



CHAPTER 7

CONCLUSION: OVERVIEW, FINDINGS, IMPLICATIONS AND RECOMMENDATIONS

7.1 INTRODUCTION

The main research question that underpinned this investigation was: How do learners understand human rights, particularly their right to education? The main issues that drew my attention to this question were:

- (a) The persistent media reports on the violation of learners' right to education in schools, For instance, Ngobeni (2001:9) reported the real grievous bodily harm following the beating of a learner by an educator, which resulted in the learner losing an eye. This is a direct violation of the learner's right to a safe school environment and human dignity and impacts negatively on the learners' right to education. Schools should be a safe place where learning can occur and where learners' right to education can be realized?
- (b) In the well known case *Matukane and others v Laerskool Potgietersrus 1996(3) SA 223* (a case involving discrimination in an educational institution) the court referred to the provisions of the interim Constitution protecting learners' right to education and stated that "every person shall have the right to basic education and equal access to educational institutions" *Matukane and others v Laerskool Potgietersrus 1996(3) SA 230*. The court further determined that in terms of this provision, a school is prohibited from turning learners away on racial grounds. In the case cited, the school authorities discriminated against learners on the basis of their race and in so doing constituted an infringement of learners' right to education.
- (c) Although there has been an increase in the amount of literature and research done on learners' rights in the legal sphere , (Abramovitch *et al* 1993:313; Abramovitch *et al* 1995:1; Cherney & Perry 1996:243; Grisso & Pomicter 1977:333; Helwig 1995:152; Melton & Limber 1992:174; Ruck *et al* 1998(a):404; Ruck *et al* 1998(b):275), relatively little research has been done in South Africa regarding learners' understanding and perceptions of their rights in general (Peens 1998:92) and freedom of expression in particular (Van Vollenhoven 2005:61).

Because of the relative silence of learners' voices in matters concerning their right to education, I became interested in knowing how learners experience their right to education. I wondered whether learners really understand what it means to have the right to education and whether they are aware of the fact that their right to education can be limited. Since the main question of this study was how learners understand their right to education, I became interested in understanding the levels of rights reasoning at which they operate when dealing with real life school dilemmas.

The working premises for this study were:

- (1) Some learners have limited knowledge of their right to education.
- (2) Some learners do not know how to exercise their right to education.
- (3) Learners employ various levels of human rights understanding when dealing with dilemmas where the exercise of their right to education is in conflict with the rights and duties of school authorities.

Under my first premise I assumed that most learners would:

- (1a) Know that their right to education involves responsibilities;
- (1b) Know that the realisation of their right to education can provide access to an array of opportunities;
- (1c) Confuse their right to education with other human rights;
- (1d) Perceive the right to education as belonging to a specific group of people.

Under my second premise I assumed that some learners would:

- (2a) Regard their right to education as absolute
- (2b) Perceive that their right to education can be limited.

Under my third premise I expected learners to:

- (3a) Employ various levels of human rights understanding when dealing with dilemmas where the exercise of their right to education is in conflict with the rights and duties of school authorities.

As a result of the above-mentioned assumptions I embarked on a quest to discover learners' knowledge, understanding of and reasoning about their right to education.

7.2 OVERVIEW OF THE JOURNEY TOWARDS UNDERSTANDING

In **Chapter one** I discussed the background and orientation, aims, rationale and theoretical framework of this research. I introduced the design and methodological considerations of the research. Lastly I addressed strategies to ensure the trustworthiness of the research and set out the chapter planning for the research.

It was disturbing to become aware of gruesome events at schools where learners were subjected to gross violations of their right to education. Ngobeni (2001:9) reported an incident in which an educator punished a learner and it resulted in the learner losing her eye. This occasion jeopardised the learner's right to education in that education cannot take place in a situation where learners are subjected to gross bodily harm and fear for their own safety. In the *Matukane and Others v Laerskool Potgietersrus 1996(3) SA 223* case learners were denied access to education because of race, a violation of the equality clause of the interim Constitution of 1993 and Schools Act Section 5(1) which provides that every learner has the right to be admitted to school without unfair discrimination based on colour, sex, language, religion or race. The *Wittmann v Deutscher Schulverein and others 1998(4) SA 423* case involved learners' right to freedom of religion at school. In this case a learners' right to education was seemingly infringed in that he was forced to attend religious instruction classes against his will but the court rules that this independent school could enforce attendance.

I decided to investigate aspects that influence the implementation of learners' right to education and the levels of human rights understanding and reasoning. I engaged in a literature review in order to find out what other scholars have already written about the topic. The literature review constitutes Chapters two and three in this thesis.

In **Chapter two** I tried to gain from the literature a sense of the historical development of the right to education (see § 2.4.1), the core content of the right to education (see § 2.6), and its recognition in the South African Constitution. When reviewing the literature about the right to education, I discovered that it was rather belatedly recognised as a human right (Volio 1979:19). After the Second World War the right to education joined other groups of human rights and it now appears prominently in the hierarchy of human rights (Hodgson 1998:39). Since human rights apply equally to everyone, education has become an undeniable means through which one can access one's rights. This implies that the right to education is a *conditio sine qua non*¹ for the enjoyment of all

¹ A *conditio sine quo non* : necessary precondition for

other human rights and one cannot fully enjoy life without having the benefit of basic education. As a result, it is one of the most complex human rights. The right to education enjoys the status of being a prerequisite for the enjoyment of other human rights (De Groof 1996:224) and it is guaranteed in the following bills of human rights or conventions: UDHR of 1948; CDE of 1960; CESCR of 1966 and CRC of 1989 (M'Bow 1979:10; Hodgson 1998:39; Detrick 1999:474-175) (see § 2.4).

The right to education is so important that it is entrenched in the constitutions of most countries of the world, including South Africa (Arajärvi 1993:405; De la Vega 1994:49; Knight 1995:195; Hodgson 1998:12-13). Knowing that the right to education is guaranteed in international human rights conventions (UDHR of 1948; CDE of 1960; CESCR of 1966 and CRC of 1989) (see § 2.4.2), the constitutions of the countries of the world and the South African Bill of Rights in particular (see § 2.7.1), one may tend to think that it is without limitation. The literature, however, indicates that human rights are not absolute (see § 2.10.). Bray (2000b:31) states that a law may limit a right in the Bill of Rights if it is a law of general application. It means therefore that the right can be limited by a law and that law must be of general application. In balancing the right (Van Vollenhoven 2005:56), the value whose protection most closely illuminates the values underpinning the Constitution should receive appropriate protection in the process. Limitation of the right can only occur when it is justifiable in an open democratic society based on human dignity, equality and freedom (section 36 of the Constitution). As the right to education is linked to most fundamental human rights, its limitation impacts on other fundamental human rights; hence it is difficult to find grounds for its limitation besides the built-in limitations and limitation by laws of general application (De Waal *et al.* 2000:135; Bray 2000b:31). Van Vollenhoven (2005:195) notes that the line between a limitation and a violation of human rights is very subtle and is not obviously clear. School authorities can easily 'limit' this right but in the process violate it or other rights and thereby compromise the principles of democracy.

In **Chapter three** I explored the scholarship on learners' perceptions of human rights (see § 3.2), development of human rights understanding, the mechanisms through which understanding occurs, the age of understanding and the aspects that influence human rights understanding. I learned from the literature that the development of understanding of human rights matches the levels of moral judgement to the extent that one could use them interchangeably. The development of learners' understanding of their rights relates to their level of moral development. In this regard the work done by Kohlberg (1969:375-388) on the domain of moral development cannot be ignored, for this study specifically deals with learners' understanding of human rights and human rights in essence involve moral issues (De Villiers *et al.* 2000:26-27). At that stage, I realised that an understanding of

moral development could assist in the interpretation of certain unexpected trends that may emerge in the results of this study (Peens 1998:35). I also discovered from the literature that the development of human rights understanding and reasoning occurs in stages and levels (see § 3.5). Although there is an overlap in reasoning with the stages of moral development, the levels of human rights reasoning are more distinctive. The works of Fernhout (1990:105-107), Kurtines and Greif (1974:454) Kohlberg (1969:376), Kohlberg & Kramer (1969:100), Kurtines & Greif (1974:454), Melton (1980:187), Pagliuso (1976:34), Rowe (1992:79), Snarey (1985:203), Salkind (1994:635) and Tapp & Levine (1974:21) provide explanations about the stages and levels of human rights reasoning and understanding (see § 3.5.2).

I discovered from the literature that development from one level of understanding to the next does not occur at the same time or same rate for every learner, but is dependent on other variables or aspects, such as the school environment (Keating 1990:77); cultural environment (Melton & Limber 1992:176-197); prior experiences with human rights (Grisso & Pomicter 1977:321); parents' attitudes towards human rights (Bohrnstedt *et al.* 1981:443); child-rearing practices (Parikh 1980:1031-1037); the level of education and the level of moral reasoning of the parents (Bohrnstedt *et al.* 1981:455); socio-economic status (Peens 1998:25); the quality of parent-child relationships (Sigel 1988:385); religious beliefs (Bohrnstedt *et al.* 1981:455) and the political environment (see § 3.4).

In **Chapter four** I described the research strategy (qualitative case study), the participants, and the process. Data collection was done in three phases. In phase one, 48 learners completed an open-ended questionnaire designed to collect demographic information about them (Table 4.1). From the 48 respondents, 24 were sampled for the second phase (focus group discussions) (see § 4.7). I purposely sampled a homogeneous sample, so that variables that might influence the results would be limited. Four focus group discussions were conducted. Each focus group consisted of six learners from a particular grade. That is, the first focus group consisted of six grade nine learners, the second was six grade ten learners followed by six grade elevens and eventually six grade twelve learners of whom three were males and three females. The main aim of holding focus group discussions was to gather broader views about learners' knowledge and understanding of their right to education. Twelve respondents then participated in phase three, namely face-to-face interviews, which lasted about 30 minutes each (see § 4.6.1.3). The third phase was intended to consolidate the information gathered during phases one and two. The decrease in number was due to the fact that some learners dropped out, as participation was completely voluntary and the increasing intensity of the methods. The interviewing stopped when it became clear that virtually the same

responses were being given and less and little if any new information was emerging. This was an indication that the data had become saturated.

The method used for data analysis was content analysis (see § 4.12). The data was manually analysed, using open coding. I worked with 182 codes for the first and second research premises. I made sure that I did not write a code without reference to its source and page number, as this would mean going back to read all the transcripts. I classified these codes into 16 categories, which in turn, were classified into three families. Two patterns evolved from the data. I counted the codes according to my research premises and then opened and named a file for the specific research premises 1 and 2 (see Addendum U). Codes for research premise 3 are recorded in Addendum V.

In **Chapters five** and **six** I presented the research findings as revealed by an inductive analysis of the data. After coding the raw data I grouped the codes into categories. These categories represent different responsibilities, aspirations (opportunities) and human rights learners perceive to have under their right to education. The categories were classified into three families, which I named responsibilities, opportunities and confusing of human rights (see figure 5.1). After interpretation of the data, two patterns evolved: some learners perceived their right to education as unlimited (see § 5.3.2), while others believed that it could be limited (see § 5.3.1). These two patterns evolved from the data addressing research premises one and two and are presented in Figure 7.1.

The same procedure of data analysis was followed to answer research premise three, for which the results were presented in **Chapter six**. I assumed that learners engage in different levels of human rights reasoning and understanding when dealing with dilemmas in which exercising their right to education may be in conflict with the wishes of school authorities. The data was analysed and classified into codes. The coded data was grouped into categories that represented the stages of human rights reasoning. I further classified the data into three levels of human rights understanding. The interpreted data evolved into two patterns indicating that learners at different levels of reasoning may either assert or not assert their right to education (Figure 7.2).

In this chapter, **Chapter seven**, I present an overview of my journey towards understanding; a summary of the main findings and their implications; and finally my conclusions and recommendations.

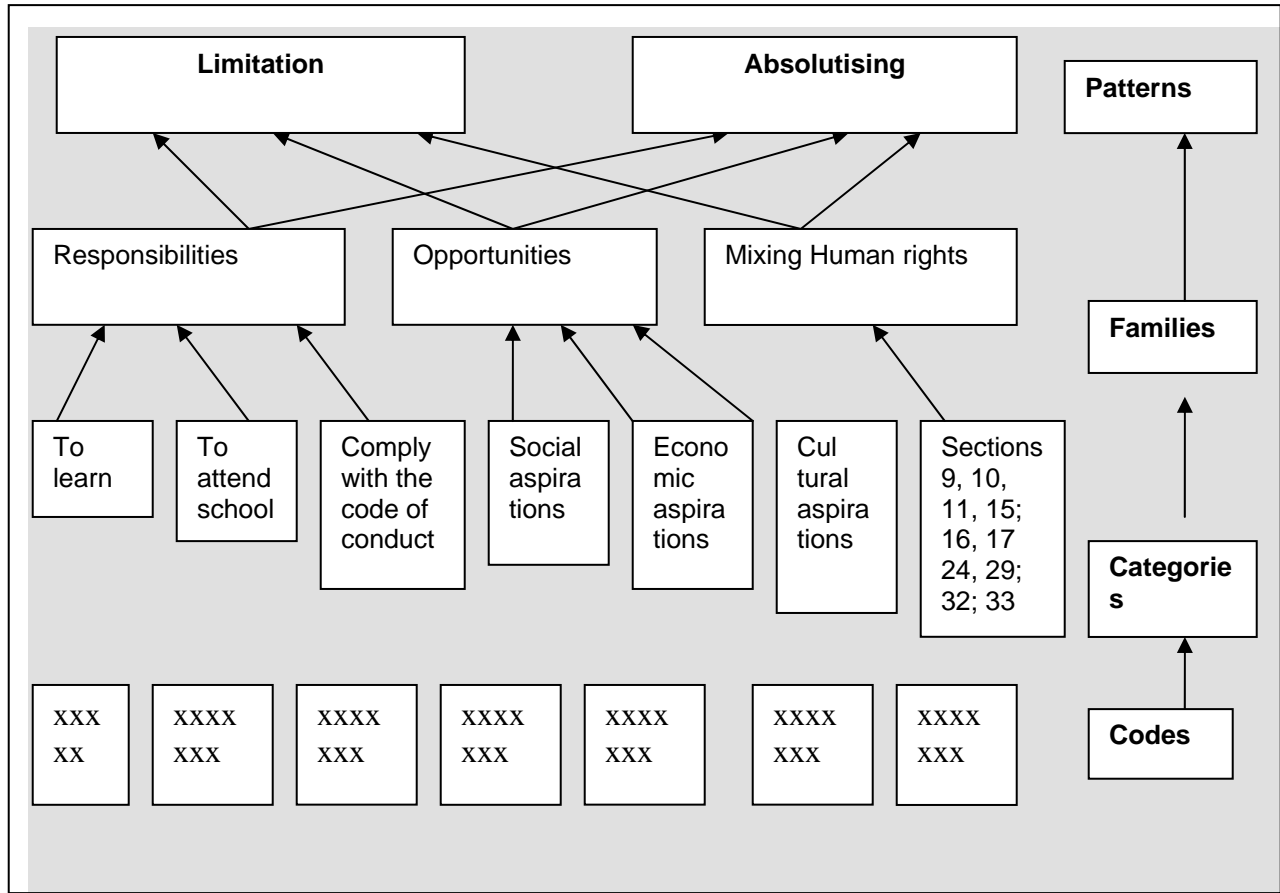


Figure 7.1: Depiction of the codes, categories, families and patterns which evolved from data analysed for premises one and two

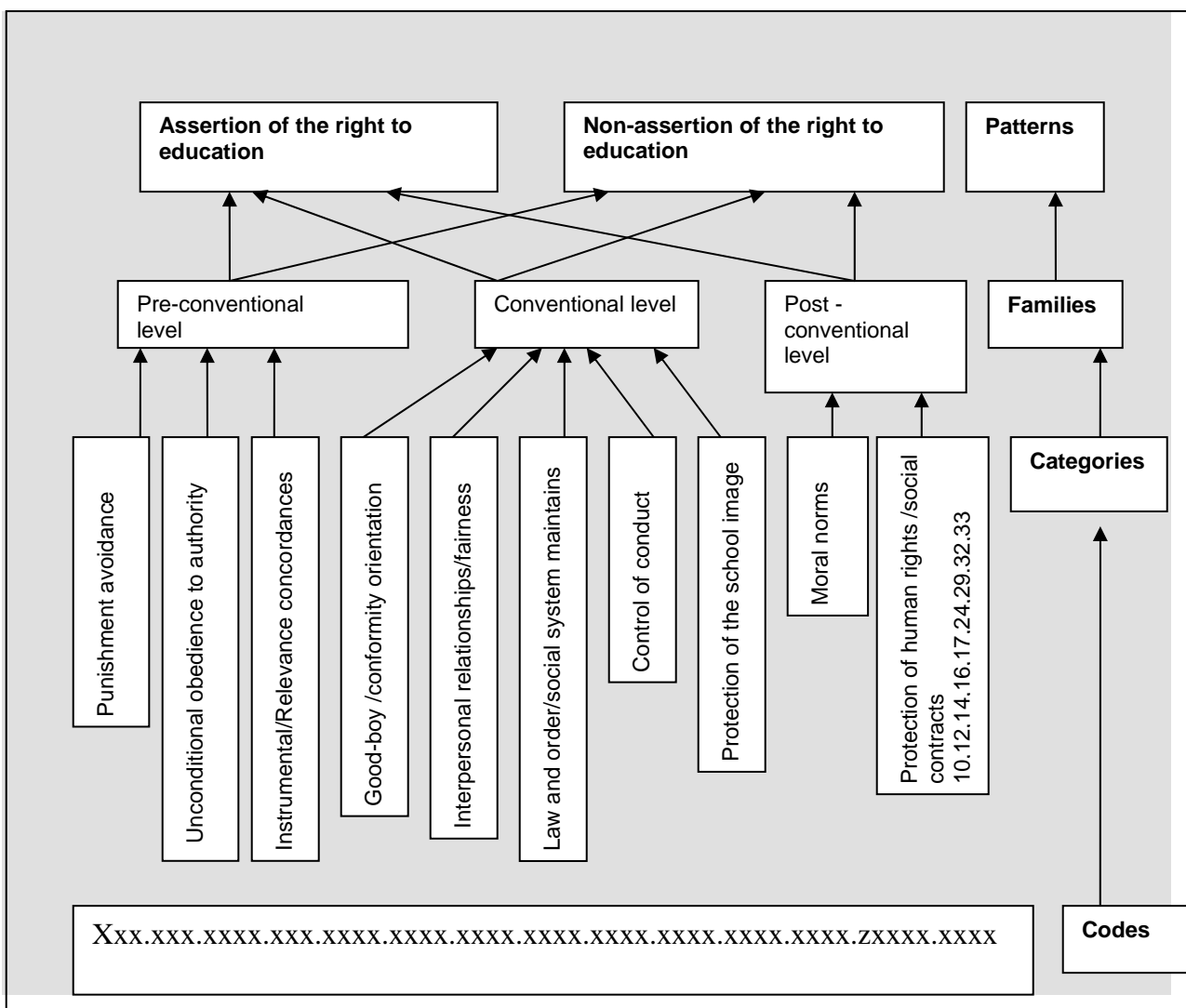


Figure 7.2: Depiction of the codes, categories, families and patterns which evolved from data analysed for premise three

Three main conclusions were reached, namely that learners have limited understanding of their right to education; do not know how to exercise their right to education and learners employ various levels of human rights understanding when dealing with dilemmas where the exercise of their right to education is in conflict with rights and duties of the school authorities (see § 1.4).



7.3 TRUSTWORTHINESS

This research is based on the interpretive research paradigm. The interpretive paradigm assumes that realities are varied and how one person knows and understands reality differs considerably from how another person understands it (Smit 2001a:69). This study examined how learners understand human rights, especially their right to education. I assumed that learners' understanding of human rights might differ from other people's understanding of this same phenomenon, as there is no single truth. The goal was to develop an understanding of how individual learners construct meanings based on their lived experiences and how they understand human rights in the context of the school (Neuman 1997:69).

My epistemological stance is underpinned by a postmodern approach. I do not believe in one objective world. I believe that the knowledge that emerges from learners' experiences of human rights in the context of the school is subjective and time bound (Cohen *et al.* 2000:22). My epistemological position is that construction of reality is relative and subjective and evolves over time and in context and thus there is no single truth (Mouton 1996:26; Denzin & Lincoln 1998b: xvii, 23). From my point of view, the social experiences, values and beliefs which learners bring to their right to education are not perceived as wrong, but only as different (Neuman 1997:69). I therefore attempted to investigate human rights understanding from the learners' point of view.

I ensured validity and reliability and trustworthiness of the findings in the following way:

During data collection, the focus group discussions and the in-depth face-to-face interviews were tape-recorded. The face-to-face interviews took place between me and one respondent at a time. At the end of each focus group discussion and in-depth face-to-face interview, I played back the tapes to verify the audibility of the interview and for the respondents to listen to their responses. The respondents were given the opportunity to add to their original responses, if they so wished. I designed focus group and in-depth face-to-face interview protocols (see Addendum S) in which I wrote notes and summaries. This gave me the chance to verify my interpretations with what the respondents had said (Gay & Airasian 2000:225; McMillan & Schumacher 2001:408-9; Schwandt 1997:137-8; Kvale 1996:189,253).

During the focus group discussion and in-depth face-to-face interviews, I asked probing questions and repeated the respondents' own words to verify points that were not clear, and to confirm with the respondents what I had heard. In this way I double-checked my interpretation of their understanding with the respondents, in order to ensure objectivity and reliability. The most

important way in the pursuit for credibility is triangulation. I used different methods of data collection. In this way I was able to check for consistency of evidence across the data sources. The same patterns evolved from both data sources (focus group discussions and in-depth face-to-face interviews).

To enhance validity, a colleague, who is an educator and a researcher, helped to choose the final vignettes (see Addendum R) from the first draft of vignettes (see Addendum Q). This was done to ensure that the instruments measured exactly what they were intended to measure. The focus group discussions and the in-depth face-to-face interviews were conducted in Tshivenda, the first language of the learners in this study. After transcribing the focus group discussions and face-to-face interviews in Tshivenda, the responses were translated into English. During transcription, the main source of error could have been that meanings might have been lost during translation, as I did not translate word-for-word, but teased out the meanings of whole sentences. I tried to translate word-for-word at first and then read the whole sentence, but in some cases it did not make sense, as I could not find English equivalents for some of the Tshivenda words. One interview transcript was given to an English educator to evaluate my translations and to ensure that the loss of meaning was reduced wherever possible. The provision of data sources in Addenda F and I, and reference to both data sources is a way of ensuring that the findings of this research adhere to the criterion of truthfulness.

During data analysis I coded the data manually and also asked an independent coder to code the data. We then compared and discussed the codes until consensus was reached. The reason behind the comparison of codes was to ensure reliability during coding and the reduction of bias.

7.4 MAIN FINDINGS

I categorised my findings according to my three research premises. Consequently I discuss first the finding that learners have limited understanding of their right to education; secondly the finding that learners do not know how to exercise their right to education; and lastly the finding that learners' levels of human rights reasoning and understanding are lower than what they should be.

7.4.1 Knowledge and understanding of the right to education

The question that underpins this enquiry is: "How do learners understand human rights; especially their right to education?" This right was explored within the context of the school. The findings of my first premise are summarised in this section.

7.4.1.1 Learners have limited knowledge of their right to education

The empirical data confirms the assumption that some learners have limited understanding of their right to education. In this study most of the responses showed that learners understand that their right to education, like all other human rights, has corresponding responsibilities (see § 5.2.1). The responsibilities that learners accept include the responsibility to attend school regularly, to learn and to follow school regulations. What emerged from the responses was that some learners do not understand that they cannot be held accountable and solely responsible under the law, if they do not attend school, but that their parents are liable if they fail to send them to school. Some learners view it as their responsibility to pay school fees and they recommended that, if the parents do not have money to pay school fees, the learner should work in order to pay the fees.

Under the first premise it was assumed that learners regard their right to education as a means to access future opportunities or to fulfill their aspirations (see § 5.2.2). This assumption was affirmed. Learners perceive their right to education as a means to gain material and financial independence, and to fulfill their cultural aspirations and social responsibilities. They feel that learning without connection to the real world is meaningless. The learners who participated in this study were drawn from a disadvantaged community. This could be the best explanation as to why they perceive their right to education to be a means of reducing poverty and helping parents to buy food and send brothers and sisters to school.

7.4.1.2 Learners confuse their right to education with other human rights

The third assumption under the first premise was that some learners confuse their right to education with other human rights. When interpreting the data, it was found that certain responses did not concern the right to education in particular, but covered a vast number of other human rights that are relevant to the learners' right to education. Learners perceived most of these other human rights as being part of their right to education. Although the right to education is related to other fundamental human rights and freedoms, it is a human right on its own. It seems that learners perceive their right to education as an umbrella or an embodiment of various other human rights. This assumption was confirmed by a number of responses (see Table 5.1).

This finding is consistent with Van Vollenhoven's (2005:151-152) finding that learners have only a vague knowledge of human rights. They know the different types of human rights by name, but do not understand what specific human rights entail.

7.4.1.3 Not knowing the beneficiaries of the right to education

Under my first premise, I assumed that some learners perceive their right to education as belonging to a specific group of people. Learners' responses showed that some of them have a limited understanding of their right to education when it comes to matters concerning the beneficiaries of the right to education. Although the majority of learners' responses recognised that the right to education is universal, some perceived that it is reserved for a specific group of people. There was a trend of perceived beneficiaries, ranging from everyone has the right to education (universal) to all learners, learners who are attending school, or only educators (specific people)(see § 5.2.4). The assumption that learners have limited understanding of their right to education was substantiated in part, in that some learners have a vague understanding of who the beneficiaries of the right to education are.

7.4.2 Learners do not know how to exercise their right to education

In terms of my second premise I found that some learners do not know how to exercise their right to education. This premise was substantiated by data collected during phases two and three. The results from the two phases were presented together as an integrated whole. Under the second premise the assumption was that some learners regard their right to education as absolute while others believe that it may be limited. The findings confirm this assumption.

7.4.2.1 Learners absolutise their right to education

The empirical data indicates that some learners tend to perceive their right to education as being absolute. As noted earlier, learners believe that their right to education in a way encompasses other human rights, without being able to distinguish between them (see § 5.3.2). As a result, they perceive that the right to education is absolute, if it concerns:

- privacy and confidentiality of information;
- expressing one's ideas;
- language of instruction;
- subjects and school choices; and
- religion.

The learners believe that their right to education allows them to learn, to do and say anything and everything they want to, at any time, and that nothing or no one must stand in their way. They also think that their right to education allows them to learn in the language of their choice, select any subject and pray at any time that they wish to. In matters concerning privacy of information, some believe that the information about test results and illness should be confidential. All these perceptions point to the fact that learners do not know how to exercise their right to education and have a vague knowledge of human rights in general.

7.4.2.2 Learners do not understand how the right to education is limited

The right to education is a fundamental human right (Hodgson 1998:18-19; Singh 2003: 16). Everyone has the right to basic education, including basic adult education (the Constitution section 29) (see Table 2.7). However, like all other human rights entrenched in the Constitution the right to education can be limited. The criteria applied in order to limit the right to education were discussed under § 2.10).

Some learners know that their right to education can be limited. Although some understand this, the empirical data revealed that they do not know how it can be limited. Most of their responses did not refer solely to the criteria for limitation laid down in sections 29, 36 and 37 of the Constitution, but instead they referred to some impediments they perceived could impact negatively on their right to education. Their understanding of the criteria for limiting human rights is inexplicable because they seem to perceive the right to education as a right that one may enjoy under certain conditions. The

following concerns were mentioned as possible ways in which the right to education could be limited:

- by the code of conduct of the school;
- in order to protect the school image;
- the educational level of the parents;
- poverty;
- in order to protect the rights of other learners;
- by the authority in order to control conduct.

The above aspects were mentioned by learners as issues that could limit their right to education (see § 5.3.1). It seems as if learners refer to what they observe around them in their daily life and school career. I conclude that although some learners know that their right to education can be limited, they still do not understand the criteria laid down in the Constitution and the legal guidelines that could help them to apply the limitation.

7.4.3 Levels of human rights understanding

The literature indicates that the age at which learners understand human rights in more abstract terms is around 15 years and older (Covell & Howe 1996:252). Although the development of understanding may be retarded or enhanced by other contextual factors such as the school environment, socio-economic background, the amount of exposure to human rights experiences and cultural factors (see § 3.4), age is a significant determinant. However, contrary to the literature, this study seems to reveal that most learners in the study sample do not yet understand human rights at Level III. The findings showed that most of them still understand human rights at Levels I and II.

After analysing the data, it was found that learners employ different levels of reasoning in situations where the exercise of their right to education is in conflict with the wishes of the school authorities (premise three). Three levels of human rights understanding seem to exist (see § 6.2.1, § 6.2.2, § 6.2.3 respectively).

7.4.3.1 Pre-conventional level (Level I)

When analysing the data, I found responses that demonstrated that some learners' reasoning could be recorded under the family 'Pre-conventional level' (Level I). Their reasons for assertion or non-

assertion of their rights were based on the fear of punishment and unconditional respect for authority. They exhibited egocentric orientations, in which rights were perceived in terms of privileges that are bestowed or withdrawn on the whim of authority figures (see § 6.2.1).

7.4.3.2 Conventional level (Level II)

The majority of learners reasoned at the 'Conventional level' (Level II). Their reasons for the assertion or non-assertion of their right to education were based mainly on the protection of the school's image, interpersonal relationships, control of conduct, conformity, and law and order, that is, maintenance of the social system (the school). Various reasons were identified for the fact that learners were concerned with siding with the school authorities and the maintenance of the school's image (see § 6.2.2).

7.4.3.3 Post-conventional level (Level III)

The most advanced mode of reasoning was classified under the family called the 'Post-conventional level'. The empirical data indicate that although the learners did not express this level of reasoning unambiguously, they did show some degree of Level III reasoning (see § 6.2.3). There were learners whose reasons for asserting or not asserting their individual human rights were motivated by the need to protect human rights and the rights of others. They took cognisance of moral-ethical principles, like the right to human dignity, privacy, equality and basic freedom. They also understood that social systems, like schools, function effectively when there are codes of conduct. A school community enters into these social contracts deliberately. But rules may be changed if they are inconsistent with universal principles.

Some learners understood that individual human rights are balanced by social standards. The best explanation for the lack of Level III reasoning might be that the learners under investigation were not previously exposed to human rights experiences, since the previous school system did not provide that experience. Cherney and Perry (1996:243) note that previous exposure to human rights experience should improve levels of human rights reasoning (see §.3.4.3).

7.5 IMPLICATIONS OF THE FINDINGS

In this section, I discuss the implications of the findings in terms of my three premises, namely that some learners have limited understanding of their right to education; they do not know how to exercise their right to education; and they reason at different levels of human rights understanding.

7.5.1 Limited knowledge of their right to education

While the literature indicates that there is a tendency amongst learners to over-emphasise their rights without taking cognisance of their duties or responsibilities (Visser 1996:3), this study found that some learners know that their right to education involves responsibilities (see § 5.2.1) and that through their right to education, various opportunities may be accessed (see § 5.2.2). However, the fact that learners view the right to education as being reserved for a specific group of people and that they are unable to distinguish their right to education from other human rights, implies that they will not be able to exercise their right to education to the full. Consequently this will have a detrimental affect on the main aims of education and learners' enjoyment of their rights in later life. Adequate knowledge and understanding of their right to education is of great importance in learners' exercising their rights. Having inadequate knowledge of their right to education could impede learners from executing their moral duty, that is, the duty expected of them in connection with their community, parents and other social responsibilities.

The foundation for the survival and development of democracy is laid in schools designing teaching programmes that are directly aimed at conveying human rights values. Understanding and experience of human rights are important elements in preparing learners for life in a democratic society.

The fact that learners as old as 15-18 years are still not sure, after twelve years of democracy, whether or not they really have the right to education, implies a lack of seriousness on the part of schools and education management in disseminating information about human (learners') rights. In other words, this finding implies that the school system is not doing enough to make learners believe that they too have this right. Perhaps schools, through their activities and the way they are run, engender in learners the perception that they do not have rights. Traditionally schools have

been organised to provide instruction in a specific curriculum, designed or laid down by the authorities, in which the knowledge gained from each subject is compartmentalized, without any links to real life. Learners are required to be passive recipients of instruction and therefore it is not surprising that in such situations they would not have the courage to assert their right to education.

Some learners tend to confuse their right to education with other human rights. When asked questions regarding their right to education, they responded in terms of their right to freedom of expression, privacy, human dignity, religious rights, freedom and security of the person and of the environment. The implication of this finding is that this poses a threat to the survival of our newly-found democracy. One way to enhance democracy is through knowledge of human rights and the application of that knowledge to the benefit of individuals and society as a whole. Learners should be able to distinguish between human rights and understand what each human right entails. People who are systematically made aware of, know and understand their rights, are more likely to have the confidence to claim them.

7.5 2 Exercising the right to education

The implications of the findings for premise two are discussed in terms of the limitations of and absolutising the right to education.

7.5.2.1 Absolutising the right to education

There are learners who believe that their right to education is absolute. This finding has implications for school management. Exercising the right to education should start with the knowledge that this right does not apply arbitrarily to any one learner. All learners at school have to enjoy their rights on equal footing, without trampling on one another's rights, or else schools will become hostile environments where all learners do as they please. If all learners were to absolutise their rights, schools might degenerate into chaos, which would threaten the safety of all learners, with the consequences that the educational purposes of the school would not be realised (Prinsloo, 2005:10). This finding might contribute to an explanation as to why schools experience discipline problems and school violence (Van Vollenhoven 2005:202).

Another point to consider is the degree to which schools are committed to human rights in general. This was not entrenched in the previous national curriculum, and thus we are far from basic knowledge and understanding of human rights in general and the right to education in particular. In the past, the notion of human rights was unheard of and, all of a sudden, learners are now confronted with an array of human rights which they should know and exercise. This might be the reason why some learners perceive their right to education as absolute.

If learners absolutise their rights it shows disrespect for other people's rights. They should be educated in a way that would enable them to work and communicate effectively with others as a member of a team, group, organisation or community, as stipulated in one of the critical outcomes of OBE (DoE 2003:2). Learners should also understand their right to education in a way that would enable them to solve problems without resorting to anger or violence.

7.5.2.2 Not understanding the limitation of the right to education

It was evident from the data that some learners know that their right to education can be limited, but do not fully understand how it may be limited. The implications of this finding are discussed here in terms of the criteria learners perceive to be the basis for limiting the right to education. Those who said that their right to education can be limited ascribed the limitation to the following issues:

- Limitation in terms of the code of conduct;
- Limitation in order to protect the image of the school;
- Limitation in order to protect the rights of other learners;
- Limitation ascribed to the educational level of the parents;
- Limitation ascribed to a lack of responsibility;
- Limitation ascribed to socio-economic status (see § 5.3.1).

These aspects emerged as major possible limitations to learners' right to education as perceived by learners, although some of these aspects are not in line with the limitation criteria provided under section 36 of the Constitution. The finding that some learners do not fully know the criteria that are used to limit human rights, particularly their right to education seems to suggest that schools are not doing enough to enhance learners' understanding of human rights. Lack of knowledge could further impede learners' assertion of their rights

7.5.3 Levels of human rights reasoning and understanding

Learners employ different levels of understanding when interpreting dilemmas in which exercising their right to education is in conflict with the school authorities. The implication of this finding is discussed under the three levels of reasoning and human rights understanding as exhibited by learners' responses, namely the pre-conventional level (Level I), the conventional level (Level II), and the post-conventional level (Level III).

7.5.3.1 Human rights understanding at the pre-conventional level (Level I)

Some learners' reasons for asserting or not asserting their right to education were based on unconditional respect and obedience to authority and the fear of punishment or bad consequences that they perceive might happen to them. This finding implies that their level of human rights reasoning is at a low level (Level I). This mode of reasoning might have originated due to the cultural background of learners, for example, some cultures stress unconditional obedience to authority. Learners from poor societies have never experienced their rights being recognized, and they are therefore suspicious as to whether exercising their rights might result in punishment. The school is an institution that is supposed to enhance learners' reasoning and should develop their ability to think critically and develop into independent citizens. It should create strategies that enhance critical thinking and develop learners' reasoning potential that exemplify Level III reasoning, that is, principled reasoning. The literature stresses that the age at which learners should understand human rights at a more abstract level is around 15 years and above (Covell & Howe 1996:252).

The implications of this finding is that educators need to be aware of the level at which learners are operating, in order to provide effective motivation to enhance or to accelerate their rate of development towards a more advanced level of human rights reasoning. Learners at Level I (the punishment /obedience level) need to be encourage to proceed to Level II (the conformity and social system maintenance level).

7.5.3.2. Human rights understanding at the conventional level (Level II)

There were some learners in this study whose level of human rights understanding exemplified the conventional level of reasoning. Their justifications for asserting or not asserting their right to education were based on a conformity orientation, interpersonal relationships, control of conduct

and protection of the school's image. The literature indicates that learners who think in this way are still unable to make decisions on their own. They need systems of rules and regulations that give them directives on what to do. This contradicts the aims of OBE, which stresses the fact that education must develop decision-making and critical thinking habits within learners, and they must be able to use knowledge they have gained to solve problems they face in their daily life. Learners at Level II (the conformity and social system maintenance level) need to develop to Level III reasoning.

One can ascribe the Level II mode of reasoning to the fact that the previous school system required learners to abide strictly by school rules and regulations and the 'do it our way' philosophy. Most of the educators who are teaching today are products of the previous education system. The implication is that the development to principled reasoning and critical thinking is being retarded instead of accelerated, if schools and the home emphasise conformity and the maintenance of the social system. The blame cannot be placed only on the school system, since a learner is a product of different socialisation agents, such as faith communities, the home, the political environment, one's cultural and socio-economic background, experiences with human rights, and age.

7.5.3.3 Human rights understanding at the post-conventional level (Level III)

The post-conventional level (Level III) of human rights understanding is the highest level of ethical principled reasoning. People who reason at Level III understand that human rights are universal values and principles that all human beings have, by virtue of being human. To them, the validity of social laws is evaluated in terms of the degree to which they protect and serve fundamental human rights and values. Although some learners did exhibit reasoning at Level III, the majority of responses were classified under the first two levels. This implies that there is still room for those learners to develop to Level III of human rights reasoning and understanding.

Rowe (1992:80) argues that progress to the higher level can be accelerated by challenging learners at a particular level, with arguments pitched at the next level. In other words, progress through the stages takes place when a learner's thinking is challenged by a more advanced argument. This seems to suggest that educators should adopt open-ended approaches that require learners to interact mentally with the learning content and dilemmas at hand, in such a way that their existing mode of thinking is challenged and they contribute their own reflections. This would be the first step in ensuring that democratic values are promoted and sustained.

7.5.4 Learners' theoretical understanding of their right to education

When analysing the data it was found that learners' knowledge of human rights, and their right to education in particular, is limited. When answering questions directly related to their right to education, they give responses that concern other human rights to such an extent that they seem to interweave the right to education with other human rights. To them, the right to education seems to be the embodiment of other human rights and they scarcely referred to the right to education as provided for in the Constitution. Only on one occasion did grade eleven learners say that their right to education allows them to be educated in the language of their choice (see § 5.3.2.4). No learners referred to their right to compulsory education, until they were confronted with the scenario in which they were required to solve a dilemma concerning payment of school fees (see addendum R). Even though the right to education has inbuilt limitations, learners appeared to be unaware of such limitations.

The fact that learners have a limited theoretical understanding of their right to education poses a threat to the survival of democracy, because learners are the leaders of tomorrow; they should be able to think critically, solve problems without resorting to violence, and be able to respect the rights of others as they would like others to respect their rights. Learners should be able to differentiate between human rights as provided for in the Constitution, and know what each human right entails.

What came to the fore is that learners regard the school code of conduct as the basis for limiting their right to education and as the supreme law of the school, surpassing even the Constitution in importance. This might be a consequence of the bureaucratic nature of schools and their emphasis on strict adherence to the school's code of conduct. As a result, most learners regard the code of conduct and the authority of educators as unquestionable, although some consider school rules as being relative and changeable. Such anti-democratic trends compromise the teaching situation and learners' reasoning and understanding of human rights (Alderson 1999:186).

Some learners viewed their right to education as absolute. Again this is indicative of the fact that they do not understand that human rights are not absolute. They believe that their right to education cannot be limited if it concerns religious education, privacy and human dignity. The danger herein lies in the fact that absolutising human rights, either by a code of conduct or any other justification is not healthy for the survival of democracy. The fact that learners are reasoning mostly at Level I and not yet at Level III, and the authoritarian leadership style that is still rife in our school system, impact

significantly negatively on the development of a human rights culture, specifically the right to education.

7.6 SIGNIFICANCE OF THE STUDY

This section reflects on the interpretive significance of the findings of this study. While other studies address learners' understanding of human rights in legal and medical spheres, this case study expands the knowledge base by documenting learners' understanding of human rights in the educational sphere, in particular their understanding of their right to education. This study documents a case study from a rural school in a developing, twelve year old democracy. After twelve years in the 'new' democracy, learners are aware of human rights, but still need to learn to differentiate between various rights and to balance the rights with one another, using the values that underpin the Constitution.

This study found that, in the particular sample of learners selected, their understanding of human rights is limited. The right to education is a prerequisite for the enjoyment of other human rights; however it is threatened by the fact that learners still believe that it is a right that is reserved for a specific group of people. That, in itself, is a hindrance to the realisation of the right to education and consequently an impediment to the realisation of democratic values.

In this case study, the learners' levels of understanding and reasoning were not at the levels that could be expected in terms of Kohlberg's (1969: 376-386) theory of moral-ethical development. This mode of reasoning might have surfaced because these learners come from low socio-economic backgrounds and may have experienced their basic needs not being met (see § 3.4.7). The challenges facing schools and curriculum developers are to discover means and have strategies in place to enhance and accelerate the rate at which learners' reasoning and understanding of human rights develop. The school system also faces the enormous task of persuading learners that the right to education belongs to them too; if not, it will remain nominal and of no practical, social, economical and cultural value.

Another significant phenomenon is the fact that when the right to education is not asserted, learners tend to side with the school authorities. They exhibit unconditional respect for authority and defer to the supremacy of the school code of conduct. Although there are several aspects that influence learners' development of understanding of human rights and rights reasoning, the cultural

backgrounds and the school environment in which learners find them could have contributed toward this finding. The learners under investigation belong to a cultural group that emphasises unconditional respect for and obedience to authority, and a school system that is authoritarian. The authoritarian school system might have emerged from the fact that the notion of human rights was unheard of in the previous South African education system. These two modes of understanding (unconditional respect for and obedience to authority, and the perception of the supremacy of the school code of conduct) retard learners' development towards principled human rights understanding, including the principles that inform the right to education, namely human dignity, equality and basic freedom. The fact that learners tend to abandon their right to education in these ways, suggests that school authorities, education planners and government should take into consideration the cultural background of learners when designing the curriculum, so as to accommodate divergent perceptions of the right to education.

Furthermore, this study has shown that learners employ different levels and modes of human rights understanding. Most responses gathered exhibit understanding at Levels I and II. This finding is of great importance in that education planners and educators need to be aware of learners' levels of understanding and reasoning, in order to plan curricula accordingly and to design strategies to enhance the rate of development of human rights reasoning. Information about learners' concepts of their rights and the phenomenon of the exercise of their rights is necessary in designing structures and procedures for realising learners' rights in a manner that is protective of their other rights, particularly their right to education.

7.7 LIMITATIONS OF THE STUDY

The respondents of this study were purposefully sampled and the sample was small. Besides these limitations, this case study involved the learners of one school from a rural setting, one cultural group and one segment of learners aged between 15 and 18 years. I did not intend to seek global generalisation of the findings, but only to contextualise the findings within a bounded context. The patterns that evolved from the data are not representative of all learners in South Africa and it cannot be claimed that all patterns in learners' understanding of human rights have been identified. In this regard Stake (2000b:22) notes that particularisation of the finding is the lone distinction of merit. I cannot claim that one would achieve the same results with a more heterogeneous sample or that the results of this study apply to a broader sample beyond the scope of this study. Even if another unbiased researcher were to undertake a study within the same parameters as this study, it would be improbable that identical interpretations and findings would emerge (Gay & Airasian

2000:223). The greatest value of this study hinges on the fact that instead of producing findings that are generalisable, it points to new trends, which further studies may explore (see § 7.8.3).

I experienced difficulties with regard to gaining access to the school originally selected. Permission was granted from the circuit manager of the Soutpansberg East Circuit to conduct research at one of the secondary schools in this circuit (see Addendum H). One secondary school was purposefully selected, after which the principal was phoned and informed that his school had been selected. An appointment was made in order to discuss the arrangement with him. On arrival I introduced myself to the principal and gave him a letter of permission which I had obtained from the circuit office to conduct my research. The purpose of the study was explained, and what learners would be expected to do. Various documents were handed to the principal, including the letter of permission to conduct the research and the consent forms which the parents had to read and sign (see Addendum N). A date was arranged on which data collection should start. On the scheduled date the principal was not in and the deputy principal of the school had not been informed about my visit. A second appointment was made and confirmed with the principal telephonically. On the return visit, it was found that no arrangements had been made with the learners. I was told that the principal was very busy and could not attend to my request. Considering that my second attempt had failed, I decided to purposefully select another school. I followed the same procedures as I did with the first principal. This time I was more cautious and I succeeded in collecting the signed consent forms from the principal.

The focus group discussions and in-depth face-to-face interviews were conducted in Tshivenda. After transcription, I translated the text into English. I translated a few paragraphs word-for-word at first, only to find that some sentences were not clear, and I could not find English equivalents for some Tshivenda words in the context. Later on, where necessary, I translated the meanings of whole sentences. In order to ensure reliability, I asked one of my colleagues who is an English educator to translate one transcript in order to compare the resultant meanings.

Although I encountered difficulties in data collection and transcription, I was ultimately able to collect data rich in themes and patterns. I was then confronted with the problem of a massive amount of data. Analysing data manually is a laborious, tiresome and time consuming process. I asked an independent coder to help me with the coding and we then compared codes. I clustered the codes into categories, and the categories into families. On the bases of the fact that I worked in an interpretive paradigm, I assigned subjective meanings to the data in terms of the relationships

between the families; hence the possibility that another researcher would find other relationships between families is high.

Furthermore, I acknowledge that I am a black Tshivenda-speaking female (from a South African ethnic minority group) influenced by history, culture and religion. I found it hard not to interpret some of the learners' revelations as reflected by my own experiences, because I have experienced the violation of human rights as a result of the previous apartheid regime, and oppression in the name of culture. According to Blaikie (2000:252) it is difficult to report the results of the study purely from the point of view of the respondents. In this regard, Gay and Airasian (2000:223) note that researchers bring something of themselves into a setting and ultimately their individual backgrounds and preferences might surface in the outcomes of the research. I tried my best to be objective in conducting this research. I believe that everyone creates his own truth and I therefore cannot claim that my beliefs and experiences did not influence my research.

7.8 RECOMMENDATIONS

Yin (1993:31) indicates that a case study is an empirical inquiry that aims at investigating a particular contemporary phenomenon and the context within which a phenomenon is occurring. The contemporary phenomenon in this study is 'knowledge and understanding of the right to education' in a real life context (the school) (Miles & Huberman 1994:25). This case study was concerned with the discovery and understanding of meaning, as seen from the perspectives of those who were researched (the learners), and trying to comprehend their views and perspectives of the world, rather than my own (Smit 2001a:58).

In this section, I present my recommendations in line with the findings of this study, in terms of theoretical and practical recommendations, and those for further research.

7.8.1 Theoretical recommendations

Amongst the critical outcomes of the OBE, is to develop in learners critical and creative thinking skills and to enhance their understanding of democratic values (DoE 2003:2). Understanding of democratic values is important for the survival of our democratic South Africa, because values and morality give meaning to our individual and social relationships. These ideals cannot be realised if schools are authoritarian and emphasise conformity, as such processes discourage divergent

thinking. The right to education is a prerequisite for the enforcement and fulfilment of all other human rights; this right and all the values which underpin the Constitution need to be realised through human rights education. Human rights education is more than just lecturing or providing basic education; it is an overarching process of addressing all variables and systems in society. The education system should be able to produce a citizenry that is imbued with values and acts in the interests of society based on the respect for democracy, equality, human dignity and social justice, as promoted in the Constitution. This can be achieved if schools and stakeholders understand and respect learners' right to education, and are committed to exploring all avenues that will enhance the actualisation of this right (see § 7.8.2).

7.8.2 Practical recommendations

In Chapter 2 aspects were identified that could contribute towards a better understanding of the right to education and acceleration of the development of human rights understanding and reasoning from a lower level to a higher level. The findings indicate the following issues that need to be addressed:

Learners have a limited understanding of their right to education and other human rights. This was evident from the fact that respondents confused human rights with one another, and did not know what each right entails. Schools have the capacity to fully and effectively develop learners' understanding of their rights and to shape their attitudes. They are the potential agents for socialisation. I therefore recommend that the school curriculum should include human rights education as a compulsory subject, in order to enhance learners' understanding of human rights. I emphasise that human rights education must transcend the cognitive domain (knowledge of human rights) to include the affective domain (feelings and emotions, such as appreciation and sensitivity). This would involve not only teaching learners the provisions contained in the South African Bill of Human Rights and about human rights in general, but also transferring skills, values and attitudes necessary for the survival of a human rights culture and democracy. Thereafter the curricula should be expanded to include the provisions in the Convention on the Children's Rights and the Declaration of Human Rights. This should be in the form of a process, which would take time. People who are systematically made aware of, and know and understand their rights, are more likely to claim them and be able to apply them.

Some learners perceive the right to education as belonging to a specific group of people. They do not believe that they too, along with all other citizens, are entitled to the right to education. The reasons they bring forth for such perceptions include, among others, their socio-economic background and the level of education of their parents. Learners perceive these as potential impediments toward attaining an education. Learners experience poverty, illiteracy in the family and authoritarian school systems in their daily life, and one may not ignore the impact on learners' understanding of their right to education. Consequently I recommend that measures be taken to make education more accessible for the poor. Primary, secondary and ultimately, tertiary education should be made progressively free, where possible.

Learners do not understand how to exercise their right to education. Some learners tend to view their right to education as unlimited, while others express the knowledge that it could be limited, and there were a few isolated cases in which learners did not know whether or not limitation is possible. In this regard, it is recommended that schools should exemplify or be an embodiment of the culture of human rights. Schools should, through their ethos, policies, mission and eventually administrative activities, embody respect for human rights. The wording of the provisions of human rights in the Constitution and other human rights instruments is very abstract and there is a need to distil the meaning to an extent where learners know how the rights apply to them. Learning should go hand in hand with practical experience, exercising rights and executing duties in daily school life. As soon as issues of human rights are remote from learners' everyday, life they (human rights) seem to be dead words and there seems to be no incentive to learn about them.

There were learners whose level of human rights understanding and reasoning were at Level I and II, but rarely at Level III. Their reasons for asserting or not asserting their right to education were based on unconditional respect for and obedience to authority, fear of punishment or bad consequences that they perceive might happen to them, maintenance of the school's image and loyalty to the school. This finding implies that, with a low level of human rights reasoning, it is difficult for learners to exercise their right to education. It is important to engender in them the courage to stand up and claim their rights meaningfully and without fear. The teaching of human rights is recommended, using methods that will promote critical thinking skills and accelerate the development of Level III of human rights reasoning. Level III reasoning takes cognisance of ethical moral values and respect for one's own and other people's human rights. Learners must be engaged in discourses of dilemmas that contain moral and controversial issues (De Villiers *et al.* 2000:27).

The remedy lies with the government and the Department of Education in particular, to ensure that all learners are educated. Those who have already left school without obtaining basic education and functional literacy should be forced to pursue adult basic education, which should be free and compulsory. That would serve to redress past imbalances, particularly with regard to human rights education.

The education system should be able to contribute to a citizenry that is imbued with values and acts in the interests of a society based on respect for democracy, equality, human dignity and basic freedoms as promoted in the Constitution. This can be achieved if schools and the social communities understand and respect learners' right and are committed to explore all possibilities that will enhance the development of human rights reasoning to higher levels. Schools should be positive towards all learners, and recognize that all achievements are important, weather they be academic, artistic, musical or sporting. In short, what is needed is *education for human rights* not *education about human rights*

7.8.3 Recommendations for future research

The findings of this research are that:

- **Some learners have limited understanding of human rights, and of their right to education in particular**
- **Some learners do not know how to exercise their rights, especially their right to education**
- **Learners employ various levels of human rights understanding when dealing with dilemmas where the exercise of their right to education is in conflict with the rights and duties of the school authorities.**

Various avenues for further studies are discussed in this section, which will be more effective and extensive if certain lacunae of the present investigation are considered.

This study analysed the understanding and reasoning about human rights of learners belonging to one cultural group, from non-affluent families, between the ages of 15 and 18 years, and attending a rural public secondary school in the Limpopo province. Future studies could perhaps focus on the participation of other cultural groups, and learners in primary schools, to ascertain what their understandings of human rights are, in particular their right to education.

The influences of socio-economic status, age, political changes, and cultural beliefs on how learners understand human rights might be an area for further research. The extent to which these variables affect learners and adults' perceptions of themselves, their future, and human rights is not known. In order to obtain such information, we would need to explore a number of thorny questions, namely:

- How should schools teach human rights to such an extent that learners gain courage to assert their rights?
- To what extent does practical experience with human rights influence the assertion or non-assertion of rights?
- How does/should the school system educate learners for human rights? How should that differ from human rights education offered by the legal fraternity?
- What is the influence of authoritarian school leadership styles on learners' development of understanding of human rights?
- What is the influence of school leadership styles on the survival of democracy and respect for human rights?
- How can human rights be taught at schools to ensure that learners' understanding and reasoning about human rights reach the post-conventional level (Level III)?
- How can human rights principles be established in schools?

7.9 EPILOGUE

In this chapter, I presented the overview, findings, implications and the recommendations that have emerged from this research. The purpose of this study was to analyse learners' understanding of human rights, particularly their right to education. All my three premises were substantiated.

Surprisingly, some learners have limited understanding of their right to education, which right is perceived in the literature as a prerequisite for the enjoyment of other human rights. They have a vague knowledge of human rights in general, and do not know how to exercise their right to education, despite the fact that they have lived in a democracy for more than twelve years.

Contrary to the literature which indicates that the levels of human rights understanding and reasoning of learners between the ages of 15 and 18 years should exemplify adult-like levels, the findings of this research indicate that there are some learners whose levels of human rights understanding and reasoning are still at lower levels (Levels I and II). This occurs particularly when

they are confronted with dilemmas in which they have to decide whether to assert or to abandon their right to education.

As a result of these findings, it can be argued that schools are not doing enough to make learners' right to education a reality and to enhance their levels of human rights understanding reasoning. Given the fact that some learners still understand human rights at the lowest level (Level I) it is assumed that there must be other explanations and influences that surround the development of rights understanding, besides the school.

This study concluded with a number of recommendations, including opportunities for further research. It is hoped that the strategies suggested in the recommendations will contribute to enhancing learners' understanding and realisation of their right to education, and their reasoning capacity, as these skills are important for the continued existence of democracy and the enjoyment of all other human rights. We must, however spare ourselves disappointment, and not pretend that we can enhance learners' knowledge, understanding and reasoning of human rights by means of a few human rights lessons over a month, a year or so. Certain human rights thoughts and attitudes are deeply embedded in traditions and cultural beliefs. Some human rights have been accepted or rejected according to beliefs and practices known and followed for generations. To be able to transform such entrenched thoughts and beliefs, human rights education will have to be a long-term process; the results of which will only become evident in future generations.

In conclusion, I quote from the following writers who encapsulate my philosophy about human rights:

If we can make learners appreciate anything, we should emphasise that human rights issues do not lie dormant in the dusty writings of philosophers long dead, but rather continue to evolve to advance our history in new ways (Nader, 1992:212)

The child's right to education is a requirement of human dignity. It is unacceptable that in the world of ours, possessing a store of scientific and technical knowledge unprecedented in history, there should be, side by side with the privileged people commanding access to the resources of knowledge, hundreds of millions, not only of boys and girls, but also of men and women, who are denied the possibility of simply learning to read and to write (M'Bow 1979:14-15).