

Chapter Nine

CONCLUSIONS: Reflecting on the journey toward understanding

9.1 INTRODUCTION

The academic puzzle that drove my research was: What is learners' understanding of their right to freedom of expression? The main issue that interested me in this topic among many critical incidents at schools was the *Antonie* case ("Antonie", 2002) where the girl was suspended for wearing dreadlocks to school. Knowing that everyone has a right to freedom of expression, I wondered how far this right could stretch its authority and at what point and under which circumstances it could be limited, especially in schools. I wondered whether learners really understand the intentions of legislators and policy makers.

My working premises were 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.

Under my first premise I assumed that most learners would:

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

Under my second premise I assumed that most learners would:

- (2a) tend to absolutise the right to freedom of expression; and
- (2b) not know how to limit the right to freedom of expression (see § 2.5).

I subsequently embarked on a journey toward understanding learners' perceptions of their right to freedom of expression.

9.2 OVERVIEW OF MY JOURNEY TOWARD UNDERSTANDING

After being intrigued by substantially critical incidents at schools, where learners claimed that their right to freedom of expression had been violated ("Antonie", 2002; Ismael, 1999; Van Vollenhoven & Glenn, 2004), I considered the variables that could influence the implementation of the right to freedom of expression. This intriguing enigma compelled me to study the literature in an attempt to clarify my thinking. I was overwhelmed by all the information I found.

Firstly, I learnt from the literature that freedom of expression is regarded as the core of a democracy ("Handyside", 1976; Marcus, 1994; McQuoid-Mason, O'Brien, Greene, & Mason, 1993; Sachs, 1992; Wood, 2001). Human rights cannot prevail where the right to freedom of expression is violated. Secondly, I realised that all human rights are so important that they have been entrenched in bills of

rights in the constitutions of many nations (Bray, 2000b; Limbach, 2001; Van Vollenhoven, 2003), and in particular in chapter 2 of the South African Constitution. Knowing that human rights are guaranteed in the South African Bill of Rights, and that the right to freedom of expression is seen as the core right in a democracy, one would tend to believe that this right is absolute. The literature, however, indicates that human rights are not absolute and that they can be limited by means of other rights (Bray, 2000b; Malherbe, 2004). The value system that underpins a specific bill of rights is the norm in terms of which this limitation is exercised (De Waal *et al*, 2001). Chaos could result if human rights are absolutised, as people will act without considering the consequences of their deeds. Since the primary purpose of the law is to create order and harmony in society (Van Vollenhoven, 2003), the law should serve as a guideline on the implementation of these entrenched human rights. As the right to freedom of expression is viewed as a core right in a democracy, it tends toward the absolute. Even this core right cannot, however, be absolute, and can be limited under certain circumstances. The line between a limitation and a violation of this right is not patently clear. Authorities can easily "limit" this right, but in the process of limiting, actually violate it, thereby undermining the principles of a democracy or distorting the educational purpose.

Furthermore, this right is often associated with other rights, like the right to freedom of religion, belief and opinion; the right to assemble, demonstrate, picket, petition and associate. This means that a violation of any of the mentioned rights might constitute a violation of the right to freedom of expression.

I was surprised by the frequency of critical incidents in relation to this topic at schools, e.g. the cases involving Yusuf Bata (Pretorius, 1998), Danielle Antonie ("Antonie", 2002), Layla Cassim (Ismael, 1999) and Sunali Pillay (Broughton, 2005). I realised that learners probably do not understand the meaning of the right to freedom of expression and wondered whether learners interpret it correctly or whether school authorities have a misconception in this regard.

I decided to embark on a hybrid case study for which I would collect data in three phases in an attempt to try to understand learners' understanding of their right to freedom of expression (see § 2.6. and § 2.7). I used questionnaires during phase 1 to determine how widely learners regard the spectrum of actions protected by their right to freedom of expression. I realised on observing the data from phase 1 that learners do not know that the right to freedom of expression encompasses symbolic and artistic expression. In addition, many critical incidents that occurred in schools in regard to freedom of expression involved symbolic or artistic expression. In phase 2, I made use of focus group interviews during which I confronted the respondents with scenarios concerning symbolic or artistic expression. Phase 3 comprised an in-depth interview with the plaintiff in the *Antonie* case ("Antonie", 2002). I believed that a learner who followed through in suing her school would have a better understanding than other learners of what the right to freedom of expression encompasses. I selected a qualitative research methodology which I motivated in chapter 2.

The rationale for the study was constructed in chapter one (see § 1.4). The single incident that triggered my interest was the *Antonie* case ("Antonie", 2002). I discussed the variety of factors that could influence the implementation and understanding of the right to freedom of expression and began by explaining the historical development of the South African nation with its different cultures and the role, among others, of Calvinism and its traditions (see § 1.2). Although my intention was not to focus on cultural, historical or religious aspects of society, which influenced the authoritarian character of South African society, they are of importance to my study. This led to the formulation of the research question as to what learners understand under their right to freedom of expression. The question motivated me to embark on a journey toward understanding the perceptions of learners regarding the right to freedom of expression.

In chapter 2 I described the research strategies, participants, schools and sampling processes. A total of 89 respondents from five different schools completed the questionnaires (phase 1). During this exploratory phase, I intended firstly, to answer my first premise and secondly, to plot the way for the next phase. As I realised during phase 1 that learners do not know that they may express themselves symbolically or artistically under the right to freedom of expression, and because this is the area involving the most critical incidents in regard to freedom of expression, I decided to concentrate on symbolic and artistic expression during the focus group interviews in phase 2. With the data from both phases I could test my second premise. In phase 3 I conducted an in-depth interview with the plaintiff in the *Antonie* case ("Antonie", 2002) to crystallise the data from the first two phases.

I needed assistance to manage the volume of the data. To this end I utilised a CAQDAS programme, called Atlas.ti™. It proved to be an invaluable data-managing tool, enabling me to integrate ten primary data sets into three hermeneutic units (addenda A, B and C), to work with every quotation and response and to separate my two premises. In addition, I could work holistically in endeavouring to answer the research question. This enabled me to get a comprehensive overview of the strengths and weaknesses in my approach. The number of codes was overwhelming. After coding the data of phase 1, I recoded it to narrow the 690 quotations down to 245 codes for the first hermeneutic unit (addendum A). 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 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.

In chapters 6, 7 and 8, I presented the research findings as revealed by an inductive analysis of the data. After coding the raw data, the codes were clustered into categories. These categories represent the different modes of expression which were again clustered into three families, viz. verbal expression, non-verbal expression and symbolic or artistic expression. The interpreted data evolved into two main patterns, indicating that some learners seem to absolutise their right to freedom of expression, while those who know that the right to freedom of expression can be limited are unsure of

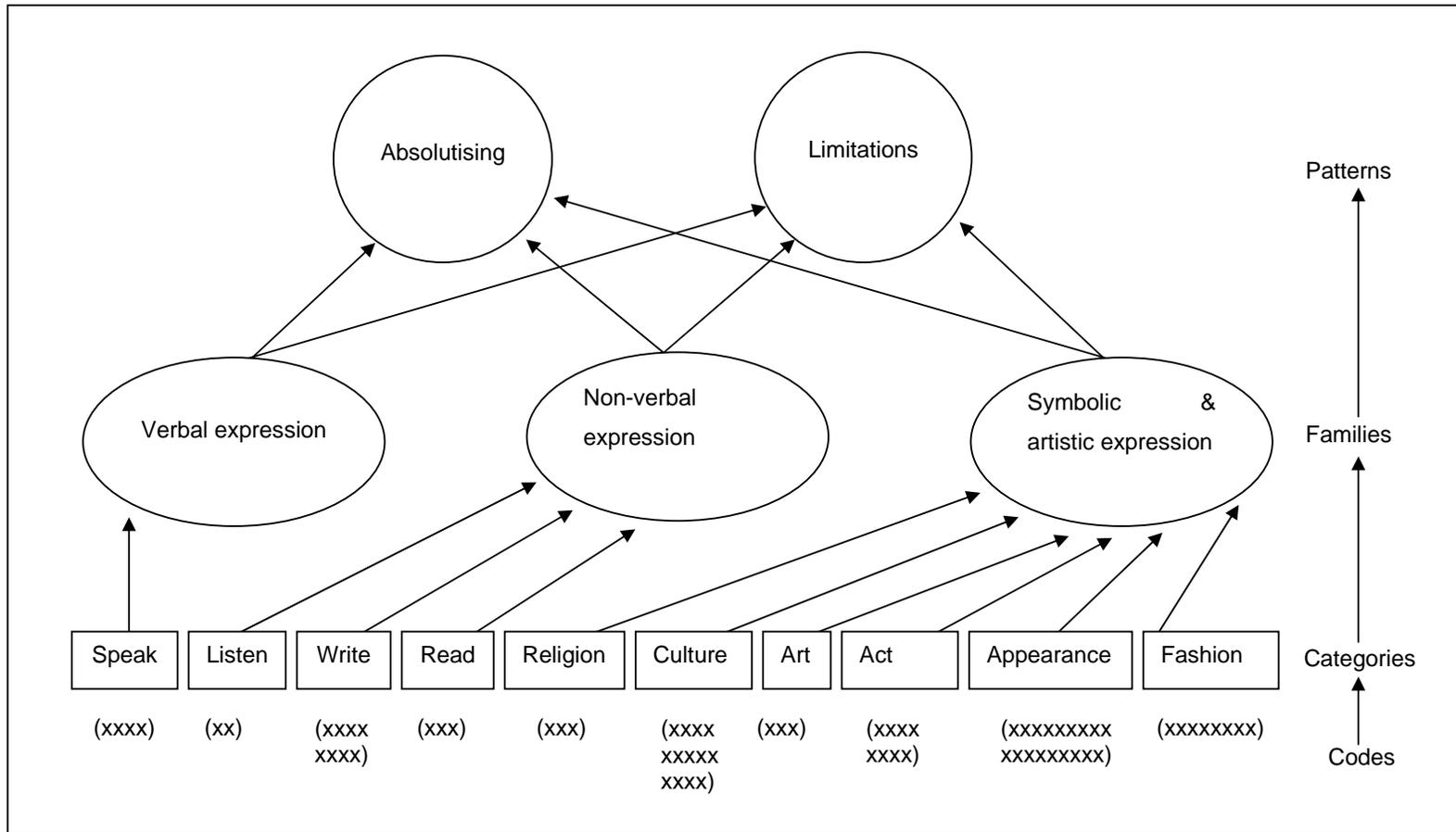


Figure 9.1: Depicting the categories, families and patterns as evolved from the data interpreted

how and when to implement the right and do not know how it can be legally limited. Figure 9.1 provides an overview of the process that was followed.

I conclude hereafter, with the key findings which reflect the fact that learners do not have a clear understanding of the implementation of their right to freedom of expression.

9.3 RELIABILITY AND VALIDITY

As my epistemological stance is that there is no single truth, but that truth is constructed in real life and that people interpret their own truths, the validity too, is vested in the interpretation of real-life situations. The question to be answered is whether I researched what I thought I was researching. The validity of the research is proved by the crystallisation of the data from the three phases, which represent the respondents' understanding of the data and their way of interpreting it. I used the respondents' understanding as a basis for constructing my own understanding.

My epistemological philosophy is underpinned by a post-modern approach, as I do not believe in an objective world. People give meaning as they interpret real life, thus giving their own truth to their understanding of the world (Denzin & Lincoln, 2002). Believing that individuals construct their own understanding from the reality around them, I made a point of summarising what the respondents said during both the focus group interviews and the in-depth interview. In this way I checked my interpretation of their understanding with the respondents to ensure objectivity and reliability. Furthermore, I verified the raw transcribed data by showing it to the respondents. As validity became problematic in the paradigm in which I was working, I used crystallisation among the three phases of data and data collection instruments to validate the data and findings. I gathered data from multiple voices during the three phases of data collection. The fact that the same patterns developed in the three phases is the main validation aspect of crystallisation in my study.

The trustworthiness of the research was ensured by measures such as the participation of ten critical friends in prioritising the scenarios (addendum R), availability of all the data sources in the addenda, and the cross referencing of findings. This enhanced objectivity in the sense that if I had selected the scenarios myself, an element of subjectivity could have resulted. The objectivity was further ensured by the fact that a subject specialist chose the five schools in the purposive sample.

Concurrent validity was achieved with the crystallisation of the rich and depth data received in the three phases.

9.4 MAIN FINDINGS

I have categorised the findings according to my two premises and will therefore first discuss the findings regarding the spectrum of the right to freedom of expression before I focus on the findings concerning learners' knowledge about exercising the right to freedom of expression.

9.4.1 Understanding the spectrum of the right to freedom of expression

The first hermeneutic unit (addendum A), along with phase 1, indicated that some learners are not aware of the spectrum of the right to freedom of expression, although most learners are aware of the fact that they can speak their minds under the right. Only a few realised that the right to freedom of expression includes non-verbal, as well as symbolic and artistic expression. My assumption that most learners would know that the right to freedom of expression encompasses the spoken word, was substantiated since 80% of the respondents indicated that they know they can speak their minds.

The second assumption, that most learners understand that they can write their opinion under the right to freedom of expression, was not substantiated. The third assumption, namely that most learners do not know that the right to freedom of expression includes symbolic and artistic expression, was substantiated.

Although the second assumption was not substantiated, it actually served to substantiate my first premise, viz. that some learners have limited knowledge of their right to freedom of expression. Of the respondents 80% know that they can speak their mind under the right to freedom of expression. Yet, only a few know that the right to freedom of expression includes non-verbal, as well as symbolic and artistic expression.

9.4.2 Learners do not know how to exercise the right to freedom of expression

In terms of my second premise I found that some learners do not know how to exercise the right to freedom of expression. This premise was substantiated by means of the first two hermeneutic units (addenda A and B) and the data from the first two phases. It also crystallised with data from the third hermeneutic unit (addendum C) from phase 3.

9.4.2.1 Absolutising the right to freedom of expression

Many reasons can be given in order to explain why some learners seem to absolutise the right to freedom of expression. It appears that the lack of respect for human rights in South Africa before 1994, coupled with the fact that South Africa is still a young democracy, has led to a tendency among some learners to absolutise their newly found rights. Knowing that the rights are entrenched and fully guaranteed in the Bill of Rights of the Constitution (Limbach, 2001), learners absolutise the right to freedom of expression. They fear no consequences, irrespective of what they express, where and when they express themselves, or whom they address and in what manner they express themselves. This is similar to rebellious teenagers who rebel against the strict rules in their parents' houses. When they "break loose", they have no knowledge of how to balance their newly found freedom, often emerging from a very strict Calvinistic, traditional or Muslim background where authority was not questioned, or from a political system which denied human rights. They seem to lose track of the concomitant responsibilities and the fact that other people's rights also need to be respected.

9.4.2.2 Learners are unable to differentiate between rights

Some learners seemed unable to differentiate between the different rights in the Bill of Rights, i.e. learners are aware of the fact that they have fundamental and constitutionally protected human rights, but do not understand them and find them vague (see table 6.2).

9.4.2.3 Absolutising religious expression

There is a tendency among most respondents, also those that know that the right to freedom of expression can be limited, to believe that the right to freedom of religious expression is absolute and can under no circumstances be limited. There can be different reasons for this perception. Firstly, one can expect the Muslim to believe that the right to freedom of religious expression is absolute, as this is in line with the Shari'ah law which they view as higher as the Constitution (see § 3.2.5) (Moosa, 1998). When considering the values that underpin the Constitution one realises that there is a notion in the new democratic South Africa characterised by a multi-cultural society to be tolerant of other cultures. People have become so aware of the fact they should not discriminate and should tolerate and live in harmony, that they will for instance, rather absolutise the right to freedom of religious expression than balance it with other rights. In this regard, Judge Sachs indicates that learners cannot claim, for instance, to wear religious attire to school because of their right to freedom of religious expression. He also states that "... the State should, wherever reasonably possible, seek to avoid putting believers to extremely painful and intensely burdensome choices of either being true to their faith or else respectful of the law" ("Christian Education South Africa v. Minister of Education", 2000, p. 779). The same argument is contained in the Draft National Guidelines on School Uniform. The way that religious expression is worded in the Guideline indicates the notion that religious expression is indeed absolute:

Protect pupils' Religious Expression

- d. A school uniform policy must accommodate pupils whose religious beliefs are substantially burdened by a uniform requirement.
- e. When wearing particular attire, such as yarmulkes and headscarves during the school day is part of pupils' religious practice; under the Constitution schools generally may not prohibit the wearing of such items (RSA, 2005, p. 8).

As the absolutising of the right to freedom of religious expression was already contested in *Christian Education South Africa v. Minister of Education* ("Christian Education South Africa v. Minister of Education", 2000), the signals authorities send out in this regard are confusing and might sooner or later lead to yet another court case. The assumption that some learners seem to absolutise the right to freedom of expression is substantiated by the data.

9.4.2.4 Limiting the right to freedom of expression

Some learners do know that the right to freedom of expression is not absolute and can be limited. This is encouraging, but on perusing the data more closely, I realised that, although some learners are aware of the fact that rights can be limited, the area of limitation is extremely vague to them. They do not give it much thought and act instinctively, or are indoctrinated by authoritarian society.

Some learners highlighted the following criteria for limiting the right to freedom of expression:

- in order to have order and control;

- by the school code of conduct;
- in terms of place;
- in terms of time;
- in terms of age;
- by the educational purpose;
- for practical reasons;
- when someone offends; and
- in terms of other rights.

Although the above-mentioned are stipulated as criteria which could limit the right to freedom of expression, the implementation of the limitation remains vague. The respondents do not understand the legal principles that can assist them to implement the limitations. It seems that they are inclined to limit every incident on its own merit, using the school code of conduct and the school's image as the two main criteria to limit the right to freedom of expression.

The second assumption under my second premise, viz. that some learners do not know how to limit the right to freedom of expression, was substantiated. The fact that some learners still seem to absolutise the right to freedom of expression and are unaware of how to limit it, substantiated my second premise.

9.4.2.5 Authoritarianism in schools

The authoritarian philosophy still, to a large extent, influences the school structure and educational system in South Africa. Since the school code of conduct is still the "supreme law" at schools, learners are still, in general, largely ignorant of their right to freedom of expression. Those who are aware of it are uncertain of the manner in which to apply it.

9.5 IMPLICATIONS OF FINDINGS

I shall now discuss the implications of the findings in terms of my two premises, viz. that learners are not aware of the full spectrum included under the right to freedom of expression and do not know how to exercise the right to freedom of expression. The implications of the findings will support the learners' theoretical understanding of the right to freedom of expression.

9.5.1 Spectrum of the right to freedom of expression

The finding that learners are not aware of the whole spectrum included under the right to freedom of expression implies that learners will be unable to exercise and use this right to its maximum extent to develop to their full potential as individuals. Since the right to freedom of expression is a core right in a democracy ("Handyside", 1976; Marcus, 1994; McQuoid-Mason, O'Brien, Greene, & Mason, 1993; Sachs, 1992; Tribe, 1988; Wood, 2001), this could create a distorted society with an impaired democracy in which citizens cannot adequately participate. Therefore learners should develop the skill of implementing the right to freedom of expression practically at school in order to be able to fulfil their

place as citizens in society, and to enhance democracy. The findings are clear; viz. learners are confused about the right to freedom of expression and unsure of how and when it should be implemented. The question arises as to what the future holds for the next generation regarding the success of democracy, if the leaders of tomorrow are not trained to be responsible citizens.

9.5.2 Exercising the right to freedom of expression

The implications of the findings will be discussed in terms of the absolutising of the right to freedom of expression and then in terms of limitations of the right to freedom of expression.

9.5.2.1 Absolutising the right to freedom of expression

The fact that some learners seem to absolutise the right to freedom of expression is an indication that schools do not teach them about the basic implementation of human rights. This implies that the authorities do not fulfil the educational purpose as required in a democracy and this could result in the abuse of the rights of others by people who exercise (absolutise) their rights. Citizens are not taught to respect other's rights and are ignorant of the responsibilities in regard to specific rights. This tendency is not in agreement with the values of human dignity, equality and freedom that underpin the South African democracy, because the absolutisation of rights debases the value system.

9.5.2.2 Limiting the right to freedom of expression

Some respondents are aware of the fact that because human rights can be limited, the right to freedom of expression can also be limited. I shall now discuss the implications of these findings in terms of criteria that limit the right to freedom of expression.

- **Limitation to control**

Some learners' understanding that the right to freedom of expression can be limited in order to control, indicates an understanding of the basic purpose of the law, viz. to establish order and harmony in a society. The absolutisation of rights could lead to chaos as people could then claim to have a right to do anything without fearing the consequences. The concern is that the school's code of conduct or image would be the reason for the limitation. The literature indicates that rights should be limited, because the Constitution is supreme, i.e. nothing should contradict the Constitution. Hence, based on an open and democratic society, rights should be limited to ensure respect for the human rights of all citizens. The tendency among learners to exaggerate the limitation of the right to freedom of expression in order to control indicates the level of indoctrination as a result of the school system, i.e. to defer to school rules rather than to the Constitution.

- **Limitation by means of the school code of conduct**

Many respondents indicated that the right to freedom of expression can be limited by means of the school code of conduct. The code "to obey school rules" was assigned the most (58 times). There is a strong tendency among the respondents to absolutise the school code of conduct. The moment a

fundamental human right is not exercised in agreement with the school code of conduct it may be limited:

*The school is against hair that stands in all directions. It must be tied and combed, cut behind the ears for boys, but the point remains: the school has the rule and she needs to obey. On the other side, she has a right to expression or religion but the school rule does not allow it*¹⁶¹
1:309 (958:964).

This implies that respondents seem to absolutise the school code of conduct rather than the rights in the Bill of Rights. They argue that they have the right to freedom of expression everywhere, but not at school. This indicates that authoritarian indoctrination is still a major influence in the South African school system. Although South Africa has one of the most advanced constitutions in the world, learners have not yet learned to question authority.

This notion echoes the importance of the code, "image of the school" which was assigned 51 times. Learners appear to be so indoctrinated to conform for the sake of the image of the school that they dare not differ from the norm in any respect. The implication of the indoctrination is that learners do not develop the skill of critical thinking, a prerequisite for a democracy. Schools ostensibly teach learners to be individualistic, but in practice they punish them if they do not conform. This will result in a society that does not question authority. Such a society will not reflect the values of democracy.

- ***Limitation in terms of time and place***

Respondents indicated that although they have a fundamental, protected human right to freedom of expression, the right can be limited at certain times and in certain places, i.e. during school time and at school. This is reflected in the literature that indicates that the right to freedom of expression can be limited in terms of time, place, manner and content ("Fraser", 1986; Marcus, 1994; Suttner, 1990). The implication of this yet again, is absolutisation. Although the right to freedom of expression can be limited in terms of manner, because one must not violate the right to dignity of a person, or in terms of school or during school time, as the school has an educational purpose to achieve, this right cannot be limited only because it is unpopular. People may question it, and in the process enhance the principles of democracy. Schools can easily misuse their educational purpose to violate the right to freedom of expression because they dislike the expression, and in the process distort the development of the individual and democracy.

- ***Limitation in terms of age***

Some learners understand that age is a variable that can limit the right to freedom of expression and this implies an understanding of the maturity of the minor, which develops as the learner grows older. This means that the older the children, the more responsibilities they have, the more they can exercise their right to freedom of expression, and the less the right to expression may be limited. A further implication, which is a purpose of the school system, is to teach the principles of good citizenship, i.e.

¹⁶¹ Die skool is teen hare wat so staan. Dit moet vasgemaak word en dit moet ordentlik gekam word, agter die ore gesny word vir die seuns, maar die punt is, die skool het daardie reël en sy moet dit doen, maar O.K. aan die ander kant dit is haar grondwetlike reg tot uitspraak of godsdiens dat sy dit mag doen, maar die skool se reëls sê jy mag dit nie doen nie.

the right to freedom of expression, so that the mature citizen will be able to take full responsibility in exercising this right in a democracy. Because of its educational purpose and the fact that learners are minors, the right to freedom of expression can be more easily limited at school than at any other place. School authorities, however, should be careful of violating this right and consequently not achieving the educational purpose of enhancing a democracy.

- ***Limitation in terms of the educational purpose***

The fact that respondents seem to absolutise the school code of conduct can be explained in terms of the school's educational purpose. There are amongst others, two functions of education that are significant in this regard. The first is the socialisation function. This function views education as a tool for cultural transfer from certain groups to the individual in order for the individual to function adequately in the social groups in society. The second function is the qualification function, which refers to the acquisition of skills and knowledge, which are prerequisites for access to the employment market (Akkermans, 1994). The school's main purpose is to develop minors into adults who can fulfil their place and take up their responsibilities in society (Clayton & Tomlinson, 2001; Gordon, 1984). Therefore the implementation of the right to freedom of expression in schools is complicated. As schools deal with minors, who lack *iudicium* (judgement), and need to achieve the educational purpose, behaviour that is not limited outside the school may indeed be limited at school to ensure the realisation of the educational purpose. The responsibility is vested in the school authorities. Since the school has an educational purpose, it is easy for school authorities to limit the right to freedom of expression at schools. Yet, if the right is limited too easily, for instance when expressing an unpopular view, it will work against the fulfilment of the requirements of a democracy.

- ***Limitation when offending***

The learners who know that the right to freedom of expression may be limited, agree that it can be limited when someone is offended. Once again, this point of view echoes the notion of authoritarianism, because as the literature indicates, an expression implies *per se* the possibility that someone might be offended. People's opinions differ and they could be offended by one another's expression. Therefore, only something that is legally obscene is limited under the right to freedom of expression. Expression invites dispute and has the potential to offend someone ("Lehman", 1974). While learners are minors and while schools have an educational purpose, the right to freedom of expression is more open to limitation inside, rather than outside, the school grounds. The data indicates that learners are not really aware of the fine balance and how to implement such limitations and appear to rather do it instinctively, based on their indoctrination by the authoritarian school code of conduct and the image of the school rather than applying legal principles.

- ***Limitation by means of other rights***

Some learners understand that the right to freedom of expression should be balanced against the rights of other people. This is reflected in the literature and indicates an understanding that some learners seem to understand how limitations of rights work in practice.

9.5.3 Respondents' theoretical understanding

The theoretical understanding of the respondents seems vague, e.g. in regard to the implications of the supremacy of the Constitution. Those who understand the supremacy of the Constitution seem to absolutise the right to freedom of expression. There is not a clear understanding of the interrelationship between the Constitution and subordinate legislation, e.g. the school code of conduct. As minors in a specific school system, they seem to have been indoctrinated into believing that the school's code of conduct is the supreme law at school. They acknowledge the principle that every place requires an own set of rules in order to ensure harmony and order, e.g. school rules and house rules. They however, fail to see the interrelationship between such rules and the Constitution. Practice and example may have indoctrinated them to the extent that they do not even argue or try to exercise their right to freedom of expression when they disagree with rules.

Consequently the future of a healthy democracy is in danger. School authorities manipulate learners to the extent that every expression that differs from the norm is seen as a violation that is not tolerated. Learners are taught that they have to respect one another and must conform to the acceptable norm to fit in with the image of the school. This is illustrated by the controversy about religious expression.

Since many learners tend to absolutise the school code of conduct, religious expression is not allowed at all. Others, who realise that tolerance is one of the values that underpin the Constitution and democracy, argue that the right to freedom of religious expression should not be limited (this code was assigned 43 times). These learners seem to absolutise the right to freedom of religious expression, but have to defer to the school's image of uniformity. It is exactly this imbalance regarding the right to freedom of religious expression that leads to critical incidents or even lawsuits. Other learners again, realise that institutions are allowed to have own images and cultures and that rights could be contrary to these. Their solution is to be subtle in exercising the right to freedom of religious expression.

Learners balance the right instinctively and are influenced by the wide spectrum of knowledge about the supremacy of the Constitution, the Calvinist background, the authoritarian culture, the importance of the school code of conduct in order to control and the school's image, and the lack of legal principles to apply. Even though the right to freedom of expression has an inherent limitation as guide, hardly anyone refers to it or indicates that they are aware of it. This has resulted in everyone exercising the right to freedom of expression in their own way, according to their own interpretation of the Bill of rights, resulting in critical incidents and even court cases.

An educational system that is too prescriptive and rigid does not have space for different views or opinions as only the prescribed ways are the norm. Such a normative educational process suppresses the inquisitive mind and does not enhance critical thinking, which is a prerequisite for a dynamic democracy. Traditions, e.g. school dress codes and school image that do not really contribute to the educational purpose of schools should be abolished as they form part of the hidden curriculum of an

authoritarian culture which does not enhance the dynamic development of a democracy in which human rights prevail.

9.6 SIGNIFICANCE OF THE STUDY

While knowing that the implementation of freedom of expression will pose challenges to school managers in balancing everyone's rights, I focused on what learners understand under their right to freedom of expression, as this may alert authorities to learners' expectations and perceptions of the right. Since the rights entail such a wide spectrum of nuances, I focused on learners' understanding of their right to freedom of symbolic and artistic expression, which includes their understanding of their grooming, dress, jewellery and artistic creativity.

This research could assist authorities to realise how learners understand the right to freedom of expression, which could guide them in the development of policies to ensure that the right is respected and balanced correctly.

With reference to the interpretive significance of the findings, my study has expanded the body of knowledge by documenting a hybrid case study from a province in a developing, ten year-old democracy. After ten years in the "new" democracy, learners are aware of human rights, but still need to learn to differentiate between the rights and to balance the rights with one another, using the values that underpin the Constitution. The notion that the right to freedom of expression is the core right in a democracy is not acknowledged in the implementation of this right in South African schools. The authorities need to address this threat to democracy.

Another significant phenomenon is the realisation that learners perceive the school code of conduct as the supreme law at schools. I believe that this perception originates from the authoritarian character still unexpectedly rife in schools. As indicated in § 1.2.1 South African society is characterised by an authoritarian style which originated in different spheres, e.g. the Calvinistic Eurocentric influences, the traditional patriarchal system and the Muslim religion with its Shari'ah law. This notion of an authoritarian culture hampers the development of a vibrant and dynamic democracy and needs to be addressed by government, school authorities and educational planners.

9.7 LIMITATIONS OF THE STUDY

Although I planned my journey toward understanding meticulously and considered many variables, I experienced some hurdles during the journey. This forced me to change the original journey plan during the process of the research.

One of the limitations of my study was the number of respondents. I anticipated using the respondents of five register classes (one at each of the sampled schools) for the questionnaires in phase 1. This would have provided 100 to 150 respondents. On my arrival at the schools, I found that a number of learners' consent forms had not been submitted. Interestingly, they each time assured me that they

wanted to participate in the research and that the absence of the consent form would not deter them. I explained the legal consequences and continued only with the respondents whose consent forms had been collected. This left me with 89 respondents for the questionnaires in phase 1. As the research was qualitative, this did not seem problematic in regard to the findings.

At one of the schools I realised that the class did not understand what I was talking about when I introduced myself and explained the confidentiality of the research. I then realised that I was with the wrong class. On realising then that only five respondents in the other class had returned their consent forms, I explained the research to the new class and asked them whether they wanted to participate. I returned the next day to supply them with the consent forms and returned two weeks later to conduct the questionnaire.

During phase 2 punctures, figuratively speaking, took up a substantial amount of my time. I conducted the focus group interviews at the five schools and on listening to the tape recordings to transcribe the data, realised that the sound quality of three of the five interviews was too weak to use. I had to return to the schools to re-do the interviews. The original interviews were done in August 2004. As schools do not allow fieldwork during the first and last terms of the year, I could return only in April and May 2005 for the interviews. I could not use the same learners as before as this would invalidate the findings, besides, those learners were in grade 12 by that time. I had to arrange consent forms for new respondents from the grade 11 group. Yet another puncture occurred - one of the interviews was accidentally deleted. This left me with four focus group interviews to transcribe and interpret. Furthermore, although I had planned to have five respondents in every focus group interview, some learners were absent on the day. I had five respondents in one focus group and four in each of the other three. The number of respondents for the phase 2 was 17.

Another problem that surfaced was that after I had coded the questionnaires, my computer needed to be upgraded. In the process I lost all the encoded data in Atlas.ti™. I had to start all over again. I managed to gain more insight into the data as I was forced to work with the raw data again.

Despite the mishaps, I received rich data. I definitely would have experienced further problems in managing all the data, but fortunately Atlas.ti™ assisted me with the management process. I initially coded in great detail, but redid it to reduce the number of codes to 245. Using Atlas.ti™ I categorised the codes into categories and the categories into families. From the families I deduced the patterns. Seeing that I had chosen an interpretivist paradigm, I attached meaning to the data on the basis of relationships within the families. It is, however, possible that another researcher would have seen different relations and focused on them. I structured my findings from my understanding of the respondents' creation of the reality as they experienced it.

9.8 RECOMMENDATIONS

When conducting qualitative research, the intention is not to generalise or find solutions to global problems. I therefore have no intention of generalising, but rather contextualising, i.e. in regard to the South African public school system concerning the right to freedom of expression (Adler, 1996).

9.8.1 Theoretical recommendations

The aim of outcomes-based education is to prepare learners to be critical and skilled citizens who can fulfil duties in a democracy. This aim, however, cannot be realised in an authoritarian system. The making of decisions according to the values that underpin the Constitution must enhance the culture of democracy, i.e. the skill of decision-making should be developed at schools in terms of the values that underpin the Constitution. This is only possible if the right to freedom of expression is understood and respected by all the stakeholders at schools (see § 9.8.2).

9.8.2 Recommendations for practice

During my exploration of the avenues toward a better understanding and application on school level of the right to freedom of expression, I identified the following issues, which, unless addressed, could result in serious complications.

- The school curriculum should be responsible for teaching and enhancing the culture of human rights in schools and society. Awareness should be created from an early age, not only concerning the right to freedom of expression, but regarding all constitutional human rights. Therefore human rights should be taught at schools as a compulsory subject in order for learners to know what human rights entail, as well as understand the corresponding duties and responsibilities and how to balance these rights in practice.
- The right to freedom of expression should be taught as a core right in a democracy, teaching learners not only to respect one another, but also to be critical citizens. This will contribute to a vibrant and dynamic democracy.
- Learners should master the art of speaking out, debating their rights in a classroom situation and should be equipped to defend their rights, not only against their peers, but also their superiors, without acting disrespectfully. Practical assignments involving the exercising of human rights are highly recommended, as this is a skill that needs to be developed. If this skill is not developed, the shackles of authoritarianism will remain and democracy will stagnate and lose among others, its right to freedom of expression.
- Compulsory school uniform should be abolished in public schools as it symbolises authoritarian and Calvinistic indoctrination which distorts the development of democracy. Preserving the school image has become an important aim of schools and diminishes the realisation of the educational purpose, i.e. to guide learners to become adults who can fulfil their duties as citizens according to democratic principles.
- Like the Constitutional Court, a human rights court for schools (similar to equality courts) should be introduced to investigate the abuse of rights in schools. The nature of the school

environment is so unique and precious to our society that it requires a more lenient approach on the level of the learner.

- The Department of Education should give school authorities clear and specific guidelines in balancing the right to freedom of expression. The right to freedom of expression can be limited at schools if it:
 - disrupts the school or educational process;
 - poses a danger;
 - slanders or infringes someone's right to human dignity;
 - violates other rights of others; and
 - is not in line with the educational mission of the school.

The belief that learners should not speak out in certain school situations is outdated. The above recommendations pave the way to a practical and constitutionalised interpretation of the *audi et alteram partem*¹⁶² legal principle, which will ensure that human rights are mutually respected.

9.8.3 Future research

One of the purposes of qualitative research is to generate hypotheses for future research (Yin, 1984). From my study, two patterns developed from the beginning of the data analysis to the end. These patterns generated two hypotheses to be tested by means of future quantitative research. The two hypotheses generated are:

- learners absolutise the right to freedom of expression; and
- learners do not know how to exercise the right to freedom of expression.

When dealing with qualitative research, one of the biggest challenges is to focus and not be distracted by the interesting research possibilities that arise during the investigation. This research has proved that learners do not have sufficient knowledge of their right to freedom of expression and that they do not know how to exercise the right properly. I propose the following questions for future research on this topic:

Topic 1: The teaching of human rights in schools

- How is the teaching of human rights in schools structured to support the value system underpinning the Constitution?
- What are the influences of cultural, religious and historical backgrounds on the teaching and establishing of a culture of human rights in schools?
- How can human rights principles be established in schools?
- How can human rights be taught to ensure that every specific right, including what it entails and how it should be implemented in practice, is understood?

¹⁶² The other side must be heard.

Topic 2: The right to freedom of expression at schools

- How can the right to freedom of expression at schools be balanced with the school's educational mission without posing a threat to the development of democracy?
- How does one balance the right to freedom of expression with the educational purpose of the school?
- How does one balance the right to freedom of expression with the school's image?
- To what extent does the educational purpose of the school pose a threat to the development of the right to freedom of expression and *vice versa*?
- To what extent does school image pose a threat to freedom of expression at schools and to the development of democracy?
- What is the influence of Calvinism on developing the right to freedom of expression?
- What is the influence of authoritarianism on developing the right to freedom of expression?
- What is the influence of Shari'ah law on the development of the right to freedom of expression in schools?
- What do educators' understand under their right to freedom of expression?
- To what extent is the right to freedom of expression viewed as a core right in South African schools?
- What is the understanding of learners in private schools of their right to freedom of expression?
- What is the understanding of students in the higher education sector of their right to freedom of expression?

Topic 3: The right to freedom of religion

- How is the right to freedom of religion balanced with other rights in schools?
- To what extent is the right to freedom of religion viewed as a core right in schools?
- What is the interrelationship between the right to freedom of religion and the supremacy of the Constitution?
- To what extent is there a relationship between the right to freedom of religion and the right to freedom of expression in schools?

Topic 4: Values

- How should the culture of values that underpin democracy be enhanced in schools?
- How do values influence the teaching of human rights in schools?
- How do values influence the implementation of human rights in schools?
- What is the influence of Calvinism on the development of the value system that underpins the South African democracy?

After completing the research I am certain that there are still many unanswered questions and there is a need for further research in order to enhance the development of the South African democracy, especially concerning the place of the right to freedom of expression in this regard. It would be

wonderful if government could sponsor these critical research topics. I, for one, would be enthusiastic to embark with other scholars and post-graduate students on these research topics.

9.9 EPILOGUE

In this chapter, I have presented my interpretation of learners' understanding of their right to freedom of expression. Although not all my assumptions were substantiated, my two premises were substantiated. Some learners are not aware of the spectrum implied by the right to freedom of expression, which is perceived in the literature as the core right in a democracy, and they do not know how to exercise the right. The most alarming aspect of these findings is the fact that eleven years into democracy, learners are still not aware what the right entails or how to balance it in a school situation. This does not augur well for the future of the democracy. One can further argue that the school system has failed in its educational purpose of developing minors into adults who can fulfil their duties as citizens in a democracy successfully.

I have concluded my research with a number of recommendations, indicating a field that still requires research, as it is clear that young citizens do not have sufficient knowledge of human rights and democracy. A respondent described this perception succinctly during the focus group interview: “ ... *one knows one's basic rights, but you [sic] don't know all of them in detail ...*”¹⁶³ 1:315 (1059:1061).

The onus of achieving a harmonious society rests heavily on the authorities, who need to exhort the issue of human rights, and particularly the right to freedom of expression amongst learners, to ensure the survival of democracy. My vision is to revisit this research area in five years' time; hopefully to interview a fully informed learner who has learnt to balance freedom of expression and other rights in democracy. A knowledgeable learner will develop into a responsible citizen and protagonist who will rather respect the human rights of fellow citizens than care for the horses in the streets. If this is the case, Madame Campbell's words will no longer apply to the latitude of protection the courts provide in regard to freedom of expression in South Africa (see § 1.1).

She would then possibly say: “I don't care what the horses do, so long as the people can express themselves”.

¹⁶³ Jy ken jou basiese regte, maar jy ken ook nie almal in detail nie.