

Conclusion

This thesis has covered many areas and issues pertaining to human rights in South African education. I have argued that formal equality provisions of human rights are important and establish the necessary conditions for human rights. However, such provisions tend to be universalised, generalised and legalistic. In framing human rights in these ways formal equality provisions do not address the specificities of human lives on individual levels. Thus, whilst necessary, formal human rights provisions are not sufficient.

Making human rights more specific and personal entails increasing substantive equality provisions, which are possible in the law, and increasing interventions that are not in the law. Substantive equality provisions which include preferential treatment, have the possibility within the law to address people within social categories, such as 'race' and gender, and the potential to reach particular individuals in the spaces in which they live their lives. Programmes outside of the law include putting in place supportive measures and forms of assistance such as counselling services, empowerment programmes and nutrition schemes, for example. However in order to make human rights more particular and personal, it is crucial to go beyond the predominant legal and philosophical approaches to human rights which formalise, abstractionalise, depersonalise and universalise human rights.

This thesis has attempted to argue for a sociology of human rights (in) education. I have centrally used the work of Stuart Hall on a "theory of articulation" and Lawrence-Lightfoot's approach of "portraiture". I have done so in order to ascertain whether such an approach would enable an exploration of human rights to overcome the limitations of existing approaches. This analysis has shown that the idea of human rights requires an approach that can go beyond the legal requirements of human rights and cover the macro influences that shape the ways human rights get operationalised in specific historical contexts and the ways it is

articulated with individual experiences. Three important features became apparent in such an attempt.

Firstly, there is a need to be empirical in one's considerations of human rights. One cannot chart out what the macro and micro influences are on individuals' lives without recourse to empirical investigation of the specific forces that constitute them. The actual experiences of people's lives are not philosophical abstractions, neither are they captured in syllogistic legal reasoning and technicalities of the law.

Secondly, approaching human rights specifically has also entailed attempting to balance the micro and macro, the individual and social, and formal and personal. The "theory of articulation" and the approach of "portraiture" have been demonstrated to offer theoretical possibilities for carrying together the macro and micro simultaneously.

Thirdly, making human rights more specific within a sociological approach has also necessitated the use of multiple research methodologies and instruments. In this regard, I have provided data generated through qualitative and quantitative methods and used the instruments of surveys, questionnaires, individual and group interviews and observations. In order to "articulate" the different kinds and levels of data that have been generated, I have also argued for the need for "polyangulation" to ensure the validity and reliability of the data, and so that they speak to each other in constructing the "portrait" that emerged.

I have applied such a sociology of human rights in education in South Africa by looking at human rights under apartheid and in the post-apartheid context. I focused on 'race', gender and sexual orientation in order to show the complexities of the interconnectedness between such social categories, to avoid essentialism, generalisation and the reification of social categories. I have also done so in order to resist the tendency to project apartheid as if it was only a system of officialised racism. I have also brought these considerations to bear on the individual lives of

Mandela and Nkoli under apartheid, and Tulani and Dion in the research done for this study within a post-apartheid context.

By using the different research methodologies and instruments, I have empirically shown what pertains on national levels in relation to human rights education interventions, the ways the sample of Grade 9 teachers and learners understand and experience human rights, profiles of five schools and 2 sketches of gay learners.

In many ways, though, I have been able to only open up the possibility of doing a sociology of human rights (in) education. I have only been able to paint the portraits in broad strokes, and chart out the terrain rather than travel through all of it. In this sense, there is much more that can now be done, a greater amount of detail, subtleties and nuances can be delved into and portraits can be painted with more colour and texture so that they may be "aesthetic wholes" (Lawrence-Lightfoot and Davis, 1997: xvi). These, however, point to future possibilities to take forward the field that this thesis has opened up.

In concluding this thesis, there are a few issues that need attention. First, since the completion of the empirical work for this study, there have been a few important developments in regard to human rights in South African education. Second, it is important to outline some suggestions in regard to approaching human rights (in) education, given the findings of this study. Finally, it is also necessary to indicate what future research in this area may include in the hope that such suggestions may be taken forward by others in their attempts to develop a human rights (in) education.

Since 2000, after the empirical work for this study was done, there have been a few significant developments in regard to human rights in South African education. It is not possible, however, to analyse them here or to provide a detailed account of the many features that characterise them. I merely provide a list of what these interventions are and brief details about them. The interventions

I discuss in what follows include: the establishment of the ‘Race’ and Values Directorate in the National Department of Education; the release of the *Manifesto of Values, Human Rights and Democracy in Education*, the Revised National Curriculum Statement and provision of training for educators in regard to the RNCS.

The ‘Race’ and Values Directorate

The ‘Race’ and Values Directorate (RVD) was established in the national department of education (NDoE) in 2000. The need for a RVD was motivated primarily by the findings of the SAHRC concerning racism in public secondary schools (see Vally and Dalambo, 1999 for the SAHRC's report on racism in public schools). The SAHRC's report noted that there is a high level of racism in schools and that there was no structured and systemic way in which learners and teachers are receiving support in order to deal with such experiences of racism in schools. In a seminar held by the NDoE in 2000 it was noted that whilst ‘race’ is predominant in the experiences of schools, other forms of experiences (for example, those that are gender based or related to HIV/AIDS) are equally important. It was also pointed out that the experiences of racism in schools, like the experiences of other issues, are directly linked to human rights. The RVD was established to provide a structure in the educational system to support learners and educators in relation to their dealings with racism and in order to develop and promote a culture of human rights in schools. The activities of the RVD since its establishment have included the following:

- **Research on Values in schools (2001)**

In the process of developing the *Manifesto on Values, Human Rights and Democracy in Education*, the RVD funded a research project to investigate what learners' and educators' perceptions of values were in selected schools (Porteus *et al*/NDoE, 2002). Conducted by the Education Policy Unit of the School of Education of the University of the Witwatersrand, this research project served the purpose of legitimating the intended initiative of the NDoE to release a *Manifesto*

on Values, Human Rights and Democracy in Education, to inform its content and implementation. However, the research on values in schools also indicated the need to empirically investigate what school-based actors' perceptions and experiences are of values and to locate the initiatives of the RVD in the micro contexts of schools.

- **Production and release of the *Manifesto on Values, Human Rights and Democracy in Education* (2001-2003)**

In 2001, the then Minister of Education, Kader Asmal, put together a team of seven people to work on a report on values, democracy and education. The process by which this team was constituted was criticised by many for its lack of consultation with people in the education sector and critical reservations about the translation of human rights into values in it. I have elsewhere (Carrim and Tshoane, 2003) argued that the focus on values in education, as opposed to human rights was linked to global economic pressures, particularly from the Commonwealth of Nations, that were increasingly focusing on values. More significantly though I raised concerns about the displacement of human rights to values and the dangers of mainly religious fundamentalism in the discourse of morality, upon which the focus on values rests. In this regard, I argued for the need to recognise and go back to the values embedded in the Constitution of South Africa, and to ensure the necessary focus on human rights that are contained in the Constitution. Following a conference on the team's report on values, democracy and education, the Minister then appointed an independent consultant to draft a version of the Manifesto that would incorporate and respond to the criticisms that were raised of the team's report and the conference findings. The Manifesto that now exists is a result of this process.

The goal of education in South Africa as articulated in the *Manifesto on Values, Education and Democracy* (2003) is to “free the potential” of all South Africans by imparting to them the knowledge, skills and values that will make them effective, productive and responsible citizens. In line with this goal, the NDoE has undertaken to ensure that all education institutions reflect the ethos and principles

of the Constitution. Ten of the constitutional values are listed in the Manifesto. The Manifesto further outlines sixteen strategies on the ways in which these values can be promoted. One such strategy is about infusing the classroom with a culture of human rights (Fante, *in* NDoE, 2005).

The Manifesto focuses on what it regards as the “Ten Fundamental Values of our Constitution”. These values are: “democracy, social justice and equity, equality, non-racism and non-sexism, ubuntu (human dignity), an open society, accountability, the rule of law, respect, (and) reconciliation” (NDoE, 2003). The Manifesto is an attempt to make the Constitution a "living document" given the NDoE's admission that people were not experiencing the purposes of the Constitution in their daily lives and in schools.

- **Marking Human Rights Days**

On the basis of the *Manifesto* and in an attempt to implement it in schools, the RVD has also put into place programmes to promote an awareness of human rights and days which mark human rights struggles and achievements, such as Human Rights Day, Youth Day, and Women’s Day and so on. Several activities are arranged by the RVD to celebrate such days, ranging from concerts, performances of various forms of art, exhibitions, camps and excursions. As indicated in Chapter 10, data from Schools 2, 3 and 5 (see pages 336, 362 and 363) indicate that they have used and benefited from such an initiative, in that they have marked human rights days in their schools and were motivated to do so by the initiative of the RVD. Posters, stickers and other paraphernalia are produced by the RVD and distributed in schools to accompany such events.

- **Ensuring the infusion of human rights and values in the revisions of the curriculum (2001-2003)**

The RVD also ensured that it was involved in the revisions of C 2005 in relation to both the General and Further Education and Training bands. Through its involvement, Human Rights and Inclusivity Working Groups (HRIWGs) were set up as one of the curriculum development structures during the curriculum

revisions. The HRIWGs were briefed to monitor and ensure the infusion of human rights and values in the revised curriculum from learning area statements, outcomes and assessment standards (see NDoE, 2000, and Keet *et al*, 2001). Although the infusion of human rights in the revised curriculum is arguably more a "minimum infusion" (see Carrim and Keet, 2005 for a detailed discussion on the mode of infusion used in the revised curriculum), the RVD has, nonetheless, initiated and monitored the infusion of human rights issues and concerns in all learning areas of the revised curriculum.

- **Dissemination of learning support materials related to human rights and values (2001 onwards)**

The RVD has also supported schools by producing and disseminating learning support materials that deal with human rights issues and concerns in schools nationally. In addition to distributing copies of the *Manifesto* and simplified versions of it in schools, "new" South African flags and badges, and copies of the Constitution and other educational policies and laws, the RVD has also provided materials that support the revised curricula. These have included copies of the curriculum statements and booklets related to gender based violence in schools, HIV/AIDS and children's rights.

- **Ensuring provision of training for educators in regard to the revised curriculum (2003 onwards)**

In 2003 and 2004 the RVD supported the initiative to train educators in the revised curricula and monitored the training in Mpumalanga, Limpopo and the Western Cape provinces for the FET band, and particularly Grade 10. However, the training programmes do not include human rights education and deal only with other curricula contents. These training programmes are currently underway and not all provinces and schools have received them yet. Indications are that Grade 7 in the GET and Grade 10 in the FET are the grades that have received specific attention. However, the training seems to have been quite uneven, both in terms of grades covered and schools reached.

- **Launch of an Advanced Certificate in Education in Human Rights and Values in Education for educators (2003)**

The RVD has also been instrumental in launching an Advanced Certificate in Education in Human Rights and Values in Education for educators (ACE HR & V). Targeted at higher education institutions nationally, the ACE HR & V is intended to equip educators with knowledge and skills related to human rights and values in education.

The ACE was developed to address a need identified through research conducted in support of the Values in Education Initiative (Department of Education, 2002), which revealed that teachers require support and training in order to serve as models and intellectual mentors with regard to the fundamental values outlined in the Manifesto. It was conceptualised as a continuing professional development qualification, where the goal is to advance the professional expertise of an educator as a practitioner, a mentor, an educational manager and a leader (Fante, *in* NDoE, 2005).

The ACE HR & V is a credit bearing certificate offered formally by higher education institutions throughout the country. At a seminar to review progress on the ACE HR & V (NDoE, 2005) it was noted that, although with variations, the ACE HR & V was underway nationally and was being received favourably. The first cohort of ACE HR & V students at the University of the Witwatersrand graduated in March 2006.

In the light of the above, the RVD has attempted to provide support for human rights (in) education, and given the short period in which it has been in existence, it has embarked on several programmes that are to its credit. Of importance to this study, though, is the attempt by the RVD initiatives to make human rights more specific and to reach schools in their own contexts. Although, many of the RVD programmes tend to be symbolic and celebratory, the recognition of the need to provide specific support in regard to human rights (in) education is prevalent. Currently, however, the RVD's future is uncertain and is under debate. The RVD

has recently (2005) appointed a new Director to head it and its location and functions within the NDoE are being debated.

An approach for Human Rights (in) Education

In conclusion of this thesis it is important to suggest what approaches for human rights (in) education need to be considered. The argument of this thesis is that a “theory of articulation” and “portraiture” in a sociological analysis of human rights (in) education has direct implications for the framing, design and content of human rights (in) education programmes. Balancing the micro and macro, and holding together the formal and substantive provisions of human rights with individual experiences in specific contexts suggest that human rights (in) education programmes can influence the social and political consciousness of people about the complexity of human rights.

The legal provisions of human rights (in) education which exist in laws and constitutions of countries must be part of human rights (in) education programme. As the discussion in Chapter 7 indicated (see pages 214 to 215) a human rights education programme needs to cover the legal provisions of human rights. This provides the necessary knowledge regarding human rights (in) education.

However, the sociological analysis has shown that a human rights (in) education programme also needs to include how human rights are experienced. In this regard, two things become necessary. First, one needs to include specific content about particular people’s experiences, and second, one needs to also demonstrate how those experiences are linked to human rights by considering the ways in which these experiences are constructed within particular social formations. For example, one needs to look specifically at the experiences of women and explore the ways in which women’s experiences are of matters of human rights, as well as how it is that women’s experiences and positions are constructed socially in particular situations. In these ways, then, such a human rights (in) education programme will cover 1) legal provisions of human rights; 2) link human rights to

specific people's experiences; and, 3) demonstrate how the forms of discrimination and exploitation in such experiences are constructed socially and why they are matters of human rights. With such a framework the micro and macro dimensions are considered and the formal and substantive legal provisions of human rights will be covered.

However, I have argued elsewhere (see Carrim, 1994, and see Chapter 2, pages 62 to 68) that one needs to be careful that in covering a particular form of oppression or discrimination one does not land up privileging that identity. Thus, in the above example, by focusing on women's experiences and the ways in which gender oppression is constructed one could land up privileging gender identity. It is important to show how gender intersects with other forms of identity as well, such as race and class, for example, so that the complexities of identity and experience are maintained. In this regard, working with "difference" and avoiding homogenising people's identities and experiences is critical.

In conclusion, the principles of a human rights education programme (see Chapter 7 pages 212 to 214) needs to be emphasised as well. Human rights (in) education programmes cannot violate people's human rights in the ways in which they are delivered and experienced. People need to feel safe and secure when receiving human rights education and they ought to be treated with respect, integrity, dignity and justice. Of particular importance, though, is that the development of critical thinking skills needs to be constantly highlighted, freedom of expression and thought need to be encouraged and access to information ensured. The principles of a human rights education are crucial to ensure that human rights (in) education programmes do not defeat the purposes for which they have been established and that they are, in practice, programmes **for** human rights as much as they are human rights **in** education programmes.

Possibilities for Future Research

The possibilities for future research are linked to the limitations of this study and to some of the issues that emerged from it. I outline these future possibilities first in relation to the different instruments that were used and look at what I think may be valuable areas to explore.

The national survey I used only assessed the extent to which human rights education programmes were in existence in educational institutions and organisations in the country. It is possible to also conduct an analysis of the content of the programmes that are offered and observe the ways in which they are delivered in practice.

The teachers and learners questionnaires I used were constrained (as much as they were enabled) by my involvement in the Democracy project. It would be useful to design a questionnaire specifically on human rights and administer it to teachers and learners. In addition, I only administered the questionnaire to Grade 9 teachers and learners, and questionnaires for teachers and learners in other Grades can also be designed and administered.

I have only been able to work in schools in the provinces of Gauteng, KwaZulu-Natal and the Western Cape. It would be interesting to see what data emerges from the other provinces in the country, and comparisons between them can also be attempted.

I have only been able to access 2 gay learners who were both of a particular orientation within the spectrum of alternative sexualities. I have not accessed lesbians, other types of gays or transsexuals for example. It would be fascinating to pursue the experiences of such people. In this regard, it would also be possible to explore the similarities and differences of experiences of human rights of different kinds of people within the spectrum of sexualities. Such a study would

focus only on people of alternative sexual orientations and explore human rights in their lives. It also need not be a school based study.

I have not looked at curriculum content and pedagogical issues in any detail in this study. The analyses of content from a human rights perspective as well as the pedagogical modes of delivery are also viable future research possibilities.

The above are some of the future research possibilities that arise from this study. Pursuing any one of them within the framework developed in this thesis will yield rich data and further develop empirical and sociological studies of human rights (in) education.

I have found the experience of working on this thesis extremely illuminating and useful. Indeed, it has been an intense and draining experience but it has enabled me to develop a much richer understanding of human rights and the ways in which they are experienced. At the beginning, when I was doing a survey of literature on human rights, I was astonished at the predominance of legalistic and philosophical approaches to human rights. There appeared to be a dearth of other approaches to the subject. I found this to be both limiting and useful.

It was useful because the legalistic and philosophical approaches helped me to better understand the ways in which human rights have been conceptualised historically and the ways in which they are embedded within laws. I still find this to be necessary in dealing with human rights. I think a conversation with moral and ethical philosophy about human rights, and legal provisions of human rights are important for an informed approach to human rights. At the same time, however, I also found that the philosophical and legalistic approaches to human rights did not help me to understand the ways in which human rights were experienced by people and there was a sense in which such philosophical and legalistic approaches tended to be ahistorical and abstract. The philosophical and legalistic approaches did not enable me to understand how human rights get relayed in the experiences of people— how it is that people can on the one hand

claim to believe in the equality of people and still be discriminatory in their beliefs and behaviour to some people. For example, for men to claim that all people are equal, but still continue to abuse and oppress women. How human rights are experienced in the specific contexts of people's lives, I found, was not covered in the philosophical and legalistic approaches which predominate the literature on human rights.

In order to access the ways in which human rights are experienced, and how it is that they develop the way that they do in specific contexts, I was compelled to search for other approaches. I found that a sociological approach to human rights, conceptualised in the terms of a theory of articulation and enabled methodologically through the approach of portraiture, provided useful ways to access how human rights are experienced. These also enabled me to focus on human rights (in) education, which is where I have based my investigations.

As I have indicated at the beginning of this conclusion, I found a sociological analysis of human rights very useful. It enabled me to demonstrate how human rights are experienced and developed in a particular social formation (South Africa, both under apartheid and post-apartheid) and in relation to particular forms of human identities (race, gender and sexual orientation). I have also been able to maintain the interconnectedness between national and international contexts in relation to human rights, micro and macro contexts and the complexity of social categories in the construction of human identity. Equally significant is that I have been able to apply these to the domain of education. This further reinforced what I experienced as the usefulness of a sociological analysis of human rights.

The area of human rights (in) education is still in need of a lot of work. Moving beyond the philosophical and legalistic approaches to human rights has revealed what is needed in developing human rights (in) education. Ranging from approaches to human rights (in) education, relations among school-based actors, curricula to pedagogy, an entire array of research agenda has opened up for empirical exploration. This array I think is important particularly in the light of

the United Nations programmes on “Education for All” and an increasing emphasis being placed on the role of education in developing a culture of human rights in the world. As I have indicated above in this conclusion, this emphasis on the role of education in the development of human rights is prevalent currently in South Africa as well.

I really hope that the reader has enjoyed the paths upon which this thesis has travelled. I also hope that the value of developing a sociology of human rights (in) education has been demonstrated and that I have provided evidence for the ways in which it may be done. More importantly, I hope that my focus on human rights has impressed the need to construct our world as a place where people can live in peace and with dignity.