

Affirmative Action in South Africa

Enduring Understandings:

- The term “affirmative action” refers to any policy that is meant to provide equal opportunities to people of all races, religions, cultures, and social classes, as a means of correcting past injustices.
- Affirmative action policies can create controversial situations when put into practice.

Essential Questions:

- Under what circumstances might affirmative action be warranted?
- How has the South African government used affirmative action to redress past injustices?
- What is your own stand on affirmative action?

Notes to the Teacher:

The lesson begins with a short discussion, led by the teacher, about discrimination. This activity will provide a basic introduction to discrimination in general and South African discrimination in particular. Students will be asked to draw information from their own experiences, from the film *Beat the Drum*, and from previous lessons about South Africa. It will set the tone for the examples of discrimination in the case studies.

The heart of the lesson will be a series of case studies for small groups to examine and debate. Arrange students in groups of four, with two students arguing one side of the case and two making the opposing argument. Students will be asked to develop arguments based on the information provided in each case study, to articulate these arguments in front of the class, and to challenge the arguments presented by the opposing team.

The case studies are about situations that arose as the South African government tried to implement provisions of the Employment Equity Act of 1998. The preamble to the act states that discrimination has been so bad that simply repealing discriminatory laws will not be sufficient to redress grievances; instead, a law must actively address the equal employment of “designated groups,” defined as “black people, women, and people with disabilities.” Under the act, employers of 150 or more employees must come up with a hiring plan for affirmative action. The plan must include

- a. Measures to identify and eliminate employment barriers, including unfair discrimination, that adversely affect people from designated groups.*

- b. *Measures designed to further diversity in the workplace, based on equal dignity and respect for all people.*
- c. *Making reasonable accommodation for people from designated groups in order to ensure that they enjoy equal opportunities and are equitably represented in the workforce of a designated employer.*

Employers are to “ensure the equitable representation of suitably qualified people from designated groups in all occupational categories and levels in the workforce” and “retain and develop people from designated groups and to implement appropriate training measures, including measures ... providing for skills development.” The full text of the law may be found at

http://www.workinfo.com/free/Sub_for_legres/Data/ee551998.htm.

Based on the discussions, students will be asked to write a follow-up essay to express their ideas on affirmative action and whether or not it is a positive step toward ensuring equal opportunities.

Before the lesson, photocopy the case studies (enough copies of each case study for the students in the appropriate group).

DURATION OF LESSON:

Two class periods of 45 to 60 minutes (if debates run approximately 10 minutes each)

ASSESSMENT:

Participation during introductory discussion
 Case briefs and reports
 Concluding essay

WORLD HISTORY STANDARDS

Indicators addressed by this lesson:

STANDARD 44. Understands the search for community, stability, and peace in an interdependent world

LEVEL IV (GRADES 9–12)

6. Understands the role of ethnicity, cultural identity, and religious beliefs in shaping economic and political conflicts across the globe (e.g., why terrorist movements have proliferated and the extent of their impact on politics and society in various countries; the tensions and contradictions between globalizing trends of the world economy and assertions of traditional cultural identity and distinctiveness, including the challenges to the role of religion in contemporary society; the meaning of jihad and other Islamic beliefs that are relevant to military activity, how these compare to the Geneva Accords, and how such laws and principles apply to terrorist acts)

14. Understands how specific countries have implemented social and cultural changes (e.g., the different manifestations of China’s contingency quest for a “new culture” throughout the 20th century, and what the Cultural Revolution meant for Chinese people in the late 1960s; models for family life, the economy, and social and political institutions suggested by modern Muslim intellectuals)

STANDARD 45. Understands major global trends since World War II

LEVEL IV (GRADES 9–12)

2. Understands causes of economic imbalances and social inequalities among the world’s peoples and efforts made to close these gaps

Materials needed:

Presentation devices (blackboard, whiteboard, overhead projector)

HANDOUT 1: BRIEFING A CASE

HANDOUT 2: CASE STUDY HANDOUTS

(enough for all the members of the appropriate group)

Procedure:

ACTIVITY 1: INTRODUCTION TO DISCRIMINATION

1. Give students five minutes to write a journal entry responding to this prompt: If you or someone close to you has ever seen or experienced discrimination first-hand, describe it.
2. Invite students to share examples of discrimination that they have seen or experienced. Allow time for discussion. Examples may include name-calling, verbal abuse, physical abuse, revoking privileges, jokes, hiring, firing, creating stereotypes.
3. Ask students to come up with a general definition of the word discrimination based on their answers. (Example: Making or recognizing a distinction between two people or two groups, often using this distinction as a way to justify differential treatment.) Write the definition on the board. Then ask students what kinds of behaviors exemplify discrimination. List their suggestions on the board.
4. Ask students to recall from an earlier lesson what kinds of discrimination were present in South Africa under the system of apartheid. (Segregation of people of color, physical abuse, verbal abuse, oppressive laws, limited amenities, no voting rights) Then remind them that *Beat the Drum* was filmed after the end of apartheid. Did they observe any instances of discrimination in the film? (Botha screaming at Musa to leave because he assumed Musa would steal from him; the types of jobs the blacks held [laborers, car washers, drivers], in contrast to ownership of the factory in white hands; whites with university education vs. uneducated blacks)
5. Ask students to summarize the similarities and differences between historical racial discrimination in South Africa and historical racial discrimination in the United States. (Similarities may include segregation, oppression of the blacks by the whites, lack of voting rights, laws against interracial marriages, blacks being under-represented in the work force. Differences may include the fact that the United States has a white majority (although this will end shortly) and South Africa has a black majority; whites brought blacks to America to work as slaves, whereas whites landed in South Africa and conquered local blacks.)
5. Provide students with background information about South Africa's Employment Equity Act. (See Notes to the Teacher.) Ask students to predict what issues may arise as this law is put into practice. Then explain that the students are going to have the opportunity to study a number of real cases that have arisen as a result of the law.

ACTIVITY 2: CASE STUDIES

1. Explain to students that when a judge decides a case, he or she writes a decision, which sets out the facts of the case, the legal issues, the decision, and the rationale for the decision. Tell them that they are going to study real cases that have arisen under the Employment Equity Act. Distribute **HANDOUT 1: BRIEFING A CASE** to each student and explain how to brief a case.
2. Remind students of the importance of civil discourse. While opinions may differ, they must listen to each other with respect and offer their own opinions in a calm and rational manner.
3. Divide students into eight groups. (You may wish to use fewer cases if you have a small class. Give each group copies of the appropriate page from **HANDOUT 2**. Give students 10–15 minutes to read the case, understand the facts, analyze the issues behind it, make a decision about how it should be resolved, and develop the arguments that will support their side of the case. Have them record their answers on **HANDOUT 1**.
4. Hold a debriefing session. Ask each group to present its case to the class, explaining the facts and issues and justifying the group's decision. You may wish to have the class act as an appeals court, either confirming or overturning the decision.

ACTIVITY 3: ESSAY ON AFFIRMATIVE ACTION

Using your usual writing process, help students to brainstorm, plan, and write an essay to answer the questions in the paragraph below. This essay may be written in class or as homework. Alternatively, to ensure that students have a well-rounded view of the affirmative action policy, first assign the essay as an in-class activity and then give a homework assignment to argue the same question from the opposite perspective.

The term “affirmative action” refers to any policy that is meant to provide equal opportunities to people of all races, religions, cultures and social classes, as a means of correcting past injustices. Opponents of affirmative action policies charge that such policies can result in “reverse racism” or “reverse discrimination.” Using specific examples from the information you have learned about South Africa and your knowledge of affirmative action in the United States, do you agree or disagree with this accusation? To what degree do you support affirmative action policies, and why?

ADDITIONAL INTERNET RESOURCES:

<http://www.ilo.org/public/english/employment/gems/eeo/law/south/eea.htm>

A summary of South Africa's Employment Equity Act from the International Labour Organization

<http://www.disabilityworld.org/Aug-Sept2000/Employment/SouthAfrica.htm>

An appeal to South African employers by the chairman of the South African Association of Quadruplegics

<http://www.bridgew.edu/soas/jiws/novo4/AffirmativeActionSouthAfrica1.pdf>

A study of how affirmative action has affected South African women, from the *Journal of International Women's Studies*

HANDOUT 1

Briefing a Case

Case number: _____ Briefing team _____

Facts of the case:

Issues:

Decision:

Reasons for the decision:

Dissenting opinions:

HANDOUT 2 ► P. 1 Case Study 1: Gas Station Owners

1. After their father's death, Adrian van der Merwe and his brother Johan from Cape Town, South Africa, took over the gas station franchise that their father had owned for 30 years. They managed the station and its staff of 15 pump attendants on a daily basis for several years, continuing to offer their employees competitive wages and benefits.

Under the new affirmative action policy, South African businesses were suddenly required to meet racial hiring quotas to ensure equal opportunities for all. In accordance with the new policies, the parent company of Adrian and Johan's station set a quota requiring all franchises to have at least one black partner/owner. Although the franchise had been in the van der Merwe family for over 30 years, Adrian and Johan were given the ultimatum to make one of the pump attendants a partner or sell their family business. Adrian and Johan did not want to sell the business their father grew but were reluctant to give ownership to someone outside the family.

Do you agree with the parent company? What do you think Adrian and Johan should do? What factors would be important in making that decision?

HANDOUT 2 ▶ P. 2 Case Study 2: Medical Student

Nandi Maqala grew up in a black community in Bisho, in the Eastern Cape province of South Africa. Her father was the healer of the village and she would often take time after school to work by his side as he served his community. Nandi enjoyed working alongside her father, but life was difficult in the village. Nandi's family struggled to put food on the table and maintain their small home with minimal resources. All members of the family did their part to contribute. Her father was a healer, her mother was a domestic worker, and her younger brother quit school to move to the city and work at a gas station to send money home.

Nandi's time was also divided. Working hard at school during the day, she cared for her sick aunt in the evenings, tended to the home, and did her best to assist her father in his work. Everyone wanted to see Nandi, who was the pride of her family, finish school and have a future full of possibility.

With a passion for helping people, Nandi eventually decided to move to the city to study medicine. With the help of her entire community, Nandi slowly saved the funds to study at the University of Port Elizabeth and carefully prepared her admissions application. When it came time to submit her high school grades, though, Nandi realized that her results fell short of the required minimum for entry to the medical program. She decided to set up an appointment with an admissions officer to plead her case.

Academic admissions quotas occasionally result in black applicants being granted entry to a program despite inferior high school results. Consideration is given for harsh living conditions, poor education resources, and increased responsibility put on the young student at home. After Nandi explained her situation of conflicting responsibilities, her passion for healing, her experience in helping people, and the dedication required to finish school in a black community, the admissions officer had to make his decision.

Do you think that Nandi should be granted entry into the medical program at the University of Port Elizabeth? Why or why not? What factors are important in making this decision? How would her entry to the program (with sub-standard grades) affect other students in the program?

Case Study 3: IT Professional

Jeremy Lewis is a young, up-and-coming white South African IT (information technology) professional. To provide for his wife and two-year-old son, he chose to accept a contract job with a competitive salary, company car, and medical benefits. His performance at work was solid, and his contracts had been continually renewed; he hoped that with hard work, he could turn his contract into full-time employment. With the sudden slump in the IT industry, however, his company began to restructure and, after five years and annual contract renewals, Jeremy found that his job was less secure than he thought.

During a staff meeting, Jeremy learned that due to the corporate restructuring process, job descriptions would be rewritten, positions would become available, and that all staff members wanting to return would have to reapply for their old jobs. Confident that his past performance would ensure him a spot on the team, Jeremy rewrote his resume and submitted an application for his former position. Despite making it through to the interview round, Jeremy was turned down in favor of a black South African with only one year of experience, as it would better suit the South African affirmative action policy.

Frustrated and angry that his dedication to the company and diligence had not been recognized, he began applying for jobs, believing that his education and years of experience would serve him well. After five months of unsuccessful searches for IT positions, Jeremy had to sell the family's second car and move into a smaller apartment. He also took on a commission-based sales job selling PCs at the local mall to make ends meet.

Reading the newspaper one evening, Jeremy saw a notice of a town hall meeting where local candidates for the coming elections would be answering questions from the public about their policies. Determined to attend and demand an answer to his problem, Jeremy went to the meeting and stood at the microphone to plead his case. After explaining his feelings about the “reverse discrimination” he felt plagued the new South Africa, the local black candidate got up to respond.

“Leave South Africa if you don't like it,” the candidate said. “We are here to stay.”

What do you think of Jeremy's dilemma? Do you think he should leave South Africa to explore career options in more developed countries? What do you think of the candidate's response to Jeremy's problem? Given what you know of the current state of South Africa, do you think the candidate's opinion is economically and politically savvy?

Case Study 4: Accountant

Jacob Swati is a black South African who left the country at age three to live with relatives in California. With the heavy restrictions that blacks experienced under apartheid, Jacob's parents felt that he would receive a better education and have more opportunities growing up in the United States. Jacob made the most of his life in America; he went to a reputable university, worked hard, and became a talented accountant at a top North American investment company by the age of 36. Jacob was happy in America, but often felt that something was missing in his life. With the opportunities available to black South Africans under the new affirmative action policy, he decided to return to his homeland.

In South Africa, Dale Robinson had spent his entire life in the country as a member of the privileged white population. He was an excellent student and had worked hard to become a successful accounting professional at a young age. Although most of Dale's friends had realized that there were fewer and fewer opportunities in South Africa for white professionals, Dale remained in the country while others fled to Australia, England, and New Zealand. He was proud that his country was starting to overcome apartheid and felt a responsibility to contribute to the change.

Both at a crossroad in their careers, Dale and Jacob began to apply for jobs and ended up short-listed for the same position as a senior accountant at a global media corporation in Johannesburg. Similar in education background, experience, motivation, and interview performance, the two men made it to the top of the candidate list and the company was forced to look at other criteria to make their decision.

Under the affirmative action policy, South African companies are required to fulfill racial hiring quotas to give opportunities to the country's black population. The policy is meant to provide equal opportunities to blacks and as a corrective measure to ensure that the professional workforce is more reflective of the actual population.

Which candidate should get the job? Why? What factors do you think strengthen his case? Do you think Jacob qualifies as a candidate who would fulfill the racial hiring quota?

Case Study 5: Clergyman

Benjamin Tulani is a black South African clergyman now living in Cape Town. At the age of 22, Benjamin made a conscious decision to devote his life to God and the struggle against apartheid. For his contribution, Benjamin joined people such as Nelson Mandela and Walter Sisulu and became a freedom fighter to end the oppression of black people. He has been a longstanding member of the African National Congress (ANC), the political entity that led the struggle against apartheid, and he later supported the ANC as it became the governing political party of the country.

After the fall of the apartheid government, Benjamin became a proud member of the new South Africa and his hard work during “the Struggle” was rewarded with prominent positions in the church and government. With his new responsibilities came the task of managing a \$10-million donation from a foreign government. The fund was intended to support housing developments, education, and social services in poor black communities.

Tensions remained high in the early post-apartheid years and prominent black politicians were carefully monitored by watchdog organizations to ensure honest, respectable management of public funds. In the daily observations, investigators noticed that Benjamin had moved into an affluent suburb, hosted a number of foreign dignitaries, and bought an expensive BMW, but had done little to curb hunger, improve dilapidated housing, or increase educational resources.

Despite a plea of innocence, Benjamin was charged with fraud and sentenced to 10 years in prison. He continued to plead his case while in prison, trying to demonstrate the great sacrifices he had made during “the Struggle.” He explained that he innocently mismanaged the foreign donation because he did not have the education to know better and had fallen victim to corrupt intervention from colleagues and subordinates. From his jail cell, he prepared an application for early release from prison and an official presidential pardon to clear him of any criminal record.

Do you think that Benjamin Tulani should be granted early release from prison? Do you think that he should be granted a presidential pardon? What factors are important in the decision? How much should his work in “the Struggle” influence the decision? How much should his previously disadvantaged lifestyle be considered?

Case Study 6: Schoolteacher

Growing up in the province of Natal during apartheid, Nicky Herman was always caught in the middle. Not considered black or white, Nicky was one of thousands of South Africans who composed the “Coloured” race. South African Coloureds were a heterogeneous group of people of Indian and Malay descent, as well as people of mixed race. Nicky was a traditional Coloured and lived in a Coloured neighborhood of Durban with her brothers and sisters, spoke Afrikaans as her first language, and was a practicing Muslim.

Under apartheid, the Coloured race was not equal to whites in the eyes of the law and Nicky’s family had experienced forced relocation from their home, the loss of the vote, and fewer educational resources. Despite these hardships, Nicky’s parents considered themselves lucky that they did not experience the same restrictions and punishments that black South Africans endured. Unlike the blacks, Coloureds were permitted by law to live in a safe home, educate their children, and find gainful employment in the trades.

Nicky worked hard to turn her dream to become a teacher into a reality and she found a job teaching Afrikaans at a state school in Durban. She took her position as a teacher seriously. Nicky cared for her students, put in weekend hours to assist those who needed extra help, and ran several after-school activities for students whose families could not afford such luxuries.

Five years after arriving at the school, Nicky was proud to see that the affirmative action policy was encouraging more black South Africans to become teachers. Although she had not fully experienced the hardships that the blacks had faced under the apartheid regime, Nicky understood firsthand the difficulties of being a nonwhite professional. She was happy that people of color would no longer have to struggle to succeed.

With newfound confidence, Nicky applied for a position as head teacher at her school. Knowing that she was good at her job, that she had put in extra time to help her students, and that affirmative action would support her application, she was convinced the job was hers. At the next staff meeting, however, the principal introduced the new head teacher as Thembi Rhamaphosa, a talented black teacher who had been at the school for two years.

Do you feel that Nicky was unfairly overlooked for the position because of her race? Should her semi-privileged conditions during apartheid put her in line for affirmative action positions? Why or why not? What responsibility does the South African government have to Coloureds?

Case Study 7: Farmer

Jake de Berg is a young white farmer in a rural region outside of Johannesburg. His grandfather bought the land from the government in 1960 and it passed to his father when his grandfather was no longer able to run the farm efficiently. Jake spent his entire life on the land and developed a love of nature and farming as he worked alongside his father.

Although Jake wanted to start working the land immediately, his father refused to hand over the family farm until Jake had a solid education in agriculture and business so that he was prepared for the future of the industry. At his father's request, Jake applied to the University of Stellenbosch, completed a degree program, and returned home to settle on his family's land. The combination of Jake's education and his lifelong interest in farming revived the old farm as he began to implement new production methods, introduce new technology, and keep a sharper eye on his accounts. In his first two years, he had record-breaking yields that were supplying much of the province with fruits and vegetables.

While Jake was getting used to his new responsibilities, the South African government was beginning to research and make amends for the injustices of apartheid with new land restitution policies. With a goal of transferring 30 percent of white-owned farmland to black ownership over several years, the government introduced a number of grant opportunities to support voluntary market transactions under the guise of "willing buyer/willing seller." Progress was slow and after 10 years, over 90 percent of farmland was still owned by white South Africans because long-time farming families were not the "willing sellers" the government had hoped they would be.

The black residents in Jake's region had not farmed in 50 years and had no agricultural work background or education. Despite their lack of experience, they pooled their resources, collected evidence of prior ownership, and made an offer to buy Jake's farm. When Jake refused the offer, the black residents became angry and lodged an official claim to have the government intervene and forcibly remove Jake from the land.

With the lackluster success of the "willing buyer/willing seller" policy, the South African government granted power to the Minister of Land Affairs to expropriate land from resistant white farmers. The law says that white farmers who demand inflated prices for property that has been documented as belonging to black claimants before apartheid must sell their property back to the black claimants for reasonable market value.

Does the land belong to Jake or the black claimants? Should Jake be forced to sell his farm? With food shortages across the African continent and knowledgeable farmers in short supply, what consideration should be given to Jake's agricultural knowledge? Does the government have a right to intervene and forcibly remove white farmers from their land? What are some of the possible consequences of such power?

HANDOUT 2 ▶ P. 8

Case Study 8: AIDS Doctor

Philemon Kalehle loved his work and his people. A black South African who worked hard to stand out in his community and go to university, he returned from his overseas studies to his homeland after a 10-year absence to care for them as the only physician in the region. Philemon went back to the village of Qunu, knowing that the village needed medical care to help the increasing numbers of AIDS sufferers.

As a black South African, he understood the community's belief system, the stigma attached to AIDS patients, and problems of migrant labor. He worked hard to educate the community about the use of condoms and antiretroviral drugs and tried to dispel certain myths that prevailed: that sex with a virgin will cure AIDS, that condoms get lost in one's body, or that AIDS is caused by witchcraft. Unable to visit every family to educate them, Philemon opened a medical clinic and began to invite young South African and foreign volunteers to assist with the AIDS pandemic.

Andrew Jones was a white South African who volunteered in the Qunu clinic to fulfill an internship credit for his university program. Since Andrew was a business student, Philemon invited him to help with grant applications for funding to support the clinic, and Andrew proved to be good at his job. After a successful six-month placement, Andrew stayed in Qunu and became the business advisor of the clinic, managing supplies, funding, proposals, and publicity.

Suddenly, a barrage of reporters, TV crews, government officials, foreign aid workers, and clergymen descended on the clinic run by the black South African doctor. A quiet man who was overrun with work, Philemon preferred to stay in the background and he began to let Andrew become the center's face. Always the salesman, Andrew relished the attention and used his appeal to gain the much-needed exposure that could secure the clinic funding for supplies.

Once they had a solid reputation for high quality care, Andrew traveled to New York to appeal for funding from a large international aid organization that responded by offering the clinic \$500,000 in support. Pleased with his victory, Andrew accepted the donation and strict conditions without checking with Philemon. Back in Qunu, they began to look at the fine print.

The organization had pledged the support on condition that an American doctor run the clinic, employing American aid workers to work in the clinic, educate the community, and administer any antiretroviral medication. Center Director Philemon Kalehle was to be the center ambassador, touring the U.S. and Europe to speak on television and radio about the success of the clinic. Angry that Andrew had failed to consult him, Philemon threatened to refuse.

Was Andrew right to accept the money? Should Philemon overcome his shyness in exchange for the funding? Is it right that American doctors run the clinic? Why or why not? Are the changes demanded by the international aid organization an appropriate way to address the HIV/AIDS problems in the village of Qunu? Is the donation worth the changes?