

CHAPTER TWO

RESEARCH DESIGN AND METHODOLOGY: Planning the journey

2.1 INTRODUCTION

When planning a journey, one normally consults a map to decide which route to take. It could also be helpful to contact local authorities to enquire about road works, accidents, etc. which may influence one's final choice of route. Even then unexpected variables like weather conditions could eventually force one to adjust one's plan. Just as the answers to all such enquiries assist the traveller in choosing the best route, this chapter serves to inform the reader on the research philosophy, research design, methodology, research instruments, data collection strategies and data analysis procedures.

2.2 RESEARCH PHILOSOPHY

I concur with Cohen *et al.* (2000) that both quantitative and qualitative research have a purpose and place in educational research. I do not plan to become involved in the controversial qualitative/quantitative debate, but rather intend to motivate why qualitative research in particular serves this research effectively.

Since the research is to be conducted under the auspices of a faculty of education, the research methodology used for research in human and social sciences will be utilised. McMillan and Schumacher (2001) define a literature study as a critique of the status of knowledge of a carefully defined topic. It is similarly defined by Garbers (1996, p. 305) as "a systematic, circumspect search to track all the published information about a specific subject in whatever terms it exists and to collect useful resources". Bell (1993, p. 33) also points out that "any investigation, whatever the scale, will involve reading what other people have written about your area of interest, gathering information to support or refute your arguments and writing about your findings".

According to Ary, Jacobs and Razavieh (1990) the function of a literature review is to enable the researcher to define the frontiers of a study in order to place current debates in perspective, to limit questions, and to clarify and define the concepts of the study. A critical literature review leads to insight into the reasons for contradictory results and might indicate which methodologies have proved useful. An in-depth study of the literature will also avoid replication of previous studies, and in the final instance it will aid the researcher to interpret the significance of the results.

The literature review will therefore allow me to gain knowledge expounded by others involved in the research area, to benefit from the results of previous research on the topic (Wallen & Fraenkel, 2001) and to utilise background information relevant to the research question (Bless & Higson-Smith, 1995). The purpose of the in-depth literature study, including articles and case law, is to find data relating to the research problem and it has afforded me the opportunity to compare the findings of other researchers and court decisions on the topic. In a traditional literature review the researcher should

determine the primary sources or key publications on the topic. In regard to the amalgamation of law and social sciences, the primary sources are statutory law and case law. All other written sources, such as articles, books and law reports are thus regarded as secondary sources.

According to Russo (1996) the primary source of information for legal research is the law itself. The traditional method of law research is a systematic investigation that includes the exploration, interpretation and explanation of the law. While typical, traditional, legal research is neither qualitative nor quantitative, legal researchers endeavour to place legal disputes in perspective in order to inform practitioners about the intentions and status of a specific law. This method of research is necessary, since the nature of the law tends to be reactive, rather than pro-active. Past events, e.g. court interpretations, can therefore lead to enhanced stability in their application. It is imperative to consider legislation and case law in an attempt to determine how courts have interpreted statutory law in applying legal principles and precedents.

When researching fundamental rights, or in this case the right to freedom of expression, most researchers use the traditional law research method. A substantial number of researchers make use of only a literature review or comparative study to interpret the law. In brief, researchers discuss the relevant legislation and then compare different court interpretations of the legislation. They then deduce the consequences of the interpretations in regard to understanding legislation applicable to different walks of life. In this way a researcher can predict how a court will rule, based on precedent. Although this research will commence in a similar way, the intention here is not to follow through with it, but to utilise other research methods too. Qualitative methods are usually applied when researchers intend to determine the positive and negative aspects of policy development and implementation and are also applied when researchers are involved in researching the depth or width of a specific phenomenon (Schimmel, 1996). As my intention with this research is to determine *what* learners know about their right to freedom of expression, or as Russo states, to consider the “beliefs of those affected by the legal decisions” (1996, p. 51), this research will commence with a literature review according to the traditional method of law research, but will then continue, using a qualitative method.

In assuming that multiple realities are socially constructed by individuals and society a qualitative approach will be useful to determine learners’ understanding of the right to freedom of expression. This qualitative research will assist managers and policy makers to adopt laws that will ensure that learners understand that which legislators intend them to understand. Qualitative research will enable me to understand learners’ (respondents’) views on this right from their own perspectives. Furthermore, learners in South African schools are part of a new democratic society in which human rights are entrenched in the Constitution. This context will certainly influence the way in which learners and other stakeholders understand learners’ right to freedom of expression. The qualitative approach will be employed in the interpretation of the phenomena in terms of the opinions of the respondents (Smit, 2002).

2.3 KNOWLEDGE CLAIM

The theoretical underpinning of my study stems from the interpretive paradigm. In order to explain this choice, my view of reality, as this is also the lens through which I view reality in research (Cohen *et al.*, 2000), is described. I view science as a search toward understanding phenomena and I believe that there is no single truth which can be identified or researched objectively. People give meaning to their own truth through the search for the understanding of phenomena. The truth is not static, but rather a dynamic phenomenon interpreted via the meaning or understanding people ascribe to it. This becomes clear on viewing the development and *foci* within the concept of Human Rights (see § 3.2.2). For the purposes of this study, I therefore view knowledge from the basis of an amalgamation of two epistemological theories, viz. interpretivism and postmodernism. Since people assign meaning to their experiences, they therefore interpret meaning. It is for this reason that a society normally exhibits a positive growth in case law. People sue one another and go to court only if they believe that they have interpreted the law correctly and that the meaning that they attach to the law is the 'truth'. The court is required to judge the 'real' interpretation of the law (knowledge) because a variety of inter-subjective meanings are crucial in an attempt to achieve understanding and meaning.

Furthermore, knowledge not only 'belongs' to the authoritative voice of the expert, but it values the subjective and multiple voices of individuals. People view the world holistically and each person constructs meaning from information individually (interpretivism), therefore no absolute truth exists. Rather than being absolute, the truth is a dynamic reality that changes over time (see the development and change of the face of Human Rights in § 3.2.2). While assuming that learners give their own interpretation to this right, an understanding or appreciation of their understanding of this right, will enable authorities and managers to design policies to ensure harmony and to be pro-active so as to avoid possible court cases.

The subjectivist (or anti-positivistic) approach to this research originated in my belief that individuals create their own reality as they interpret and understand their environment. In other words, unique persons create their own reality through their own minds (Cohen *et al.*, 2000). Human beings do not respond mechanically to their environment, but are initiators of their own actions. Reality can never be fully explained or understood as an undiscovered phenomenon. Therefore research can provide only a specific perspective on the truth, rather than lay claim to exposing "the" truth (Merriam, 1998; Patton, 1990). The assumption is that multiple realities are constructed by individuals and society (McMillan & Schumacher, 1993).

The qualitative interpretivist paradigm reflects the belief that humans construct reality individually and collectively. While I research the reality created by respondents in their worlds, I also create my own reality. The interpretive approach (interpretive-subjective) has been chosen for this enquiry into learners' understanding of their right to freedom of expression as the intention is to understand and capture subjective meaning, while the respondents give meaning to their own reality (Cohen *et al.*, 2000).

2.4 QUALITATIVE RESEARCH

Accepting that there is a range of different ways to make sense of the world, a qualitative approach seems suitable. It would therefore be possible to construct the “reality” as seen from the respondents’ point of view. In this regard Lincoln and Guba (1985) argue that the epistemological foundations of qualitative research are based on value judgements. As this research is an attempt to understand learners’ understanding, i.e. the meaning of their right to freedom of expression, an interpretive research approach is appropriate. I therefore cannot lay claim to rigid objectivity, as I shall be subjectively involved in reporting or narrating my research (Adler, 1996).

The academic puzzle that guides this research pertains to learners’ understanding of their right to freedom of expression. The reality they attribute to their truth (understanding) is the focus here, therefore qualitative research is suited to this study as its intention is not to predict or generalise findings, but to describe and comprehend an existing phenomenon.

2.5 WORKING PREMISES

For the first time in the history of South Africa, all citizens’ human rights are protected and entrenched in the Constitution. This is important for all the stakeholders in education, since education focuses on the human sciences and is concerned with human beings and their interrelationships.

In his literature survey Alston (2002) explores the relevance of the right to freedom of expression to the South African school community. He focuses on the application of this freedom in respect to grooming, dress, jewellery, learner press, artistic creativity and academic freedom in schools (Alston, 2002). Alston notes critical incidents at schools, including the above-mentioned issues reflected by the media, and indicates that the school community should determine the relevance of the right to freedom of expression and the way in which to balance this right within the school sector (Alston, 2002), all the while focusing on the educators’ right to freedom of expression. There is, however, also a need to explore the learners’ right to freedom of expression and an even more imperative need to determine learners’ understanding of their right to freedom of expression. In other words, even if schools and authorities intend to respect learners’ right to freedom of expression and policies are implemented accordingly, it is uncertain whether they will know what learners understand by this right.

The interrelationships of the stakeholders are important, because in interacting with a stakeholder, one can easily infringe upon a human right and perhaps be sued. Most stakeholders in education are by now aware of the fact that their human rights are protected, but often do not know how to deal with these newly found human rights.

My working premises are that some learners:

- (1) have limited knowledge of their right to freedom of expression; and
- (2) do not know how to exercise their right to freedom of expression.

In terms of the first premise I assume that most learners will:

- (1a) know that the right to freedom of expression includes the spoken word;
- (1b) know that the right to freedom of expression includes the written word; and
- (1c) not know that the right to freedom of expression includes symbolic or creative expression.

In terms of the second premise I assume that most learners will:

- (2a) tend to absolutise the right to freedom of expression; and
- (2b) not know how to limit the right to freedom of expression.

The right to freedom of expression includes a spectrum of expressions that will be focused upon in phase 1 (see chapter 6) and phase 2 (see chapter 7), including the learners' understanding of their right to freedom of expression in terms of non-verbal and non-written expression. In terms of Guidelines for Consideration of Governing Bodies in accepting a Code of Conduct for Learners (hereinafter, the Guidelines), the right to freedom of expression is:

... more than freedom of speech. It includes the right to seek, hear, read and wear, and is extended to all forms of outward expression as seen in clothing selection and hair styles [*sic*] (RSA, 1998, section 4.5.1).

This research intends to explore freedom of expression in schools as defined in the Guidelines (RSA, 1998) as the part of freedom of expression that is “more than freedom of speech”. The further intention is to explore this phenomenon only from the learners' perspectives as they understand it, and give meaning to their understanding of this right.

2.6 STYLE OF THE RESEARCH

The research seeks to explore, understand and interpret learners' understanding of their right to freedom of expression. It may therefore be described as interpretive and subjective (see § 2.3) and will be conducted as a case study. Due to its unique characteristics, this could be described as a hybrid case study. Cohen *et al.* (2000) define a case study as a study of an “instance in action”. No single child or school is being studied here, but rather, the boundaries of a single topic have been selected for the respondents in an attempt to understand their reality more clearly. According to Yin (1984) this may be viewed as an exploratory case study as it opens the way for further studies and generates researchable hypotheses. This resonates with what Merriam (1998) calls the interpretive case study, which examines initial assumptions.

To balance Smit's (2002) critique against the case study as the weakest method of knowing, since it tends to treat peculiarities rather than regularities, the sample for my research consists of a relatively large group of respondents, while the data collection instruments are unconventional. Therefore as Wild, Scivier and Richardson (1992) indicate, loosely structured interviews are used to obtain simple frequency counts. While most case studies are executed by a participant observer, the data for this study will be collected by me as a non-participant in a more structured way (Cohen *et al.*, 2000).

Merriam (1988, p. 69) strengthens the advocacy for case studies when he states that the use of “multiple methods of data collection is a major strength of case study research”.

Nisbet and Watt (1984) suggest different stages for undertaking a case study. This case study will be conducted in three phases. Phase 1 will commence with a very wide field of focus, using an open-ended questionnaire to determine learners’ understanding of their right to freedom of expression in its broadest sense. Phase 2 will involve focus group interviews and narrow the field to the learners’ understanding of the non-spoken or artistic right to freedom of expression. Phase 3 will comprise an in-depth interview with the plaintiff in the *Antonie* case aimed at crystallising the understanding of the data (see § 8.1).

2.7 DATA COLLECTION

I shall start by explaining the original data collection plan and then shift to elucidate how this plan changed and was adapted during the process of the research project.

2.7.1 Data collection plan

A sequential, transformative strategy will be employed. The results of phase 1 will guide the research in phase 2 and phase 3. By using different phases “a sequential transformative researcher may be able to give voice to diverse perspectives ... or to better understand a phenomenon (Creswell, 2003, p. 217). The designs are often emergent and flexible. Because inductive reasoning is emphasised, what researchers learn in earlier stages of the research substantially affects subsequent stages of the research process. Qualitative research is often quite dynamic. The research, the research subjects and the research setting are all subject to change and development (Paechter, 2000).

The process of the qualitative research is non-linear and non-sequential. Data collection and analysis often proceed simultaneously. The data may be modified in light of earlier findings in order to gather more specific information, or explore new and unanticipated areas of interest. Early findings may suggest that the original research question should be changed because the underlying premise is not supported, or because the initial question is not salient in the context (Frankel & Devers, 2000). New questions might also be necessary, flowing from initial research questions and aims (Troman, 1996). Although the route for my research has been planned in advance, it may be necessary to adapt the plan as the research develops.

Phase 1 will entail a pilot study at a former white Afrikaans medium (Model C) secondary school (see § 2.8). The questionnaire will consist of three open-ended questions and a fourth question requiring either “yes” or “no” to be marked (see addendum D). As the only intention of phase 1 is to determine the broad scope of learners’ understanding of their right to freedom of expression, the question posed will require them to consider their understanding of the right to freedom of expression in order to determine how widely their knowledge encompasses this right. The last question, however, entails a

number of aspects of freedom of expression. Here learners have to indicate whether carrying out certain actions at school will or will not be an infringement of their right to freedom of expression.

There is a fear as to whether, when the respondents reach the final question, their thinking might be stimulated, resulting in their returning to the first three questions to add data. This could result in unreliable information, as the purpose of the study is to determine learners' understanding of their right to freedom of expression. In order to avoid this, the responses to the first three questions will be collected before the last question is issued to the respondents. After the pilot study, phase 1 will continue at the four other sampled schools (see § 2.8). I took it for granted that all learners currently receive human rights education and that they must have seen the Constitution or parts of it. Furthermore, my intention was merely to determine learners' current understanding of their right to freedom of expression. The intention was not to explore reasons for the results of my findings. As pointed out in § 9.8.3 this aspect still needs to be researched.

Phase 2 will consist of a focus group interview at each of the five sampled schools. There will be five participants in every focus group interview. Three scenarios will be read to the respondents who will be required to respond and debate orally (addendum E). The in-depth interview in phase 3 will be semi-structured in an attempt to collect as much data as possible (addendum F).

2.7.2 Adapting the itinerary in the research process

Although arrangements had been made to use a particular class with approximately thirty learners, I was disappointed to learn on arrival at the first school that only 17 had submitted their parents' consent forms (Addendum G). The educator and learners assured me that it would, however, not be a problem and that the rest would submit the consent forms afterwards. I explained the legal consequences to them and decided to continue with only the 17 respondents, as my purpose was not to generalise and I was piloting the questionnaire. I assured the learners that the questionnaires could be completed anonymously and that there was no correct or incorrect answer. As there were two pages for each learner, they had to write an allocated number on both pages. They also signed an attendance list on which they recorded their numbers next to their names in order to match the questionnaire pages with the correct respondent, as the respondents for the focus group interviews (phase 2) would be selected according to the answers in phase 1.

No questions were asked during the completion of the questionnaires – an apparent indication that the questions were all clear to everyone, although, given the general authoritarian background of not questioning authorities of the South African youth (see § 1.2), this would become clear only once the data interpretation started. During the data analysis it became clear that question three contained a positive and negative aspect and that it would be better to divide the question into two. The answers to 1.3 had by then been separated into 1.3 and 1.4. The original question “What do you think you are allowed to do (or not to do) at school under your right to freedom of expression?” was changed into two questions (see addendum I):

- 1.3 What do you think you are allowed to do at school under your right to freedom of expression?
- 1.4 What do you think you are not allowed to do at a school under your right to freedom of expression?

The data collection for the next four schools was conducted in exactly the same way. School two had 25 respondents; school three had 13; schools four and five had 22 and 12 respondents respectively.

As only five of the learners at school five had submitted their consent forms the data collection had to be postponed for two weeks until more learners had submitted their forms.

After working through the data for phase 1, five learners were selected purposively for the focus group interviews that would constitute phase 2. The criterion used was “an indication that the learner seems to have an understanding about what the right to freedom of expression entails”. The outcome for phase 2 was to hear the voices of the learners on their right to freedom of creative expression. As interviewing is one of the most powerful ways to try to understand people (Fontana & Frey, 1998) the focus group interview was implemented. In order to ensure an interactive debate during the focus group interviews, the learners who seemed to know what freedom of expression was were selected. Although the focus group interview is time-consuming in terms of transcribing and coding the data, it is inexpensive, yields rich data and has a stimulating effect on respondents.

Since the data already obtained was adequate, the initial plan to return to each school a third time to conduct an in-depth interview with a single learner was abandoned.

During phase 3 an in-depth interview was conducted with the plaintiff in the court case *Antonie* ("Antonie", 2002) with the aim of merging her data with the data received during the first two phases. The assumption was that a learner who went so far as to sue her school, would have thought clearly about the meaning of the right to freedom of expression and might understand it better than the average grade 11 learner. After explaining the reason for my research to the school principal, he supplied the contact details of the learner and the young woman agreed to be interviewed at a guesthouse in Cape Town on 2 September 2004.

The research instruments for the three phases were selected in accordance with the specific aim for each phase. I used questionnaires which could be administered without the presence of the researcher and which are mostly straightforward to analyse, for the first, exploratory phase (Wilson & McLean, 1994). Oppenheimer (1992) points out that such questionnaires also enable comparison across groups in the sample. Where rich data is sought, a word-based qualitative approach is preferable. The questionnaire applied in phase 1 had a clear structure, sequence and focus. In addition the open-ended questions enabled the respondents to respond on their own terms, resulting in honest, personal comments in regard to their understanding of their right to freedom of expression.

Additional, unanticipated data, i.e. “gems of information” (Cohen *et al*, 2000, p. 255) were obtained through the open-ended questions. The candour with which learners answered the open-ended questions will enhance the validity and reliability of the data.

Although not typically qualitative, sequential procedures expanded the findings of phase 1 in relation to phase 2, as well as those from phase 2 in relation to phase 3. The results of phase 1 indicated the type of questions to pursue in phase 2. Kvale (1996, p. 14) defines an interview as “an interchange of views between two or more people on a topic of mutual interest”. The phase 1 data analysis served as a guide to the structure of the questions for the focus group interviews.

The data collection instrument for phase 2 was the focus group interview. Cohen *et al.* (2000) identify three purposes for using interviews, viz. to gather information, to suggest or test new hypotheses and to use them in conjunction with other research methods. As all three purposes are relevant to this study, interviews were conducted. My first aim was to obtain information from the respondents to determine their understanding of their right to freedom of expression. The second was to interrogate my premise that learners do not understand their right to freedom of expression, while the third was to crystallise the findings gained through the other data (Cohen *et al.*, 2000) (see § 8.1).

The five open-ended semi-structured, focus group interviews for phase 2 aimed to determine why learners are able or unable to exercise their right to freedom of expression. The rich and detailed data yielded served to clarify the research question and to indicate the nature of the learners’ understanding of their right to freedom of expression.

The focus group interviews were not structured by means of standardised or non-directive questions (Cohen *et al.*, 2000), since the value of the focus group interview lies in the interaction within the group discussing a topic (Morgan, 1988). It should not be a dialogue between the interviewer and the group (Cohen *et al.*, 2000), to ensure that data emerge from the interaction within the group. Although focus-group interviews take place in unnatural settings, they yield information that would otherwise not be available. The focus group interviews were conducted at the five sample schools. The fact that the learners felt very secure and comfortable in the school setting enhanced the process of data collection. The spontaneous interaction during the focus group interviews indicated to me that the respondents were not afraid of participating in the research project. The focus group interview method gathered a large amount of data in a short period of time. The analysed data from phase 1 and 2 were useful in structuring questions for phase 3 and enabled an open approach to the in-depth interview, allowing more objective observation (listening) by the interviewer during the interview.

In an attempt at further clarification I conducted an in-depth interview with the plaintiff in *Antonie* (“Antonie”, 2002). This qualitative, open-ended, face-to-face interview with a learner who had lived through a harrowing court case to prove that her right to freedom of expression had been violated,

delivered a detailed account containing much data. The major disadvantage of such an interview is that it is time-consuming.

2.8 SAMPLING

As the intention here is not to determine the understanding of all learners in South Africa in regard to their right to freedom of expression, but rather only to explore a phenomenon, I chose a qualitative approach. A small sample size is characteristic of a qualitative approach, as larger groups would not necessarily guarantee more representivity (Cohen *et al.*, 2000).

I selected a purposive sample in the Gauteng Province for the fieldwork as that is where I reside and work. Furthermore, the demographics in the Gauteng Province schools are similar to the demographics of schools countrywide in terms of race, size, situation, etc. Eventually five schools representative of former traditional white and black schools, as well as urban schools, all with either Afrikaans or English as medium of instruction, were selected. An official, who works as a subject supervisor in the Gauteng Department of Education (GDE), identified five schools from his district that would serve the purpose of this research. In a sense the sampling could be regarded as convenience sampling. The five schools which yielded 98 respondents were selected purposively from the Tshwane South district in the Pretoria (Tshwane) area, and included a:

- former white Model C,¹⁴ Afrikaans medium of instruction, urban school;
- former Model C Afrikaans and English parallel medium of instruction school. This school was selected because learners there specialise in all the different art genres, and are believed to be more creative than those in other schools. Therefore the research topic could be more pertinent to them. Only English speaking learners were selected from this school;
- former Model C, English medium of instruction school; and
- two former black, English medium of instruction schools from two townships.¹⁵

My intention was to return to these five schools for the focus group interviews with five learners for phase 2. As some respondents were ill or no longer wanted to participate, some focus groups consisted of only four respondents. Learners were selected according to the analysed data obtained from the questionnaires during phase 1 (see addendum I), using the criterion of assumed knowledge about the spectrum of the right to freedom of expression. The data collection plan and analysis are summarised in Figure 2.1.

2.9 APPROVAL FOR THE RESEARCH

The official research application form (Addendum J) was submitted to the GDE with the proposal (Addendum K) and the names of the five sample schools. After the request had been approved by the

¹⁴ Model C schools were schools that were semi-private in the previous compensation. Although educators' salaries were paid by the government, the school governing body could generate their own money to govern and develop the school's own matters.

¹⁵ A township is a residential area developed in the Apartheid era for black people and was normally situated just outside the borders of a city.

GDE (Addendum L) I also had to apply to the Tshwane South School District (Addendum M) which also had to approve the school visits (Addendum N).

As the prospective respondents were all minors in grade 11 in public schools, permission was required from the relevant school governing bodies (Addendum O) and principals (Addendum P). The parents of the learners involved were requested to sign forms of consent on receipt of a letter explaining the aim of the research. As the data collection was planned to be executed in three phases, parents had to indicate the phase/s in which their child could participate.

2.10 DATA COLLECTION INSTRUMENTS

After I had designed the questionnaire for phase 1 five experts, viz. two South African and two international academics who work in the field of education law and human rights, perused it. Finally, a local qualitative research expert reviewed the questionnaire. A language expert edited the final draft.

Ten scenarios representative of the spectrum of aspects included within the protection of the right to freedom of expression (the written and spoken word excluded), were developed to be used in focus group interviews for phase 2, to explore learners' understanding of the aspects included in the right to freedom of expression (Addendum Q). Focus group interviews would yield multiple opinions on the same issue (Denzin & Lincoln, 1998).

The following aspects were addressed in the scenarios:

- Scenario 1: Jewellery at school for male learners
- Scenario 2: Hairstyle as required by a religion
- Scenario 3: Emblems to disseminate a message on school uniforms
- Scenario 4: Emblems to disseminate a religious message on school uniforms
- Scenario 5: Jewellery with a slogan
- Scenario 6: Artistic creativity (suggestive dance movements)
- Scenario 7: Tattoos
- Scenario 8: Artistic creativity (art: a nude study)
- Scenario 9: Hairstyle
- Scenario 10: Artistic creativity (lyrics: promoting an illegal substance).

Although the scenarios differ, some share the same theme or aspect of freedom of expression. In order to maintain distance and achieve objectivity, I asked ten critical friends who taught grade 11 learners and who are aware of the issues they discuss (see letter to critical friends – Addendum R) to list the scenarios in order of priority. The ten critical friends comprised of:

- two black educators from a private school;
- one white educator from a former black public school;
- two white educators from a private school;
- three white educators from former white model C public schools; and

- two black educators from black private schools.

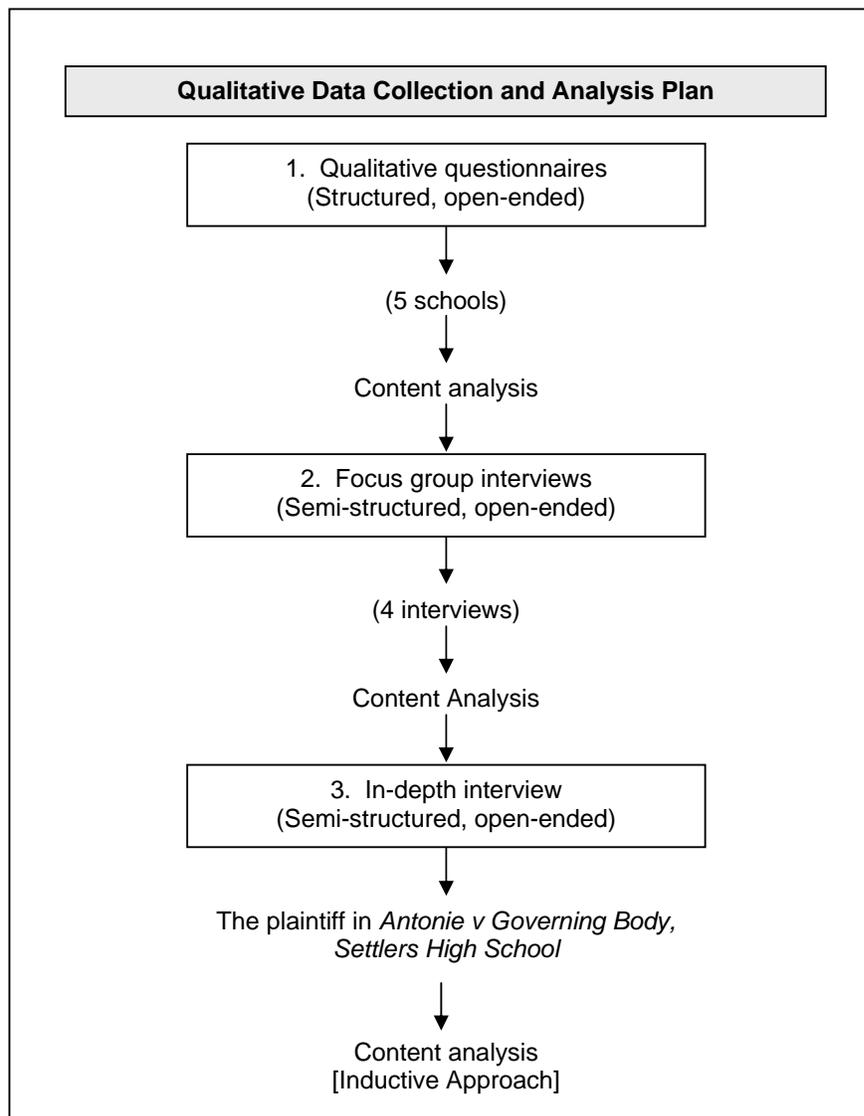


Figure 2.1: Qualitative data collection and analysis plan

The critical friends prioritised the ten scenarios according to the following criteria, viz. “this really is a burning issue among grade 11 learners” and “grade 11 learners will really want to talk about this topic”.

The following scenarios (in order of priority) were identified as most important: 1, 2, 6, 8, 5 and 4. The remaining four were not regarded as significant. Therefore, the critical friends selected scenarios 1, 2 and 6 for the data collection in phase 2, i.e. the focus group interviews (Addendum S). It is informative and significant that the themes of the three scenarios are jewellery, hairstyle and artistic creativity, which represent most of the aspects represented in the spectrum of the right to freedom of expression, excluding the written and spoken word. A set of pre-determined, open questions, as well as the scenarios, were used to stimulate the discussion and to encourage the learners to talk more widely

about the concept. The purpose was to determine their understanding of the concept and implementation of the right to freedom of expression, not to evaluate the standard of their responses. All interviews were recorded. The five focus group interviews were conducted during July and August 2004.

On beginning to transcribe the data, I experienced a setback in my journey toward understanding. I realised that three of the interviews' sound quality was inferior and I had no other option than to return to the three schools in May and June 2005 to redo the focus-group interviews. Of course I had to organise everything again, including new consent forms from the parents, as I could not use the same respondents as the first time. Although I was very frustrated by this mishap because I wanted the data to interpret, it disrupted my scheduled plan, but I realised that this is a typical encounter one could experience while doing research and this is the reality with which to cope. The disasters on my journey, however, did not stop here, as I once again experienced a setback. I could not hear what was on one of the three tapes that I had recorded again. I then decided to continue with the data from the four focus group interviews that I had conducted successfully.

Phase 3 constituted a non-standardised in-depth interview - an attempt to remain unbiased, to see whether information gleaned from the interview could resonate with previous findings and to ensure that the interview could be spontaneous to a large extent. The purpose of interviewing, according to Patton (2002), is to "allow us to enter into another person's perspective ... to find out what is in and on someone else's mind". In this way I constructed my understanding of the respondent's understanding of her perception of the right to freedom of expression.

2.11 ETHICAL CONSIDERATIONS

As my respondents for phase 1 and phase 2 were all grade 11 learners (all minors) their parents were requested to sign consent forms (Addendum G). The research purpose and process were explained to the learners who were guaranteed anonymity and confidentiality - both of the school and the respondents. Respondents were aware that they would be able to verify the findings and gain access to the final study. Although the research topic did not involve a contentious issue, there was an urgent need to debrief the respondents after the focus group interviews, since some of them, as a result of the scenarios and questions, started to question their school authorities. A ten-minute explanation of the relationship between the Constitution and the school's code of conduct, as well as the concept of the entrenchment of all rights with the proviso that the rights are not absolute and may be limited under certain conditions, sufficed.

2.12 METHODOLOGICAL LIMITATIONS

The epistemology underpinning my research is the interpretivist paradigm. I thus needed to construct my own understanding of the understanding learners gave to their reality. I can therefore not claim objectivity and acknowledge some limitations to the study.

Research dealing with the understanding of learners' right to freedom of expression, should be an inclusive study of the entire Republic of South Africa, cover all the sectors of education and focus on all the different races and ethnic groups. Since such a study would be a time-consuming research project, I have decided to focus only on the public school sector in one province. Private schools were thus not part of this research project, and it can be anticipated that the outcome regarding private schools will differ interestingly from that of public schools.

I did not focus on the highly interesting and information rich sector of higher education. Within the public school sector, I focused only on grade 11 learners in the further education and training phase. The reason for choosing the further education and training phase is that these learners are more advanced than learners in grade 1 to 9 in terms of their discretion and decision-making skills. The child (learner) is seen as a minor and has a lack of *iudicium* (Davel, 2000).

Learning Outcome 2 of the learning area Life Orientation is to develop responsible citizenship (DoE, 2002, p. 12):

The learner is able to demonstrate competence and commitment regarding the values and rights that underpin the constitution in order to practise responsible citizenship, and enhance social justice and sustainable living.

Although these learners began their school career under the previous dispensation of apartheid, they experienced the time in which human rights became contentious, and they were in the system while the school system changed. Therefore it would be ideal to gauge how they understand their right to freedom of expression, having been part of the culture of changing from the violation of human rights to the entrenchment of these rights.

Despite the limitation I intended to research a diverse school system including former black and white schools. The use of urban and rural schools ensured that the sample was representative of the total population of South Africa.

In the Gauteng province I limited my research to one region. Once again, I did not conduct my research at all the schools in this region, but only at five purposively sampled schools. I also did not research all the learners at these five schools, but focused only on one grade eleven class at every school. I therefore cannot claim that my findings can be generalised. My study is only a reflection of some learners' perceptions at a specific time and place.

Furthermore, I must acknowledge the fact that I am a white Afrikaans speaking male, influenced by history, culture and religion. Although I tried my best to be objective in conducting the research, I believe that everyone creates their own truth and cannot claim that my being did not influence my research. Although I never experienced any negative reaction from any respondent because of this, I need to acknowledge the fact that it could indeed have had an influence on my research as I grew up under the apartheid regime, and some respondents were non-white or female.

The interpretivist paradigm indicates that I construct my reality as my respondents construct their own. I thus do not claim to make humanistic value judgments or assessments that can be prescriptive to mankind. My intention is only to determine some learners' understanding of their right to freedom of expression in the South African school system ten years into democracy.

2.13 DATA ANALYSIS

The data was collected in three phases with three slightly different aims. Initially I did not plan to use computer-aided qualitative data analysis software (CAQDAS). The length of the transcribed data of the focus-group interviews (approximately 30 pages each), as well as the in-depth interview, indicated however, that CAQDAS would indeed assist in managing the huge quantity of data. Atlas.ti™ was used to code and retrieve the data (Smit, 2001).

The answers from the first four questions of the questionnaires for phase 1 were typed and coded through Atlas.ti™ which was also used to display the data in a hermeneutic unit (addendum A). It assisted in regard to associations and links within the data (Miles & Huberman, 1994). The responses in the questionnaires are referred to as post-coded since the coding was developed after the questionnaires had been administered to and answered by the respondents. As case studies are a search for patterns (Adler, 1996), much sorting and sifting (Miles & Huberman, 1994) was required to identify categories, families and common sequence patterns in the data. The codes were arranged in categories. The categories were then clustered into families from which patterns could be deduced (McMillan & Schumacher, 2001). Figure 2.2 indicates how the codes were clustered until patterns were discerned. This figure was adapted from McMillan & Schumacher and adopted to match the Atlas.ti™ terminology used. Question 5 of the questionnaire was not analysed through Atlas.ti™ as this question was more of a quantitative nature and was dealt with differently (addendum H). Question 5 had no significance for answering the research question.

The data from phase 2 were also coded with Atlas.ti™, although in a different hermeneutic unit (addendum B), as the purposes of the two phases differ slightly. The data of phase 3 was also coded by means of Atlas.ti™ in yet another hermeneutic unit (addendum C) and interpreted as a whole to correlate and crystallise (see § 8.1). Phase 1 could be divided into two sections: the four open-ended questions and the last eleven questions, where respondents had to answer only “yes” or “no”, and which tended to be of a quantitative nature. Codes were not determined beforehand and data were coded by the allocation of a code to every reason cited by the respondents. The huge variety of codes and the rich data collected were overwhelming. All the data had to be re-coded as the original coding was too detailed. The codes had to be reduced before they could be sorted into categories. Finally there were 245 different codes from phase 1. The second hermeneutic unit (addendum B) comprised 241 quotations and 52 codes while the third (addendum C) comprised 51 quotations and 25 codes. The data-managing process helped me to categorise the data from the codes into categories, which were then clustered into families. Through this process certain patterns crystallised to assist me in answering the research question (see § 8.1).

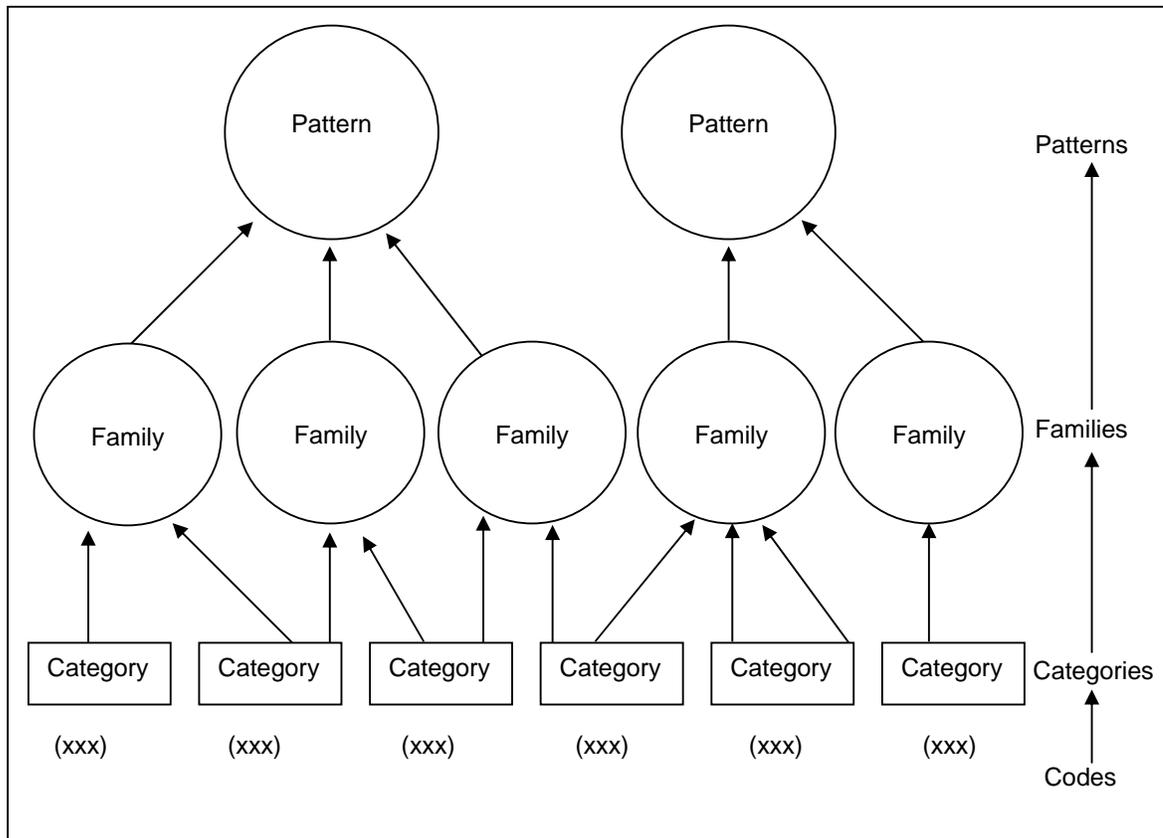


Figure 2.2 Diagram of the process of clustering the codes till patterns are identified

2.14 SUMMARY OF RESEARCH DESIGN

I decided on a qualitative approach for this study that entails an in-depth literature study (including articles and case law). As the intention was to determine *what* learners knew about their right to freedom of expression, the literature review commenced according to the traditional method of law research (see § 2.2). The assumption that multiple realities are socially constructed by individuals and society indicates that a qualitative approach will assist in determining learners' understanding of this right. Qualitative research will therefore help managers and policy makers to adopt laws that will ensure that learners understand what legislators intend them to understand. Qualitative research facilitates insight into the learners' understanding of this right from their (the respondents') perspectives. Accepting that there is a range of different ways of making sense of the world, it appeared that a qualitative approach was most suited to this research. Since the research was an attempt to understand learners' understanding of their right to freedom of expression, an interpretive research approach seemed appropriate.

From the above it is clear that the theoretical underpinning of my study stems from the interpretive paradigm (see § 2.3) and that the approach is subjectivist (or anti-positivistic). This originates from the belief that individuals create their own reality as they interpret and understand what happens around them. The academic puzzle that guides my research is what learners understand under their right to

freedom of expression. The reality they attach to their truth (understanding) is the focus here. A qualitative approach is suitable as its intention is not to predict or generalise findings, but to describe and understand a phenomenon, in this case from the learners' perspectives. My working premises are that some learners:

- have limited knowledge of their right to freedom of expression; and
- do not know how to exercise their right to freedom of expression.

Due to the uniqueness of this case study, I would describe it as a hybrid case study. No single learner or school is being studied, i.e. the boundaries of a single topic have been selected. The aim, however, is to understand the learners' reality more clearly (Cohen, *et al.*, 2000). This case study can, according to Yin (1984), be viewed as an exploratory case study as it has opened the way for further studies and generated researchable hypotheses. This also resonates with what Merriam (1998) calls an interpretive case study which aims to examine initial assumptions. This study was conducted in three phases. Phase 1 commenced with a very wide field of focus, using an open-ended questionnaire to determine learners' understanding of their right to freedom of expression at its broadest. In phase 2 the focus group interviews narrowed the field to the learners' understanding of the non-spoken or artistic right to freedom of expression. In phase 3 an in-depth interview was conducted in order to crystallise the findings (see § 8.1).

A sequential, transformative strategy was applied, i.e. the results from the phase 1 data collection guided my research in phase 2 and in turn in phase 3. The methods of data collection can be divided into three phases.

A purposive sample was selected; viz. five schools were sampled purposively from the Tshwane South district schools in the Pretoria (Tshwane) area. Table 2.1 provides a summary of the research question, working premises, assumptions, instruments and analysis used in this research.

Table 2.1: Summary of the premises, assumptions, instruments and analyses used in this research

Research question: What do learners understand under their right to freedom of expression?			
Premises	Assumptions	Instruments	Analyses
(1) Some learners have limited knowledge of their right to freedom of expression	(a) Most learners know that the right to freedom of expression entails the spoken word (b) Most learners know that the right to freedom of expression entails the written word (c) Most learners do not know that the right to freedom of expression entails symbolic or creative expression	<ul style="list-style-type: none"> • Questionnaire 	Content analysis

Research question: What do learners understand under their right to freedom of expression?			
Premises	Assumptions	Instruments	Analyses
(2) Some learners do not know how to exercise the right to freedom of expression	(a) Most learners tend to absolutise the right to freedom of expression (b) Most learners do not know how to limit the right to freedom of expression	<ul style="list-style-type: none"> • Questionnaire • Focus group interviews • In-depth interview 	Content analysis

The first premise will be dealt with in phase 1 which is also the exploratory phase. The purpose is to determine the range of understanding of learners in regard to the right to freedom of expression. This premise will be interrogated with the data collected via the questionnaire and will guide the data collection in the next phase.

The second premise will be questioned with the data collected via the questionnaires, the focus group interviews, as well as the in-depth interview. The three data collection instruments will help to crystallise the data (see § 8.1).

2.15 ROAD SIGNS AS INDICATORS ON THE JOURNEY

When touring foreign countries, it is necessary to learn all the relevant signs to guide you on your journey. I therefore will now clarify the technical jargon essential for guiding the reader along my journey.

2.15.1 Quotations

Quotations from sources within the text will be indicated by inverted commas. Should the quotation be more than 30 words, it will be blocked and the font will be Arial, 9. There will be no inverted commas if the quotation is blocked. Quotations from the respondents will always be in italics whether within the text or blocked and will not be within inverted commas.

References to the respondents will read as follows: 2:35 (123-126).

The first number will indicate the number of the school. The second number will indicate the number of the quotation and the numbers in the brackets indicate the line in which to find the quotation in the text in Atlas.ti™. The above indicated example will thus be the 35th quotation from the second school and it can be read in lines 123 to 126.

The medium of instruction of one of the five schools in the sample is Afrikaans. Where these respondents are quoted, the quotations are translated into English in the text and the original Afrikaans quotations are given as footnotes.

The Latin word *sic* is used where respondents or sources are quoted to indicate two aspects. It is firstly used to indicate something humorous in the quotation e.g. "He wears a hat on his head [*sic*]", as

you do not wear a hat anywhere else. I, however, used it mostly to indicate language errors made by the respondents.

2.15.2 Key (legend)

When interpreting and reading the network displays generated by Atlas.ti™ in chapters 6, 7 and 8, the relationships of the different links between the categories or families will be indicated with symbols. The legend to read these symbols is indicated in Figure 2.3.

CC-Link: expressing the way y.. --> express yourself phy..	
==	: is associated with
[]	: is part of
=>	: is cause of
<>	: contradicts
isa	: is a
	: noname
*}	: is property of
User defined relation	

Figure 2.3 Legends depicting the relations of the links between the categories or families

Depending on the number of codes contained in a category or family, a different anchor picture is displayed by Atlas.ti™. As I did not quantify the qualitative data of my study, these differences are not significant. All the addenda, including the three complete hermeneutic units, to my study can be viewed on a CD as a map when more detail is needed for the reader's journey through my research.

2.15.3 References

I have used Endnote 9™ to create and organise my citations and list of references according to the American Psychological Association (APA) 5.1 version of citation criteria. I have, however, decided on my own layout as the University of Pretoria has no prescriptions in this regard. As the names of court cases as well as the names of international instruments are very long, I have opted for the option of choosing the abbreviated case names in the first case and short titles for the latter. These abbreviated case names and short titles are indicated by inverted commas in the citations according to the APA criteria. The APA Proforma does not distinguish different ways of citing case law in different countries - it has one way of referring to all case law. I have opted to use the way of referring to case law in the text as the custom is in the country in question do, but the references to case law in the list of references follow one format, irrespective of the country of origin, e.g. *Thornhill v. State of Alabama* is referred to in the text as 310 US 88 (1940), while in the list of references it should according to APA criteria, be 310 88 (US 1940).

When citing, the APA format adds a "p." to indicate the page number of the citation. However, when I refer to a paragraph in case law, the "p." is changed to "at" to indicate that the citation is from a paragraph e.g. Rasnic (2001, p. 1) and ("Makwanyane", 1995, at 216). Also, with reference to already-mentioned court cases, when an author is cited and his/her name occurs in the sentence, that name is

excluded from the reference, e.g. Rasnic (2001, p. 1), since the APA Proforma offers the option to delete the author. The APA Proforma, however, has no option to delete the abbreviated case name, therefore the case that has already been named in the sentence will occur once again in the citation, e.g. Tinker (“Tinker”, 1969, at 506).

One of the advantages of Endnote 9™ is that whenever a source is cited, it automatically appears in the reference list. As I have opted to use the abbreviated form for case law, I could in some instances opt to use the plaintiff’s name, and in other cases, the respondent’s whichever is the shortest. As a result one could miss the reference in the reference list, e.g. (“Eichman”, 1990) in the text refers to United States v. Eichman, 496 310 (U.S. 1990) in the reference list.

2.15.4 The concept “to absolutise”

Although I decided not to include a glossary but rather opted to explain the concepts in the text where relevant, I find it necessary to explain the concept of “absolutising” as it features throughout as a golden thread.

When there is a tendency not to limit rights, one can say that rights are not limitable or cannot be restricted. Rights would then be unrestricted. Synonyms for this phenomenon can be that rights are non-negotiable, unquestionable, unequivocal or unadulterated. One could also say that the rights have been elevated to be absolute or tend toward the absolute. I have however, opted to use the verb “absolutise” as cited in Bosman, Van der Merwe and Hiemstra (1984, p. 571).

2.16 PLANNING FINALISED

This chapter consists of a map of the intended research journey. Although there might be some unexpected occurrences, the main route has been planned and will form the spine of the research design and the research journey which will be undertaken in order to answer the research question and substantiate my working premises.

In the next three chapters I will embark on my journey of knowledge in conducting the literature review. As I am focusing on a human right, chapter 3 will examine the literature on the issue of human rights. In chapter 4 the focus will be the specific right to freedom of expression. As case law is the primary source in this literature review, I shall conclude by discussing the development of legal principles in exercising the right to freedom of expression in case law in chapter 5.