

“...And Justice for All”

By Mackenzie Flaharty

“The candle burns not for us, but for all those whom we failed to rescue from prison, who were shot on the way to prison, who were tortured, who were kidnapped, who ‘disappeared.’ That’s what the candle is for.” (“Human Rights Quotes”)

Desire for a positive change is an ideal aspiration for which every lawyer should strive. Aspirations often come from observing an injustice within the legal system to which all are bound to. In the case of Penelope Andrews, an Attorney and Professor in the area of international human rights and law, she not only observed injustice but at times was a victim herself. Her childhood was spent in South Africa during *apartheid* and as a woman of color she faced great discrimination. Eventually, with her dangerous involvement in public activism and the desire to have the tools to fight *apartheid* in the best way possible, she decided to leave South Africa for the United States. Since then she has practiced and taught law all over the United States and Australia as well as many other places. Throughout all of her years of work, however, she has never forgotten her original aspirations that got her there in the first place.

South Africa has come a long way since the legalized racial segregation, named *apartheid*, run by a white minority rulers that lasted for 50 years ending in 1994 (United Nations). South Africa is now considered Africa’s superpower which also has the continent’s biggest economy (*BBC*). Democracy is continuing to become stronger and the country’s outlook is promising. Yet, Penelope Andrews did not grow up in such an optimistic environment. When

she was ten years old her parents divorced and when she was thirteen her mother died of asthma. “It was so hard and my self-esteem was so low,” she told me. Andrews went to live with an aunt while her other three siblings each stayed with different relatives. Her aunt enrolled Andrews into an all-black Catholic school. She credits these nuns as the first people to instill a sense of self worth along with a passion for activism. The principal of the school, Mother Teresa, was especially influential. “She acted as my mother—something I desperately needed.”

One of the first experiences of protesting Andrews had played a major role in demonstrating the power that large groups of activists could have. The Black Consciousness Movement (BCM) was started in the 1960’s by a group of black students looking to unite all people of color. Andrews became heavily involved in the legendary 1976 protests initiated by the BCM. The South African Government had just mandated that the Afrikaans language was to be taught in all schools. However, the majority of blacks spoke indigenous languages, and felt if they were to learn another language English would be more beneficial (*Britannica*). The movement instilled a sense of fearlessness into those fighting for justice—including Andrews. Her self-esteem issues had largely been solved, and she took this power with her on to university.

Relationships with Caucasians for Andrews were severely limited growing up. However, through her social activism she met Mcquoid Mason, a white professor at the University of Natal—a white-dominated university. Due to her relationship with Mason she was able to obtain a letter of recommendation that eventually freed her to attend the university. On campus she became involved with a student run anti-*apartheid* movement which in 1980 led to a government arrest in which she was detained in jail for a couple of days. Andrews alleged that “I had never been that scared in my entire life,” yet fear did not prevent her from staying involved with the movement. She graduated with a double major in Economic History, and Comparative African

Government and Administration. By her graduation date Andrews had determined that law was her ideal path to pursue justice.

She had begun some legal work as an associate in Law at the Legal Resources Centre in Johannesburg. The majority of her work centered on labor law. After almost a year of work, she felt depressed at her lack of success. Andrews sensed as that more education would be beneficial so she applied for a scholarship to study in the United States. Furthermore, Andrews was increasingly worried for her own safety; her involvement in public protests might cause more problems with the South African government. Luckily, in 1984 she was granted the scholarship to study at Columbia University in order to obtain an LL.M. degree Andrews jumped at such an opportunity, although she was sad to leave some friends and family behind.

Once in New York City she rarely worried about her family's safety because they were not involved in the protesting. On the other, hand Andrews constantly worried about her friends: "Sometimes I would be walking down a street in New York and at random a friend from home would come into my mind. My friends were always on my mind." Classes at Columbia helped take her mind off of home. "The professors were great, but the classes were much harder than I expected." Outside of classes Andrews once again became involved in the anti-*apartheid* movement by joining students in the United States. She said these students were her first true American friends. When they were not protesting, Andrews and friends would explore New York City as much as possible. New York City was an instant love and for the next thirty years she would often return to the city to live.

Other work Andrews became involved with was a legal intern position at the NAACP (National Association for the Advancement of Colored People) Legal Defense and Educational Fund. Her work involved desegregation cases. The work at the NAACP was quite enjoyable for

Andrews, so she followed that work up with a Chamberlin fellowship that allowed her to work on researching labor laws in South Africa.

After Andrews received her Master's of Law degree she wanted to move back to South Africa, but the country was more dangerous than ever with burnings of homes and buildings constantly happening. An American school, City University New York (CUNY), offered her a job, but Andrews was unable to acquire a green card. Without such green card Andrews would not have had a home state to call her own. "I didn't want to be stateless," she said. In the end Andrews was offered a job at La Trobe University in Australia (Simmons). Other influences on her decision were the fact that Australia was an English speaking country and Andrews loved the idea of exploring some place new. In 1986 she packed her bags to travel halfway around the world immensely excited about a different type of experience.

The laid back lifestyle of the Australian people was an appreciated change from those in New York. "Australians were very similar to South Africans," Andrews stated. Their lifestyle was much more open and trusting. Other similarities to home also arose for Andrews. Indigenous people in Australia were fighting for rights just as blacks were in South Africa. Andrews fought to educate anyone who would listen to her ideas. As a professor she taught classes relating to indigenous people. As a lawyer she saw a few cases that dealt with land rights. Eventually Andrews received both tenure and Australian citizenship.

For a short time Andrews returned to South Africa on leave from La Trobe to work as an associate. The country was still quite dangerous, but her yearning to return home was strong. The majority of her work centered on traveling to South Africa's rural areas and conversing with the country's poor. After learning the needs of these poor community groups she would present the information to government officials. She found this work enormously challenging and again felt

as if she was making little progress. One positive highlight of her return home was a case she won for an unfortunate client. This client had worked in mines for almost fifty years and was now in retirement. His pension was a meager 200 dollars and he still had multiple people to support. Andrews to this day remembers this case as the most difficult one she has ever participated in, but in the end was successful in raising her client's pension. Andrews's confidence as a lawyer greatly increased with the success of this case.

Andrews was proud of her work for the Australian indigenous, but wanted to spend more time working on the rights of her own people, the South African blacks. She began to realize that Americans, especially African-Americans, had a greater interest in ending *apartheid*. Additionally, racism was still more of an issue in Australia than the United States and she was one of the few blacks at La Trobe University. Andrews desired to return to New York City, but while in Australia she had acquired a love of teaching. Therefore in 1993 she returned to CUNY to teach in the law school.

Until the turn of the century Andrews largely stayed at CUNY becoming fully involved with teaching. *Apartheid* had ended in 1994, and while Andrews quickly admitted that "South Africa still has problems," for the most part matters of segregation had ended. Andrews decided therefore to slow down a little. Teaching was a great joy and she became wholly devoted to becoming the best instructor possible. At CUNY her students gave her the reputation as a tough grader, but a great friend that will always be in their corner (Simmons). "I still keep in contact with students I had over twenty years ago," she happily announced. Her favorite parts of teaching were and continue to be the interaction with students, the flexibility, and the ability to travel. When it came to traveling she went everywhere. She explored the United States, and abroad to South America, Asia, as well as back to South Africa. She also spent much time

reading everything she could get her hands on, her favorite genre being either historical or realistic fiction.

One of the ways Andrews was able to continue her love of travel was by obtaining visiting professor positions at various universities. Beginning in 2000 she took a different position at least on a yearly basis. First she headed back to teach the summer session to her alma mater, the University of Natal, followed the next summer by the University of Aberdeen in Scotland. Furthermore she taught at the Albany Law School, Sydney University back in Australia, Columbia University program in Amsterdam, University of Potsdam in Germany, and finally, the University of Saskatchewan in Canada (Faculty). All of these different teaching positions were a continuous thrilling adventure. She thrived on meeting new people, and these schools located around the world provided many interesting people for her to meet. She has multiple friends on every continent with the exception of Antarctica. The extent of her knowledge and experience of her world travels is as great asset for her to teach with (Almanso).

A year ago, Valparaiso University Law School was looking for a visiting professor to come and teach as well as organize a law conference in their area of expertise. When Andrews came across this information she immediately became attracted to the job. Poverty had become Andrews's number one social justice issue since the end of *apartheid*. The idea of running a law conference focused on poverty had immense appeal, so she applied for the job and was eventually accepted. All the same, Andrews had some initial reservations as well. Valparaiso was a lot smaller than she would have liked. "It didn't even have a movie theater," she said. Regardless, her optimistic outlook came through as she kept the proximity of Chicago in mind.

Andrews has been quite content at Valparaiso University. However, she threw in "I do make frequent trips to Chicago." Her favorite aspects of the university have been the students,

faculty, and facilities. She is currently teaching three courses: Gender and the Law, Introduction to American Law, and her all-time favorite, International Human Rights Law. She loves teaching this course because the class is much more of a discussion rather than lecture. The class can intensely explore the foundations that make up human rights law.

In addition to teaching she also organized the Conference on Poverty. The conference will take place on April 3-4 and will focus on economic inequality and what the law can do to improve conditions. Various scholars and experts from around the country will gather each giving presentations of their own specific knowledge (Faculty). Andrews has put immense amount of work into the conference and gathering speakers. She believes the conference will be a success, but will be relieved when it is over. Anyone who has listened to her speak of the conference has seen her passion for the conference and fighting poverty (Almanson).

A typical day for Andrews starts off with daily exercise and then she heads to her office to catch up with the numerous boards and memberships she takes part in. Then class prep, classes, meeting with students, and if time remains Andrews attempts to always set aside an hour before dinner for reading. At night time Andrews usually is out socializing with friends. She has not been married for a long time, and would love to find someone. She blames her busy schedule for her unmarried life. On weekends or other free time Andrews loves to spend time outdoors hiking, or going to movies.

Reflecting on her law career, Andrews is pleased with her choice of profession. She felt called to law as a student, and never truly considered anything else. Dean of a law school is the only other position at a university that she would eventually like to hold at some point. She is strongly considering staying at Valparaiso for a long term period. In her opinion there are many good parts of Valparaiso Law School and therefore she wants to stay involved.

The life of Penelope Andrews has not always been easy or traditional. Yet, the longing for social justice was instilled within her as a teenager. The longing called her to the law profession in which she has thrived. South Africa is never far from her mind, but she now considers the United States her second home. While discussing American politics she asks,

“Justice for all—right?”

“Right!” I exclaim back.

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