the African studies Review. He was a close colleague of Gwen Carter when she was at UF and co-authored a chapter with her for Peter J. Schraeder, ed., *Intervention in the 1980s: U.S Foreign Policy in the Third World*.



Winston Nagan is founding director of the Institute for Human Rights and Peace Development as well as Professor of Law at the University of Florida. Dr. Nagan has extensive experience in the field of human rights and has served as a board chairman of Amnesty International USA.

PARTICIPANTS



Apollo Amoko is Assistant Professor of English at the University of Florida and holds a Ph.D from the University of Michigan. He is currently working on a book entitled *The Problem with English Literature: Canonicity, Citizenship and the Idea of Africa*, which examines the invention of African literature as an academic discipline and the idea of Africa as an aesthetic project.



Dennis Brutus is an award winning poet, professor and activist. Mr. Brutus was instrumental in the international boycott of South African sports teams during apartheid. Today Mr. Brutus is involved in a variety of issues concerning global economic inequality, specifically campaigning for reparations for apartheid-era profiteering and advocating debt forgiveness for developing countries. He is currently Professor Emeritus in the Department of Africana Studies at the University of Pittsburgh.



Photo by Ellen Elmendorp

Jonty Driver was President of the National Union of South African Students in 1963 and 1964, and - after a spell of detention in solitary confinement under the 90-day legislation - was made a prohibited immigrant to South Africa for more than 25 years. He has published five novels, six books of poems and a biography of Patrick Duncan. He is working on a new novel as well as his next book of poems, to be called *Still Further*.



Thackwray "Dax" Driver is CEO of the South Trinidad Chamber of Industry and Commerce. A historian by training, he has written extensively on land policy and administration in Trinidad and Tobago, as well as the history of anti-erosion policies in the mountain areas of Lesotho.



Lourens du Plessis is Professor of Law at the University of Stellenbosch. His research interests include interpretation of statutes, human rights, jurisprudence, constitutional law, and religious rights. His most recent publications include *The Impact of the Constitution as "Highest Law" on Existing Law* (2003) and *Re-Interpretation of Statutes* (2002).



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Sean Jacobs is assistant professor of communication studies and African Studies at the University of Michigan, Ann Arbor. He holds a PhD in Politics from Birkbeck College at the University of London. A native of Cape Town, his research interests revolve around the relation between democracy, power and inequality. He is also co-editing with Krista Johnson-Dates the forthcoming *Encyclopedia of South Africa* with Lynne Reinner Publishers.



Sheridan Johns is Professor of Political Science at Duke University. He is one of the editors of Volume One of *From Protest to Challenge: A Documentary History of African Politics in South Africa, 1882-1964*, and co-editor of *Mandela, Tambo and the African National Congress: The Struggle Against Apartheid, 1948-1990*. He has taught at the Universities of Zambia and Zimbabwe and was a Fulbright Research Fellow at the University of Cape Town.



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Thomas Karis is Professor Emeritus of Political Science at the City University of New York. He was a foreign service officer in the American Embassy in Pretoria in 1957-59 and a research colleague of Gwen Carter. He is a member of the African Advisory Committee of Human Rights Watch and is writing a book entitled *The Vision of Equality in South Africa: Can the Constitutional Court Lead the Way?*



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Kapil Longani received his B.A. from Cornell University and a J.D. from the University of Florida Levin College of Law, graduating with high honors. Subsequently, Kapil continued his graduate studies at Yale Law School and Oxford University. Currently, Kapil is clerking for the Honorable Richard Smoak, a US District Court Judge in Panama City, Florida.



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Peter Malanchuk is the African Bibliographer and University Librarian, University of Florida Libraries. He is currently the CAMP Chair and has served in various positions within the Africana Librarians Council of the African Studies Association. He is a contributor to the annual review of African reference books for the *African Book Publishing Record*.



John Mason is Associate Professor of History at the University of Virginia. He has written extensively on the history of slavery in early 19th century Cape Colony. His most recent work entails a reappraisal of the Great Trek in the process of colonial conquest and capitalist development.



Gayle McGarrity holds a Ph.D from UC Berkeley and is a sociocultural and medical anthropologist, who has focused her research on populations of mixed racial descent in Latin America and the Caribbean. Her publications, in both Spanish and English, have been mostly on race and class in Cuba and Central America. She has just returned from Southern Africa, where she spent 4 years working in programs aimed at eliminating the AIDS pandemic.



Malcolm McPherson is a Research Fellow in Development at the Center for Business and Government at Harvard University. His research interests center around macroeconomic management, agricultural development, and financial reform. His most recent work examines some possible ways in which the private and public sectors can play a role in averting potentially devastating effects of the HIV/AIDS epidemic.



Professor Thandabantu Nhlapo rejoined UCT as a Deputy Vice-Chancellor in 2004 after serving as Deputy Chief of Mission at the South African Embassy in Washington DC. He previously was Professor and Head of the Department of Private Law at UCT, where he taught the law of persons, family law and African customary law. President Mbeki recently appointed him as the chair of the Commission on Traditional Leadership Disputes and Claims, whose mandate is to unearth and correct colonial and apartheid-era interference with the status of traditional leaders.



Tandeka C. Nkiwane is Research Professor at the University of South Africa, heading the Programme on Africa Intellectuals in the College of Human Sciences. She has previously taught political science and international relations at a number of universities, including University of Witswatersrand, Smith College and University of Cape Town. She does research on South Africa's political economy, regionalism in Southern Africa, democratisation and elections, gender and international relations, and regional organizations including the AU and NEPAD.



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Mantoa Rose Smouse is a Ph.D candidate in the Linguistics Department at the University of Florida. Smouse teaches Xhosa as a second language. Her research interests are Second Language Acquisition, Syntax and Morphology.



Anita Spring is Professor of Anthropology at the University of Florida. Her most recent project was a multi-country pilot study of African entrepreneurs in the global market and their new opportunities for enterprise development which updates her co-edited study *African Entrepreneurship: Theory and Reality* (1998).



Kofi-Charu Nat Turner, is doctoral student in the Graduate School of Education at the University of California, Berkeley. For the past two years he has organized a conference entitled "Bridging the Gap" aimed at linking the Hip Hop Nation with the struggle for reparations. He holds a M.Ed. from Harvard and a B.A. from Brown.

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