

Black Community-Legal Rights II
AAS 451, Professor Woods
Winter Term, 1986

Center for Afroamerican and African Studies
200 West Engineering, 764-5513

Course Focus: The Law of Apartheid; Comparative Considerations on Race and Law in the United States and South Africa.

Course Description: With a particular emphasis on the law of apartheid. This course will be a study of law and race in South Africa and the United States. Under this broad theme, we will consider several topics. We will first set the backdrop for the course by considering comparative perspectives on the historical evolution of South Africa and the United States. Of particular concern here will be the interaction of culture, demography, economics, geography and politics, and the role of law in defining relationships in the two societies. We will then move to the major focus of the course, the institutionalization and operation of the law of apartheid. In studying the legal components of apartheid we will first explore the concepts of grand and petit apartheid. We will then examine specific areas such as education, influx control, labor, political participation, and territorial separation. In addition, attention will be given to the issues of civil liberties, human rights and political detention. This part of the course will also consider the current impasse in South Africa. We will be particularly concerned here with the possibilities and limitations of law as a mechanism of control and as a medium of reform. The course will conclude with a comparative look at race and law in the United States and South Africa. A goal here is to discern similarities and differences in the operation of race and law in the two societies. The aims of the course are to gain familiarity with the legal particulars of apartheid to acquire an appreciation for the comparative experiences of the United States and South Africa and to broaden understanding of law and its relationship to the social order.

Course Readings

Reading for the course will primarily be drawn from the following works: The Highest Stage of White Supremacy-The Origins of Segregation in South Africa and the American South, by John W. Cell; Human Rights and the South African Legal Order, by John Dugard; White Supremacy: A Comparative Study in American and South African History, by George Fredrickson; Race and State in Capitalist Development: Comparative Perspectives, by Stanley Greenberg; The Frontier in History: North America and South Africa Compared, edited by Howard Lamar and Leonard Thompson; No Easy Walk to Freedom, by Nelson Mandela; The Political Economy of Race and Class in South Africa, by Bernard Mugabane, Justice in South Africa, by Albie Sachs, South Africa: Time Running Out, by the Study Commission on U.S. Policy toward Southern Africa, and South African Politics by Leonard Thompson and Andrew Prior.

We will also study primary documents on structure and operation of apartheid, and will review international legal conventions applicable to it. The materials should aid in developing a working awareness of the law of apartheid and in acquiring an appreciation for the formulation and role of law in a society.

Course Mechanics

Class format consists of both lecture and discussion. There will be two tests, a final exam and a paper. The classes are conducted and the written exercises are structured to encourage mastery of particulars, stimulate thought about the subject matter, and promote the integration of information. The paper should address some aspect of the law of apartheid, or should be a comparative look at race and law in South Africa and the United States. It may cover subjects as diverse as divestment legislation in the United States, recent constitutional developments in South Africa, a comparative assessment of racial legislation in the United States and South Africa or the legal image of apartheid as reflected in the indigenous literature. Additional written exercises may be given periodically in insure routine preparation. Beyond the items above, students are asked to become and remain conversant with events in the South African legal and political spectrum. Class attendance, preparation and participation are fully expected. The final grade for the course will be based on all of the above.