

Discipline (or Punishment) in Post-apartheid South African Schools: A Historical-analytical Reflection

Thokozani Mathebula¹ and Amasa P. Ndofirepi²

¹*Wits University School of Education, University of the Witwatersrand, Johannesburg, South Africa*

²*Faculty of Education, University of Johannesburg, South Africa, and Mzala Nxumalo Centre for the Study of South African Society, Pietermaritzburg, South Africa*

KEYWORDS Discipline. Self-government. Democracy. Autonomy. South African Schools

ABSTRACT In the history of the South African schooling system authorities have used two contrasting ways of maintaining order, stability and normality in schools. These are, discipline¹ employed to enforce general rules governing learners' conduct and punishment² that involved the intentional infliction of physical pain. In this paper the researchers proffer a historic-analytic of these concepts to show that they are not only distinct, but indeed opposite, if not incompatible educational methods. Drawing from the colonial-apartheid prefect system tradition, the paper maintains that prefectship used punishment as a form of discipline. And yet, global policies attest that punishment whose central features are authority, and inflicting pain on an offender is incompatible with a humane democratic society. To conclude, the researchers defend a notion of learner self-discipline that treats learners as self-legislating agents able to contribute to democratic governance in post-apartheid South African schools.

INTRODUCTION

In South Africa, the concepts discipline and punishment are rooted in a western education tradition. In colonial-apartheid South African schools, the preoccupation with promoting British Christian gentlemen (Couper 2014: 89) and women and obedient citizenry blinded authorities to the stark contrast between discipline, on the one hand, and punishment on the other. It took school learners' consistent and emphatic criticism of the prefect system to challenge humiliating forms of punishment in South African schools. In post-apartheid South Africa, the Constitution (Republic of South Africa 1996) calls for the promotion, protection and safeguarding of the dignity of all learners from punishment harsh and punitive 'corrective' measures imposed by authorities are unlawful. If this is so, a historical-philosophical analysis is useful, as Bensusan (2016) shows for clarifying these key concepts commonly used in South African schools. By doing this, the researchers seek to provide a workable 'third way' between discipline and punishment - two popular fundamentals of maintaining order, stability and normality in schools. This paper argues that:

- ♦ A conceptual clarification is a *sine qua non* for setting up a historical-analytical geography from which to develop a positive conception of learners as self-governing school agents.
- ♦ In colonial-apartheid South Africa, corporal punishment³ was used to train both British and South African boys to conform, obey and submit to school authority structures.
- ♦ In post-apartheid South Africa, weak autonomy⁴ is compatible with democratic school governance.
- ♦ In a democratic South African society, the idea of learner self-discipline reflects three distinct formulations - collective self-government, deliberative action and individual autonomy.

METHODOLOGY

The researchers' point of departure is that all research contains (or should contain) a literature review and locates empirical research within the relevant theory or theoretical framework. A conceptual paper too, proceeds on theoretical level and works (even if it reports on empiri-

cal research) purely with concepts and texts. Looked at it this way, this conceptual paper employs three methods of inquiry. On a descriptive side, the researchers look at the origin, history and development of concepts which are commonly used in schools (for example, 'discipline', 'punishment' and by implication 'corporal punishment'). On the analytical side, the researchers define, analyse and interrogate these popular concepts so that students of education can know how they are used in South African schools. Lastly, from a normative perspective, the researchers make practical claims about what we can expect from schools as far as learner self-discipline in post-apartheid South African is concerned. In a different guise, the researchers' methodology is a process with two aspects. First, it liberates us from a conceptual confusion and complexity (analysis). Second, it presents possible alternatives to these popular conceptual uses in South African schools (Taylor 2007: 104).

OBSERVATIONS AND DISCUSSION

Discipline and Punishment: A Conceptual Differentiation

In this section the researchers explicate the notions of discipline and punishment in democratic South African schools using the two critical incidents below.

Case 1

A Grade 9 male learner walks across the floor to slap a female learner in the face in full view of a university tutor supervising a third year student teacher who is teaching an Accounting lesson. The female learner is sobbing profusely and is joined in the process by the female student teacher. A sombre atmosphere is evident in the classroom with no learning taking place. The student can neither discipline nor punish the offender for fear of reprisal (Anonymous University Tutor, at Hillbrow High School 2010).

Case 2

A female student teacher enters a Grade 10 Business Studies class in the company of a uni-

versity tutor. The whole class pays close attention to the next instruction from the teacher. She identifies one potentially disruptive learner who she quickly summons to the Principal's office. She returns to class to present a very successful lesson (Anonymous University Tutor, at Parktown High School 2011).

For the purpose of this paper, the two cases are typical of practical situations that happen in schools on a daily basis in South Africa. Tellingly, these scenarios can be used to distinguish between discipline and punishment in schools. Furthermore, they show the inherent relationships embedded in two popular conditions of order in school life. A number of questions may be drawn from case 1. For instance, did the male learner discipline or punish the female learner? Was the student teacher's withdrawal by neither disciplining nor punishing the learner defensible or was it a case of her failure to distinguish between the two probable actions? In case 2, did the teacher's action amount to discipline or punishment? In any way, did she take the appropriate action? As our starting point, this section uses the above case studies to examine the notions of discipline and punishment and their conceptual and practical underpinnings.

Two eminent philosophers of education, Hirst and Peters (1970: 125) provide a succinct definition of discipline starting with the etymology of the word. They assert that discipline "... is derived from the Latin word 'disco', which means 'I learn'" and add that "the root idea is that of submission to rules that structure what has to be learnt." For example, discipline might be used to train children to conform, obey and submit to school authority structures. Against this position, for Hirst and Peters discipline appears to be used in at least three senses, which are not sufficiently distinguished in everyday use. In the first sense discipline is viewed as orderly or prescribed conduct - it refers to the individual's ability to achieve personal goals. It is important to note that, this form of discipline can be found in schools where authority ranges from autocratic to democratic practices. In part, it is consequent upon individual choice after one finds it desirable and significant to acquiesce to the rules. Stated differently, where one sees good sense in accepting the rules or standards. Individual decision initiates submission to rules thereby driving one's ability to focus all of one's energy, attention and ability toward

achieve intended goals. In case 1, the response to this conceptual position is that the learner lacks discipline per se as both the school and society universally abhor fighting whether in class or in the public sphere. Hence he is breaking the law in general and in the school in particular by not submitting to some kind of order. This view assumes that discipline is an educational practice that involves someone who knows, for example the master, on the one hand, and one who is being inducted, that is, an apprentice, on the other - someone leads and others follow. From the above, we can submit, in line with Wilson's (1977) claim, that discipline is educative order which tries to reach appropriate standards and follow rules for engaging in valuable educational activity.

Discipline, in Hirst and Peters' second sense is geared to maintain order necessary for teaching and learning to occur in schools. In support of this view, George (1990) cited in Nkabinde (2007: 1) asserts that discipline "... creat[es] and maintain[s] a learning atmosphere in which educators can teach and learners learn in an environment that encourages respect for educators, classmates and administrators." When the student teacher (Case 2) insists on removing the learner from class she is disciplining the learner so that order prevails and rules of learning necessary for her teaching subject are respected. According to Rich (1982: 53), this form of discipline is extrinsic in the sense that it involves "...complying with rule instrumental to achieving a particular goal." More importantly, it keeps learners focused on educational goals and preserves learners from disturbing or harming each other. In short, while in the first predication submission to rules is an instrument for achieving individual goal, the second involves respecting the rule in order to promote order necessary for attaining institutional goal - a treatment that corrects or punishes, that is, "...the means of rectifying errors and meting out appropriate [discipline] for wrongdoers" (Rich 1982: 53). This conceptual differentiation begs the question: when does discipline become punishment or conversely is to punish to discipline? In the context of schooling, these questions raise both analytical and normative considerations since punishment in this case is a device to which teachers and parents often resort in order to maintain discipline. More than that, punishment is often taken as an empirical condition of discipline. In the light of the conceptual discussion so far, we

present a clarification of the meaning of punishment, in Hirst and Peters' (1970) third sense.

Punishment, in its different forms, according to Hirst and Peters (1970: 128), is premised on three logically necessary conditions, namely: "it must involve the intentional infliction of pain or some kind of unpleasantness; it must be inflicted on an offender as a consequence of a breach of rules; and it must be inflicted by someone in authority." With reference to the above, we can argue that if Hirst and Peters' (1970) conception of the three logically necessary conditions are met, we can safely conclude that a person is being punished. While the male learner in Case 1 intentionally inflicted pain on the female learner who could have offended him, he is not authorised to cause unpleasantness. In the strict sense of Hirst and Peters' (1970) conception his action is neither punishment nor discipline. He is not disciplining his peer since the slapping does not amount to order or something pleasant in order to learn the rules. Punishment can be explained in the context of Case 2. The student teacher in question is *an (in)* authority. By withdrawing the learner from class (an unpleasant or, at worst, a humiliating experience) she is inflicting pain on an offender (who is causing disorder in class) and is fulfilling all the conditions of what it means to punish. In this case, punishment is tantamount to an authoritarian imposed-form of discipline, that is, maintain order, stability and normality on the one hand, while operating primarily through the threat of punishment, on the other. But, apart from this specific conceptual differentiation, a conceptual geography or mapping of this picture is merited. From the perspective of Strawson's (1973: 824-829), a historical conceptual chart "[enables us to] relate [concepts] to experiential conditions for their application." For this reason, an historical analysis of the prefect system both in Britain and South Africa is offered in order to transcend a conceptual-experiential (or practical) way of maintaining order, stability and normality in schools. The purpose of the discussion of the prefect system is to show that the notions of 'discipline' and 'punishment' are marked by three phases; colonialism, apartheid and democracy.

The British System of Prefectship in South African Schools: From 'Discipline' to 'Punishment'

The word 'prefect' can refer to any of a number of types of government officials. In the soci-

ety of late Victorian and Edwardian England (1837 to 1910), 'boy-government', rule by the prefects, was a term that linked government and schooling. Randall (1982: 2) succinctly sums up the relation between government and schooling in Victorian times: "young people in schools were expected to emulate the White Anglo-Saxon Protestant gentleman ... respected, and influential - a pillar of society." This British gentleman ideal was also captured by Mack's (1938: 125) vivid description of what the British Empire needed then: "manly ... honourable boys moulded into unthinking conformity and imbued with passionate idealising loyalty toward authority, whether school or nation." In brief, the British 'prefect system' served a dual purpose: first, it sought to produce British Christian gentleman — well-mannered, respected, and honourable school boys; and second, it promoted obedient pupils who were loyal to the British Empire. The researchers maintain that the British prefect system reflected two features of Hirst and Peters (1970) concepts of discipline, that is, an individual approach to achieving the desired goals and a government's instrumental approach to maintain order in schools — thus fostering orderly and upright Christian gentlemen able to conform, obey and submit to the British Empire in general and school authorities in particular. Sadly, because of the conflation between discipline and punishment, the prefect system had all the hallmarks of the conceptualisation of corporal 'punishment' -enforced brutality by prefects over their subjects -in this case fellow pupils, as espoused by Cohen (1984), Mwamwenda (1989), Hyman (1990), Strauss (1994), Van Dyk (2000) and Du Plessis and Looock's (2006).

As significant as this conflation is, Parker-Jenkins (1999) highlights that the notion of punishment, that is, intentional infliction of pain on learners by prefects, derives from the norms and values (Christian gentlemen and obedient citizenry) of the Victorian society. Using evidence from 19th century British schools, Busher (1988) argues that apart from expulsion, flogging was the major 'punishment' meted out to British Christian gentlemen. For the severest cases, the most frequent forms of corporal punishment included "split canes, thongs, or a tightly bound mass of switches specially and freshly made up each day" (Parker-Jenkins 1999: 10). There are three immediate points to note about Parker-Jenkins (1999) and Busher's (1988) discussion of

corporal punishment in British schools. Firstly, it points to a close relationship between Christian religion, corporal punishment and character formation. Secondly, it reaffirms the central feature of corporal punishment, that is, an intentional act on the part of authorities (prefects) to inflict pain on offenders (fellow learners). Thirdly, British schools authorities (teachers) held the view that they had a role of guiding children away from original sin ("a state of being alienated from God") by administering corporal punishment (Parker-Jenkins 1999: 4). In the mid-19th century, 'boy-government' became a notorious British schooling phenomenon associated with cruelty and bullying, a practice that also characterised prefectship in colonial-apartheid South African schools.

In South Africa, Blumberg (1963) points out that prefects abused their authority by meting out harsh and sadistic punishments. In both English and Afrikaans schools, punishments by prefects also included detention after school for a limited period, threatening their peers and punishing everyone, as this section will later show. Prefects enforced punishment as a disciplinary measure without learners' consent, thus exercising a substantial degree of power and control over them. As such, for decades prefectship endured as deplorable 'boy-government' structures that pursued, inter alia, 'official' corporal punishment in colonial-apartheid South African schools. At Bishops school in Cape Town, a head prefect of the late 1870s described the way in which juniors were abused by the seniors, who used "their fags to such an extent that they failed to learn their lessons, and hid about to avoid being made fags. Sometimes the seniors ... ordered them to sing, and if they failed would thrash them; and sometimes they would send them into the village to buy them liquor and tobacco" (Randall 1982: 64).

Randall's description points to the prefects' use of corporal punishment - severe brutal assault on fellow learners. On the whole, prefects (or 'boy-government') sparked complaints about abuse of power and authority. At this point, the history of Victorian teachers and the 'Cape Colony prefect system', both in the British Empire and colonial South Africa point to certain common characteristics. Firstly, as a political device to mould Christian gentlemen, prefects' power and authority distinguished them from the entire learner population -a top down,

vertical logic that undermines participatory forms of representative democracy in schools. Secondly, prefects abused their privilege and prestige in various ways, for example, assaulting, expelling, flogging, and kicking fellow pupils. Lastly, as an educational tool, prefects promoted unthinking conformity, obedience and loyalty to the authority structures of schools -education for citizenship that aimed “to control and produce a subservient, passive type of character” (Mathebula 2009: 103). Thus the School Student Movement not only rejected the authoritarian ‘prefect system’ but also emphasised democratic student representation in schools.

The researchers concur with the assertion of Porteus et al. (2001) that ‘imposed’ corporal punishment is historically linked to undemocratic, authoritarian and repressive school authorities in South Africa. As discussed earlier in this section, colonial-apartheid education used a system of prefectship to enforce conformity to school rules, thus cementing unequal power relations between authorities and learners. In the light of this historical analysis, Hyslop (1999) detailed how black school learners resented the less democratic prefect system at mission schools in the 1950s. In an anonymous letter to the authorities the Healdtown school students complained:

The most important point which causes us to scribble this is because our representatives are not taking our complaints to you ... these rules are not for all our students but for the juniors and seniors who have no say in your aristocratic form of government ... what is the use of these prefects as being our rep [representative]s, they should be called your tools (Hyslop 1999: 15).

The quotation from Hyslop is significant for three reasons. Firstly, it shows the ‘autocratic’, ‘privilege’ and ‘elitist’ nature of punishment prefectship. Secondly, it affirms that from a prefectship perspective, democratic governance, that is, collective self-rule stands in contrast to elitist authoritarianism. Thirdly, in the classical prefect system tradition learners did not have control over their representatives -but were “a flock of sheep innocently nibbling the grass side by side” to use Mill’s (1975: 345) expression. In terms of this analysis, prefectship reinforce[d] “existing patterns of power and privilege in [mission] schools and the broader [South African] society” (Lewis and Naidoo 2004: 108). On a

hopeful note, our historical-philosophical analysis has a speculative aspect, that is, to develop a positive conception of learner self-discipline in the light of the seemingly tyrannical, un-representative and undemocratic prefectship in colonial South African schools. Sixteen years after Blumberg’s inquiry, progressive school student organisations began to call for democratically elected representatives in apartheid South African schools.

According to Hyslop (1988), the Soweto Student Representative Council (SSRC)⁶ popularised the idea of democratic SRCs as a way of establishing ‘student government’ as opposed to ‘boy-government’. As Kane-Berman (2001: 109) puts it, “the SSRC was apparently an autonomous body, making its own decisions.” In other words, the SSRC sought to mobilise learners around issues of common interest, including corporal punishment - adopting a servant-leadership approach that serves the interests of others not the self (Mathebula 2013: 25; Nieftagodi-en 2015: 20). The Congress of South African Students’ (COSAS)⁷ motto ‘Yes to SRC, No to Prefects’ served as an inspiration to the multitude of black school students in South Africa. From several epicenters, it was typical in prefect apartheid era for learners to be “beaten on their buttocks ... and hands with pipes ... [learners] associated the school not with learning but with physical punishment and authoritarian control” (Newman and De Lannoy 2014: 53-54). To drive this point home, a school pupil recalls an incident at school when he argued against being physically punished. In his words: “Well, the thing that I remember I didn’t like to be punished” (Moloi 2011: 107).

At this point, the researchers would like to put forward, in summary, a few observations. First, corporal punishment was antithetical to educational goals, that is, the role of the schools in society was far from the “harmonizing of individual traits with social ends and values”, (Wirth 1966: 121). Second, school authorities socialized black learners so that they would accept ‘corporal punishment’ as a way of life in apartheid South African schools. Looked at this way, school authorities educated learners by means of instilling fear and subjecting them to cruel, inhuman or degrading forms of ‘punishment’. In the next section, we look at global policies and domestic education policy that abolished corporal punishment on the basis that it is incompatible with modern democratic governments.

Global Legislation and Domestic Education Policy: From Imposed Corporal Punishment to a Human Rights Culture

In this section, the researchers assert that in a democratic society institutional corporal punishment is antithetical to democratic governance and partnership in South African schools. On the global front, South Africa is a signatory to the United Nations Convention on the Rights of the Child (1989), which compels it to protect the child from all forms of punishment, that is, physical, psychological or mental. Article 37 states:

No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. No child shall be deprived of his or her liberty unlawfully or arbitrarily. ... Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person ... (United Nations 1989: 190-191).

The Convention on the Rights of the Child (CRC) is ground-breaking in many ways: Firstly, effectively, it puts the physical, psychological and mental effects of corporal punishment on the global (and domestic policy) agenda. Secondly, it challenges the colonial-apartheid use of punishment that resulted in cruel, inhuman or degrading behaviour. Thirdly, it affirms universal human dignity, that is, the basic rights not to be treated with contempt, resentment and alienation. In the case of South Africa, schools are reminded by the Convention on the Rights of the Child that inhumane punishment is incompatible with a caring society. Similarly, the African Charter on the Rights and Welfare of the Child (1999) commits its member countries to the same anti-punishment practice by ensuring that school and parental discipline conform to standards of decency recognised in well-established democracies or those in transition to democracy. For example, African nation states are expected to “ensure that a child who is subjected to school or parental discipline shall be treated with humanity and with respect for the inherent dignity of the child and in conformity with the present Charter” (Organisation of African Unity 1999: 4). These global instruments have wide implications for our understanding that *children* are not *beasts* (to be tamed) and “those living in our midst and who do not belong to the [adult world] are not strangers either; they are

rather cohabitants ... our co-citizens of [equal status]” (Benhabib 2006: 66).

The notion of universal children’s rights neatly encapsulated in the CRC and African Charter on the Rights and Welfare of the Child can readily be found in the South African Constitution (1996). The Constitution of the Republic of South Africa (1996) has a Bill of Rights (a list of fundamental rights) that outlines the basic rights that all people in South Africa have as human beings. The Bill of Rights is not only the cornerstone of democracy for every South African, it also declares that “[e]very human being has unconditional, inherent dignity and the right to have his dignity respected and protected” (Republic of South Africa 1996: 6). In addition, it states that: “[e]veryone has the right not to be treated or punished in a cruel, inhuman or degrading way” (*ibid*: 7). Furthermore, it emphasises the protection of children from all forms of “maltreatment, abuse or degradation” (p. 14). The influence of the Convention on the Rights of the Child (1989), African Charter on the Rights and Welfare of the Child (1999) and the Constitution of the Republic of South Africa (1996) against physical, psychological and mental abuse, or corporal punishment to be exact, is also evident in the National Education Policy Act (Department of Education, 1996b: 5) that states, “No person shall administer corporal punishment or subject a student to psychological or physical abuse at any educational institution.” On the same note, the South African Schools Act reads:

No person may administer corporal punishment at a school to a learner. Any person who contravenes this is guilty of an offence, and liable on conviction to a sentence which could be imposed for assault [in educational law, when a corporal punishment case goes to court the legal term or charge changes to assault (Department of Education 1996a: 10).

In addition, the Abolition of Corporal Punishment Act (1997: 1) repealed all legislation that “authorised the imposition of corporal punishment by courts, including courts convened by traditional leaders.” There are four points to consider about the Constitution of the Republic of South Africa and related education policies. Firstly, they recognise the universal basic rights of all humanity, that is, the anti-corporal punishment tradition stance that the use of punishment in colonial-apartheid South Africa was un-

lawful and unjust - neither feasible nor desirable. Secondly, they also make corporal punishment a criminal act under the South African law, affirming that children have Constitutional rights too. Thirdly, the reference to the prohibition of corporal punishment is an acknowledgement of the school students' resentment, opposition and rejection of the undemocratic 'prefect system' in South African schools. Above all, there is a conscious or deliberate intention to "confront established [historical and institutional] power structures and conventions ... often antithetical to genuine broad-based participation" (Lewis and Naidoo 2004: 108) required for one "to be thoughtful and self-direct[ing]" (Waghid 2001: 211). As mentioned in the previous section, from a philosophical, historical and legal vantage point, corporal punishment that legitimises the use of violence is inconsistent with the values reflected in the Constitution of the Republic of South Africa. Regrettably, the domestic ban was challenged in the Constitutional Court but rightfully, the appeal was put aside by the presiding judge as the paragraph below shows.

The Constitutional Court abolished corporal punishment in South African schools in June 1995. However, the persistent use of punishment in schools is disturbing, considering that Justice Langa felt that:

It is a practice which debases everyone involved in it ... juvenile whipping is cruel, it is inhuman and it is degrading. No compelling interest has been proved which can justify the practice. Nor has it been shown to be a significantly effective deterrent ... its effect is likely to be coarsening and degrading rather than rehabilitative (Constitutional Court 1995: paragraph 89, 90 and 91).

Justice Langa's judgement on corporal punishment is notable for three reasons: 1) it shows how a distasteful harsh punishment and brutal discipline from colonialism via apartheid persist in South Africa's democratic era; 2) it also shows that in a Constitutional democracy, as is to be expected, individual freedom is valued; and 3) the autonomous, self-directed, and self-restraining citizen is coercion-free, as the last section of this article will show. According to Chaka (2008: 28), contrary to the democratic vision of the South African Schools Act learners "are usually under-represented ... excluded [and] marginalised in SGBs, not so much in terms of representation but in terms of actual participation." Fur-

thermore, learner governors are not treated or viewed as free equal members of school governing bodies (Mncube 2012). To cite an example, Mbunyuza-De Heer Menlah's (2013: 85) study shows that RCL representatives are "laughed at in meetings, indirectly humiliated, threatened and isolated" by adult members of the school governing bodies". The researchers agree with Carr and Williams (2009: 80) assertion that "[w]hat is required is the development of a democratic culture and ethos to pervade South African [schools]." By extension, the revival of a student-government tradition is dependent on the genuine representation and participation of learners in school governing bodies. A degree of learner "power and control to make ... a difference and influence their own situation" (Heystek 2001: 226). The next section looks at a substantial body of philosophical work on democracy, deliberation and autonomy that bears testimony to the potential educative benefits of RCLs' self-imposed approach to discipline in post-apartheid South African schools.

Self-governing Discipline in South African Schools: A Student-Government Perspective

As mentioned at the beginning of this paper, the researchers argue that the idea of discipline or self-regulation should reflect at least three distinct formulations - collective self-government, public deliberation and individual autonomy. For this reason, we shift the focus from historical-analytical questions, such as what schools 'ought to or should do' when they discipline learners, to meta questions such as what do we mean or understand when we say learners are capable of prescribing law unto themselves in post-apartheid South African schools. To this end, we raise three pertinent philosophical questions. Does self-governing discipline

- ♦ Safeguard learners' democracy, their ability to participate, govern and manage their own affairs as a student-government?
- ♦ Promote open dialogue, rigorous debate and genuine engagement about school policy on discipline (for example, codification and regulation of learners' behaviour)?
- ♦ Reconcile weak autonomy (self-discipline) with public goods (social ends)? In other words, does it develop the personal and public dimensions of democratic citizenship?

In South African schools, the Representative Councils of Learners (1999) duties and responsibilities include, *inter alia* “learners’ voice and representation in school governing bodies ... and foster[s] participation and democratises school activities” (Department of Education 1999: 13). It is not surprising that the South African Schools Act (1996) calls on school governing bodies to adopt a code of conduct for the learner population, after consulting with learners, parents and educators. As such, the Representative Councils of Learners, as learners’ representative bodies, set a positive example of discipline in South African schools. In the light of this, RCLs are mandated to appoint a sub-committee responsible for discipline in public schools. Though the sub-committee cannot impose discipline on learners, it should nevertheless encourage them to commit to the code of conduct. For example, learners may sign a statement that they subscribe to the code in order to “promote and maintain discipline among learners and promote the general welfare of the school ... orderliness and not disrupt the order in the school” (Department of Education 1999: 13). As researchers, they posit that the development of the code of conduct suggests, as Adams and Waghid (2005: 28) put it that “there are many ways in which power can be positively employed without [resorting] to force [or punishment]. It is this kind of power which should be associated with [school] practices.”

At the same time, this democratic practice between [representatives of learners] and [the entire learner population is likely to promote ‘new localisms’ where learners “learn on their own terms, to be active in their own schools and [the] wider body of politic” (Hume and Hume 2012: 46, addition ours). With that said, Rathbone (1971: 104) maintains that, “each child is his [sic] own agent — a self-reliant, independent, self-actualizing individual who is capable, on his own, of learning”. The South African Schools Act (1996) and the Guides for RCLs (1999) foster the idea of self-regulating disciplinary practices for learners, that in turn “creates a space in which ... school [authorities] are able to look at things anew ... break with what is supposedly fixed and finished, objectively and independently real ... [and awaken] us to the multiple voices and multiple realities” (Waghid 2005: 337). Simply put, perpetuating colonial-apartheid hierarchical and authoritarian tendencies is ahistorical (suffers

from presentism), anti-educational and un-democratic in a contemporary South African landscape.

Benhabib (1996: 69) has argued for a deliberative model of democracy that aims to generate legitimacy and assure practical rationality with regard to self-government in a polity. According to the deliberative model of democracy:

The institutions of this polity are so arranged that what is considered in the common interest of all results from processes of collective deliberation conducted rationally and fairly among free and equal individuals. The more collective decision-making processes approximate this model the more [it] increases the presumption of their legitimacy and rationality (Benhabib 1996: 69).

So, in theory, collective deliberation is characterised by freedom and equality for all because learners are considered as moral and political equals in school governance. In the light of this account, a schooling system, from a deliberative model point of view, “foster [s] the development of individuality, which emphasises the growth of the child ... the training of the individual to existing social needs (Keenan 1977: 66). Learners have deliberative capacities to engage school authorities on matters relating to regulatory power in schools. To illustrate this point, Kane-Berman (2001: 132)) concludes that the Soweto SRC “revealed an intelligence, a clear-sightedness, a reasonableness, an awareness of responsibility to the [school] community.” This leads us to the view that, a self-legislative approach to discipline points to the following: 1) it encourages learners to formulate, adopt, accept and adhere to a code of conduct for learners in schools; 2) it promotes safe, cohesive school communities that fosters of active, critical and informed learners; and 3) weak autonomy in deliberative engagement is a necessary part of citizenship in a democratic society. For school discipline to be effective, we need to create spaces for “learners to ... demonstrate readiness and practice deliberation, which would enable the education system to produce responsible, responsive and democratic citizens” (Mncube 2008: 89). From the perspective of self-governing discipline, school democracy is characterised as a form of governance “...that allows [learners] to fulfil [their] potential, to achieve a particular vision of self-realisation, to reach a state of personal autonomy and self-mastery”

(Dupré 2007: 178), that is, an analytical-normative practice which could critically empower and emancipate learners.

The notion of self-help type of characters acquaints Representative Councils of Learners with the rules of the law. As Weale (2007: 108) puts it, weak autonomy means to prescribe a law to oneself...so that a democratic community would be one whose members prescribed the laws of their collective life for one another". Viewed in this way, the notion of weak autonomy has its origin in Thomas Hobbes social contract theory, that view "morality as a system of rules agreed on and accepted by rational, albeit essentially self-interested individuals" (see Horsthemke 2016: 341). Equally, Berlin (1969) asserts that a "positive sense of the word liberty derives from the wish on the part of the individual to be his own master" (p.131). By way of brief summary, up to this point our historical-analytical reflection can be interpreted as developing a dialectic relationship. By this the researchers mean a historical analysis that began with a thesis (prefect-system or boy-government) and its antithesis (the encounter between prefectship and Soweto Student Representative Councils or student government) which together call for the third view point, that is, an autonomous, self-legislating learner body (synthesis) suitable for democratic South African schools. To further corroborate this point, if one thinks in these terms, through the social contract theory, learners are likely to "come to feel little or no conflict between [adhering to school rules and remaining their own masters] ... the [learner] is educated to distinguish between impulses and desires, learning to be a public as well as a private citizen" (Pateman 1970: 25; Mathebula 2005: 191).

On a similar note Weale (2007: 107) points out that "there is no division between the interests of the private person and the interests of the citizens." This notion of democratic citizenship in South Africa is echoed by John Dewey who warned us against "school systems which overlooked the development of the individual, and the relationship of the school to social progress" (Keenan 1977: 65) This is to say, as Morrow (2009: 67-68) sums it up schools that embody the notion of weak autonomy "can contribute to the maintenance of a just and democratic society ... this provides good reason to say that a democrat should be in favour of [in-

dividual] freedom". Gutmann (1987) maintains that the goal of education is to provide an opportunity for choice and neutrality among conceptions of the good life. This means that the wellbeing of learners includes not just individual freedom of choice, but also identification with and participation in the "collective decisions on matters affecting the life of the school" (Mathebula 2005: 201). As a collective, RCLs' structures of government are the best defence of learners' weak autonomy. To expand on this principle, self-rule is compatible with collective-rule - learners are political animals too, to use Aristotle's (1943: 137) phrase. By this, researchers mean that learners too live socially in schools as free, autonomous self-disciplinarians. In the long run, a school that embraces the notion of self-legislative discipline is likely to "demonstrate habits of cooperation, free communication, and reflective thinking-the values of the democratic ideal" (Wirth 1966: 125). As the student-government tradition has shown, learners are self-governing creatures who struggled for a substantive representative form of democracy as an ideal and practice in South Africa in general and in schools in particular.

CONCLUSION

In the history of South African education, the term discipline, and by implication school discipline, was interpreted as a form of education for citizenship that sought to mould characters, maintain order and stability and subject learners to physical abuse. Although researchers are sympathetic to school discipline as a tool for creating an orderly learning atmosphere, this form of discipline is premised on a deficit model of youth, as irresponsible, dangerous, reckless and ungovernable. In South Africa, it took the student struggle to challenge and reject authoritarian, undemocratic and repressive use of corporal punishment -education for citizenship that fostered subservient, passive learners in schools. In post-apartheid South Africa, corporal punishment has been redefined as inhuman, unlawful and unjust treatment in schools and beyond. By contrast effective education for democratic citizenship promotes active, interactive, critical, collaborative and participative learners able to build, strengthen and consolidate school democracy. In a shared democratic authority, such as the one that South African education

policy is aspiring to, self-legislative discipline has the potential to educate for future democratic citizenship. Ultimately, a humane approach to school discipline is likely to enhance learner's individual autonomy, that is, the ability to think creatively and act responsibly in order to cope with democratic governance in schools. But apart from this emphasis, school authorities need to reconceptualise the role of learners as genuine partners in governance in South African schools. At the very least, school discipline demands that we inculcate an interest in learners in participating in the democratisation of education in order to confront a deep-rooted colonial-apartheid authoritarian tradition of promoting future leaders.

NOTES

1. According to Vally (2005: 3), discipline is a form of behaviour "that shows respect and responsibility." Thus, discipline is characterised by self-control, autonomy and the capacity to act for self, that is, the rational self. For the purpose of this paper, discipline is primarily about fostering active, self-help type of characters – learners' ability and inclination to act manage and regulate their conduct themselves.
2. Punishment is a deliberative act of inflicting pain on the offender by those in position of authority (see Hirst and Peters 1970: 128). In doing so, authorities stand in the way of progressive citizenship education that enables learners to participate in democratic school governance in South Africa.
3. Drawing again on Vally's (2005: 2) work, corporal punishment is a purposeful or intentional "act that causes pain or physical discomfort in order to punish someone". Initially, in a White, Anglo-Saxon tradition public schooling system sought to produce English Christian gentlemen – a social and political class to manage the affairs of the British Empire. After all, girls were made to view "themselves as normally dependent on the boys as part of the natural order of things" (see Robinson 1987: 51).
4. If learner self-government refers to 'self-regulatory power', to use Foucault's (1977) words, 'weak autonomy' is its subtext. Although Winch (1999: 68) is not writing about learners in South Africa, "weak autonomy...incorporates minimal autonomy", that is, some form of self-discipline that is "develop[ed] and nurtured within an individual", to use Dupré's (2007: 178) phrase. In stark contrast to "the authoritarian disciplinarian [hierarchical nature] of the traditional school" (see Hirst and Peters 1970: 125, addition ours), learners' notion of self-governing discipline is exercised in the context of democratic school governing bodies' school codes of conduct.
5. The concept 'student' had a political tag attached to it during the apartheid era. 'Student' activists

were able to link educational demands to a broader national political struggle. In a democratic education system the concept 'learner' has an educational tone synonymous with schooling, not student politics. Though the researchers use both concepts interchangeably, they must be understood in their historical context.

6. The seeds of the Soweto Student Representative Council were sown when conservative officials within the then Bantu Education Department enforced Afrikaans as a medium of instruction in black schools. Consequently, the Soweto SRC was established six weeks after the student march against Afrikaans on 16 June 1976 (see Kane-Berman 2001). However, the focus of this paper is not on compulsory Afrikaans, but on the educational benefits of learners idea of self-government in maintaining school discipline in post-apartheid South African schools.
7. COSAS was a school student organisation formed in 1979 that took a position founded on the Freedom Charter of 1955. On the educational front, COSAS's programme of action sought to achieve dynamic, free and compulsory education for all learners in South African schools.

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Paper received for publication on May 2016
Paper accepted for publication on December 2016