

**Governance and language policy in three schools in the Western Cape:
opportunity for deliberative democracy?**



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Education in the Department of Education Policy Studies in the Faculty of
Education at the University of Stellenbosch***

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DECLARATION

By submitting this dissertation electronically, I declare that the entirety of the work contained therein is my own, original work, that I am the owner of the copyright thereof (unless to the extent explicitly otherwise stated) and that I have not previously in its entirety or in part submitted it for obtaining any qualification.

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Date: 5 June 2020

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ABSTRACT

Accompanying the introduction of a new outcomes-based curriculum, were significant shifts towards decentralised school-based management, which are seen as critical to the democratisation of schools. At the centre of this democratisation is the introduction of School Governing Bodies (SGBs) (Act 84 of 1996). SGBs, by virtue of how they are constituted, are considered as seedbeds for democratic participation. Through the South African Schools Act (Act 84 of 1996), SGBs are afforded unprecedented authority in the governance of public schools. Principals, educators, parents, as well as community members and learners (in the case of high schools) are provided with the opportunity to participate in collective decision-making regarding the daily functioning of schools. These functions include the design and formulation of all school-based policies, including that of language, which is the interest and focus of this thesis.

No policy has generated more contestation and controversy than that of a school's language policy. Significantly, most of this contestation has centred on Afrikaans-medium schools – raising inevitable questions not only about language, but about the role of the SGB in relation to the formulation of language policy. This research looks at the formulation and implementation of a language policy at three public Afrikaans-medium schools in the Western Cape. Using a phenomenological research paradigm, the study engaged with principals, educators and parents, as it tried to gain insights into the considerations of SGBs in relation to formulating a language policy. The findings reveal that SGBs are not necessarily representative of all learners and communities in their schools, and that a lack of adequate representation might hold particular consequences for a school's language policy. SGB members do not necessarily have the requisite skills - that is, language policy formulation is undertaken by individuals who neither understand language policy and practice, nor the needs of learners. Despite new intakes of learners from various contexts and linguistic abilities, the language policy of a school is seldom changed. Moreover, while SGBs recognise that schools ought to serve a public good, they should have a degree of autonomy, which allows them to act in the best interests of their respective school communities, which includes formulating a language policy of their choice.

In light of the surrounding contestations, which have resulted in numerous legal battles between SGBs and provincial education departments with regards to language policies, I consider the possibility of deliberative democracy as a viable way of addressing this impasse.

ACRONYMS AND ABBREVIATIONS

C2005	Curriculum 2005
CAPS	Curriculum Assessment and Policy Statements
CC	Constitutional Court
Constitution	Constitution of the Republic of South Africa (Act No. 108 of 1996)
DAC	Department of Arts and Culture
DBE	Department of Basic Education
DOE	Department of Education
FAL	First Additional Language
HAD	Historically Advantaged Schools
HC	High Court
HDS	Historically Disadvantaged School
HL	Home Language
HOD	Head of Department
IIAL	Incremental Introduction of African Languages
LANGTAG	Language Plan and Task Group
LiEP	Language in Education Policy
LoLT	Language of Learning and Teaching
LPP	Language Planning and Policy
MEC	Member of the Executive Committee
NEPA	National Education Policy Act (Act No. 27 of 1996)
NLPF	National Language Policy Framework
RNCS	Revised National Curriculum Statement for grade R - 9
RSA	Republic of South Africa
SAL	Second Additional Language
SASA	South African Schools Act (Act No. 84 of 1996)
SCA	Supreme Court of Appeal
SGB	School Governing Body

SMT	School Management Team
SU	Stellenbosch University
WCED	Western Cape Education Department

CONTENTS

DECLARATION	i
ACKNOWLEDGEMENTS	ii
ABSTRACT	iii
ACRONYMS AND ABBREVIATIONS	iv
CHAPTER ONE	5
INTRODUCTION	5
1.1 Introduction	5
1.2.1 The transformation of educational governance in South African schools.....	6
1.2.2 The functionality of an SGB in post-Apartheid South Africa	8
1.2.3 The transformation of language policy inside a national environment.....	10
1.3 Rationale for the study	13
1.4 Problem statement.....	14
1.5 Research question.....	15
1.6 Objectives of the research.....	16
1.7 Research paradigm.....	16
1.8 Research methodology	17
1.9 Research design.....	18
1.10 Research methods.....	18
1.10.1 E-mail interviews.....	18
1.10.2 Policy analysis.....	19
1.11 Research context	19
1.12 Sampling techniques and selection.....	20
1.13 Significance of the study	21
1.14 Contribution of the study.....	22
1.15 Limitations of this study	23
1.16 Ethical considerations	24
1.17 Data analysis.....	24
1.18 Trustworthiness, validity and reliability.....	25
1.19 Brief chapter overview.....	25
1.20 Chapter Summary	26
CHAPTER 2.....	28
SCHOOL GOVERNANCE IN THE POST-APARTHEID PERIOD.....	28
2.1 Introduction.....	28
2.2 Decentralisation.....	28
2.3 School governance	31

2.4 The status of a SGB: Organ of state or not?	34
2.5 The functionality of SGBs in South Africa	35
2.5.1 “Statutory functions” of an SGB	36
2.5.2 Democratic school governance and the “democratic functions” of an SGB	40
2.6 Stakeholder involvement and their challenges in school governance	43
2.6.1 Parents and SGBs	43
2.6.2 Educators and the SGB	46
2.6.3 The principal and SGB	48
2.7 The role of the Head of Department (HOD) in school governance according to SASA	50
2.8 Conceptual framework	53
2.8.1 Reason-giving as a form of argumentation	53
2.8.2 Accessibility of reasons within argumentation	55
2.8.3 Binding nature of deliberation	55
2.8.4 Dynamism of deliberative practices	56
2.9 Chapter summary	58
CHAPTER 3	59
LANGUAGE AND LANGUAGE POLICY IN SOUTH AFRICA	59
3.1 Introduction	59
3.2 Language, language planning and policy (LPP)	60
3.2.1 The term ‘language’ as it is used in the study	60
3.2.2 Language planning and policy (LPP) as a field of study	61
3.3 Historical context of language in South Africa	63
3.3.1 During colonialism	63
3.3.2 During Apartheid	65
3.4 Language and language policy in post-apartheid South Africa	68
3.5.1 Policies and laws	74
3.5.2 Language institutions	76
3.6 Multilingualism and multilingual education	79
3.7 Language policy in public schools of post-Apartheid South Africa	82
3.8 Language policy formulation as a function/power of a SGB	86
3.9 The interplay between language policy formulation and governance in public schools in South Africa	92
3.9 Chapter summary	98
CHAPTER 4	100
RESEARCH METHODOLOGY AND METHODS	100

4.1 Introduction.....	100
4.2 Research paradigm.....	100
4.3 Research methodology.....	101
4.4 Research design.....	103
4.5 Research methods.....	103
4.5.2 Policy analysis.....	105
4.6 Sampling techniques and selection.....	109
4.7 Research context.....	110
4.8 Research participants.....	113
4.9 Data analysis.....	114
4.11 Ethical considerations.....	117
4.12 Chapter summary.....	117
CHAPTER 5.....	119
RESEARCH FINDINGS AND DISCUSSION.....	119
5.1 Introduction.....	119
5.2. Parental involvement in language policy.....	120
5.3 Democratic school governance and language policy.....	121
5.6 Summary of interview data.....	127
5.7 Policy analysis.....	128
5.8 Chapter summary.....	133
CHAPTER SIX.....	134
RESEARCH ANALYSIS.....	134
6.1 Introduction.....	134
6.3 Democratic school governance and language policy.....	139
6.7 Chapter summary.....	160
CHAPTER 7.....	161
SYNOPSIS, RECOMMOMENDATIONS AND CONCLUSION.....	161
7.1 Introduction.....	161
7.2 Synopsis of main findings.....	162
7.3 Implications for school governing bodies.....	166
7.4 Implications for language policy.....	168
7.5 Recommendations.....	169
7.5.1 Recommendations for the relationship between the HOD and SGB with regard to school governance.....	170
7.5.2 Recommendations for language policy formulation as a function of SGB in public schools in South Africa.....	171

7.7	Limitations of the study.....	173
7.8	Conclusion.....	174
	REFERENCES	176
	ADDENDUM A: Ethical clearance for US	195
	ADDENDUM B: Ethical clearance form WCED.....	197
	ADDENDUM C: Consent to participate in the research	198
	ADDENDUM D: Interview questions.....	201

CHAPTER ONE

INTRODUCTION

1.1 Introduction

Since 1994, the South African education system has undergone severe changes as the country transitioned from apartheid to a constitutional democracy. There are two pieces of legislation that come to mind in this regard, viz. the South African Schools Act (Republic of South Africa [RSA], 1996a) and the Constitution of the Republic of South Africa (RSA, 1996b). Firstly, the Constitution states that South Africa “is one sovereign, democratic state founded on specific values” (RSA, 1996b:3). Secondly, SASA seeks to promote democracy by stating the following in the preamble: “the achievement of democracy in South Africa has consigned to history the past system of education which was based on racial inequality and segregation” (RSA, 1996a:1). SASA is a body of legislation that offers fundamental changes to school governance in the new South Africa (Naidoo, 2005:29).

The underlying philosophy of SASA is to create a system of democratic school governance based on citizen participation, partnerships with the state, parents, learners and school staff, and with the community; and to devolve power to the individual school (Naidoo, 2005:29). SASA empowers school governing bodies (SGBs) to govern a school and to let those who govern be elected democratically. It is for this reason that so much emphasis is placed on section 16(1) of SASA (RSA, 1996a:22), which reads: “Subject to this Act, the governance of every public school is vested in its governing body and it may perform only such functions and obligations and exercise only such rights as prescribed by the Act.”. An SGB is a statutory body that is democratically elected and has a diversity of members such as parents, educators and a principal (RSA, 1996a:31). It has certain functions and powers, including the design and formulation of a school’s language policy, which serves as the central concern of this study.

Even though the function of school governance is granted by SASA, school governance does not come without challenges. These challenges range from the parent-governors who are not educated to govern a school (Mabasa & Themane, 2002:112; Van Wyk, 2004:53; Xaba, 2011:201). Uneven power relations between parents and educators, and between parents and principals, are also problematic (Mncube, 2007:135, 2008:85). Other factors that affect the efficiency and functionality of an SGB are argued by Mabasa and Themane (2002:122) to be that parents have a problem with the following: language use during meetings, administration-orientated work, nature of involvement and contribution to the SGB, policies and the content of SASA (parents usually delegate policy formulation to educators) (Xaba, 2011:206). Parents who do not participate in training or who undertake insufficient training lack

the skills to interpret the content of SASA (Heystek, 2006:482). Therefore, although SASA grants the SGB the power to govern, there are many SGBs that experience challenges. This study looks at the role school governance plays in relation to language policy formulation at three public schools in the Western Cape, South Africa.

This chapter contains the introductory remarks of the thesis which would be furthered in each chapter respectively. Therefore, this chapter will introduce the background of the study, there I will refer to the transformation of governance in South African schools, the functionality of SGBs and language planning and policy in South Africa as a nation and within the context of South African public schools. Furthermore, this chapter will contain brief references of the rationale of the study and the problem statement. This chapter will also introduce the research questions, the objectives, paradigm, methodology, design, and methods. I will also refer briefly to the contribution and the significance of the study and also the sampling methods and selection criteria of the sample. Last, I will mention the limitations of the study, ethical considerations, process of data analysis, followed by brief remarks of how trustworthiness, validity and reliability will be achieved and a brief review of the following chapters.

1.2 The background to the study

The following subsection looks at the background to the study. It contains brief information about the backdrop against what this study plays off. This section is further divided into the following: 1.2.1) The transformation of educational governance in South Africa; 1.2.2) the functionality of the SGB; 1.2.3) current language policy trends in schools and nationally; 1.2.4) the transformation of language policy inside a national cadre; and (1.2.5) language policy South African schools.

1.2.1 The transformation of educational governance in South African schools

Educational and school governance in South Africa has changed dramatically in the almost three decades of democracy. During the 1990s, the project of decentralisation began to become popular in education, initially for wrong reasons. The apartheid school system was characterised by a class system, which was divided into four models: Models A, B, C and D. The importance of these models in modern South Africa is the prevalence of a white-dominant minority and the existence of a neo-liberal system. The two most important models in public schools in South Africa were Model C and Model D. Model C schools are schools that adopted an SGB and raised extra money through school fees, which would then translate into better facilities and extra educators (Naidoo, 2005:23). According to Pampalis (2005, cited in Radebe, 2015:2), Model D schools were state funded and had no race restrictions, as they could admit

unlimited numbers of black learners. The Model D schools are examples of the enduring legend of apartheid, as they were poor and had limited to zero resources. They are better known in the current dispensation as no-fees or Quintile 1 to 3 schools. Davies, Harber and Dzimadzi (2003, cited in Malhepi, 2015: 20)) argue that the decision about this decentralisation was made in bad faith: it was to prolong and protect white interests for the sake of the governance and admission policies of schools approaching 1994. It is clear in this case that decentralisation may have negative connotations.

However, after 1994, when South Africa became a democracy, the intention of the adoption of SASA was to decentralise and democratise the education sector. It was with this intention that the government and department of education at the time thought that the introduction of SGB-structured governance would change the South African education landscape. It attempted to give the notion of decentralisation a populist and positive connotation. The project of decentralisation actually occurred in South African education policies much sooner than SASA. For example, the White Paper on Education and Training (Department of Education [DoE], 1995) introduced the concept of SGBs to South Africa, and Education White Paper 2 (DoE, 1996:70) stipulated that all governing bodies have core functions and should consist of democratically elected members. These two documents amalgamated to form SASA.

The underlying philosophy of SASA is to create a system of democratic school governance based on citizen participation, partnerships with the state, parents, learners and school staff, and community; and to devolve power to the individual school (Naidoo, 2005:29). SASA empowers SGBs to govern a school and to let those who govern be elected democratically. It is for this reasons that so much emphasis is placed on section 16(1) of SASA (RSA, 1996a:22), which reads as follows: "Subject to this Act, the governance of every public school is vested in its governing body and it may perform only such functions and obligations and exercise only such rights as prescribed by the Act." An SGB is a statutory body that is democratically elected and has a diversity of members, such as parents, educators and a principal (RSA, 1996a:31). An SGB has certain functions and powers, viz. language policy formulation, which is an important aspect of this study.

As mentioned earlier, an SGB is not only a statutory body, but also a democratic entity that has the potential to further the democratic project of South Africa. This can be witnessed in the preamble of SASA, which uses the words, "Democratic transformation of [the] society" to indicate the intention of SASA (RSA, 1996a:1). An SGB (in South Africa) is a community-based entity that draws on a diverse range of stakeholders and voices (Bush & Heystek, 2003; Heystek, 2006:474; Woolman & Fleisch, 2008:48). Therefore, the hope is not only for the SGB to represent the school community, but also for the community to participate in the decision-making about the education of the learners. It thus leads one to argue that the democratic nature of the SGB lies within the members of the SGB, and their participation and representation. I look briefly at the members of an SGB with reference to SASA.

According to SASA section 23, one can distinguish between elected members and co-opted members (RSA, 1996a:31). Elected members of a governing body of an ordinary school are mostly parents of learners, teachers and non-teaching staff; the principal (in his official capacity); and learners of a high school (school that teaches up to grade 8) (RSA, 1996a:31). Co-opted members are members who are asked to join but are not voted for and cannot vote (RSA, 1996a). All stakeholders are important, but an SGB is designed by SASA to represent the parent base of the school. Singh, Mbokodi and Msila (2004) agree with the first White Paper on Education and Training (DoE, 1995), which states that SGBs should present parents as a collective stakeholder to represent the school community. There are many advantages of parental involvement in school governance. To listen to the voice of parents, to encourage their participation and to give them more power results in a better functioning school (Harber, 2004; Moggach, 2006:17, cited in Mncube, 2009) and better outcomes (Joubert & Van Rooyen, 2011:315). However, this is an idealised version of the current reality in South African education governance.

SGBs experience an array of challenges that complicate the functionality of the body and lead to a decline in that school governance. Three challenges of SGBs are parental education and training in school governance, unequal power relations, and the poor representation of the parent community. Adams and Waghid (2005:25) maintain that a lack of training is the reason why governors do not fulfil their duties efficiently, and practicality of the training, as it is stipulated in SASA section 15, is absent in most cases. As indicated by McLennan (2000, cited in Joubert & Van Rooyen, 2011:316), uneven power relations manifest as an “insider” and “outsider”, “lay” and “professional” relationship that creates coalitions and decision-making that are based on factions. Challenges of school governance happen on a regular basis and it is not only historically disadvantaged schools (HDS) that face challenges. SGB can never be compared because they are fluid in their context. Therefore, no SGB is perfect, and each SGB has its own challenges that derive from issues in the community or unique situations. This section has given a glimpse of the functionality of SGBs in South Africa. The next section looks at current language policy nationally, as well as language-in-education in South Africa

1.2.2 The functionality of an SGB in post-Apartheid South Africa

According to Kirkpatrick (1997, cited in Rangongo, 2011:10), “functionality” refers to useful, working, serviceable, running, in operation, how well you do. I use this term to denote the effective and efficient use or execution of the functions of sections 20 and 21 and the powers of sections 5(5), 6(2), 7, 8(1) and 9 (RSA, 1996a). How well an SGB functions does not depend on one single function or power. An SGB, as I mentioned earlier, experiences a great number of challenges due to its contextual demands. What these contextual demands are cannot be determined using a theory

of everything. Each SGB is unique, meaning that every member of the SGB has a different opinion about governance in a scholastic environment. This does not mean, however, that one cannot say nothing in general about an SGB and its functions. SASA must be seen as the minimum requirement for the functioning of an SGB. Before one determines what an SGB must do and what powers it has, it is important to read closely how SASA is written. I refer to some remarks made in the literature.

SASA refers to a set of mandatory functions named in section 20 (RSA, 1996a). This includes functions such as promoting the best interests of the school, adopting a constitution and developing a mission statement (RSA, 1996a:27). These section 20 functions are not the most important, but are provided merely as illustration. Malherbe (2010:616) refers to these as “core functions”. Furthermore, an SGB has “additional/allocated functions”, which includes functions like maintaining the school property, formulating extramural activities and purchasing textbooks, to name a few (RSA, 1996a:30). The next set of powers or “competencies” (Malherbe, 2010:616) refer to: sections like 6, 7, 8 and 9 of the SASA (RSA, 1996a). Although the Supreme Court of Appeal (SCA) argued in *Minister of Education (Western Cape) v Mikro Primary School Governing Body (140/2005) [2005] ZASCA 66* that an SGB is not an “organ of state”, even if it fulfils a public function or power, it does not fall under any governmental executive power. This, however, does not mean that an SGB does not fulfil a public function or public power. I have just shown that an SGB has functions and powers (competencies), although the Constitution does not distinguish what is meant by public function and/or public power. According to Malherbe (2010) and Mdumbe (2003:57), to make this distinction one can argue that a power is seen as upholding the Constitution, the principle of legality (rule of law) and case law. This has implications for the power of the HOD and for the SGB – it is clear that an SGB is not an “organ of state”, which problematises the argument of Woolman and Fleisch (2008:55) that an SGB is a “fourth sphere of government”.

I divided SGB section 20 functions, section 21 functions and ‘competencies’ (Malherbe, 2010) into what can be called “statutory functions”, because the functions and powers must be fulfilled according to the statute itself. According to the preamble to SASA, the SGB also has a democratic function (RSA, 1996a:1), namely the “[d]emocratic transformation of [the] society”. The democratic nature of an SGB stems from the fact that members are democratically elected and governance is delegated to parents and other members, who form an integral part of their child’s education (DoE, 1995, 1997). Partnership governance and co-operative government are two of the pillars on which SASA is grounded.

SGBs (in South Africa) are community-based entities that draw on a diverse range of stakeholders and voices (Bush & Heystek, 2003; Heystek, 2006:474; Woolman & Fleisch, 2008:48). Every member of the SGB must act in good faith and avoid behaviour that will lead to the destruction of the SGB’s moral and democratic fibre (Heystek, 2006:474). Policies like the White Paper on Education and Training (DoE, 1995), The organisation, governance and funding of schools: Education White Paper

2 (DoE, 1996) and the South African Schools Act (No. 84 of 1996) (RSA, 1996a) have collaboratively led to the installation of democratically elected members of SGBs. SASA section 28 and section 23, for example, iterate the democratic process of the election of members (RSA, 1996a:29). The democratic election of members and the diversity that results from that election help with the formation of a small-scale democracy. Therefore, the composition of an SGB with regard to the type of members is crucial.

According to SASA section 23, one can distinguish between elected members and co-opted members of an SGB (RSA, 1996a:31). Firstly, elected members of an SGB of an ordinary school are mostly parents of learners, teachers, non-teaching staff, the principal (in his official capacity), and the learners of a high school (school that teaches up to grade 8) (RSA, 1996a:31). The White Paper on Education and Training highlights parental involvement as pivotal for democratic school governance (DoE, 1995:70). Section 23(9) of SASA also stresses the importance of parents' involvement and their mutual responsibility for the governance of a public school (Beckmann & Prinsloo, 2009:174; RSA, 1996a:32). Section 29(2) only permits a parent-governor to be the chairperson of an SGB: parent leadership is therefore a statutory requirement (RSA, 1996a:34).

1.2.3 The transformation of language policy inside a national environment

Language issues have always plagued the South African reality. South African has been enslaved to language imperialism for a long time, dating back to as early as Dutch colonialism. Before colonialism of any sort, indigenous languages were the spoken language of Southern Africa (Dollie, 2011:97). Dutch colonialists and the indigenous groups understood each other through interpreters and translators. The Dutch colonists brought slaves from West Africa, East Africa and the Malayo-Indonesian archipelago, and used their labour instead of that of the local African Khoe and San people (Prah, 2018). Through communicating with their masters, these slaves altered the Dutch language and changed it to a lingua franca that would later be called a "kombuistaal" – kitchen language – which was Afrikaans-Hollands (Prah, 2018). This would be the earliest form of Afrikaans. The Dutch colonialists thus stripped away the indigenous culture and language of the slaves when they taught them their language.

The same happened in the period of British colonialism, although involving other parties. The imperialistic endeavour did not lie in the imposition of English on indigenous languages, but the imposition of European variants of these language on their speakers via the judicial and educational system (Makoni & Makoni, 2010:8). However, the Boers, according to Němeček, (2010:30), were unable to speak English and were deemed to have a lower social and economic status because their English proficiency forced them to migrate to the countryside, where they did not have to be taught English. The Boer community successfully achieved recognition for Afrikaans

in 1875. However, equal language rights in this paradigm were shallow in nature because they did not include South African Bantu languages in the constitution (Němeček, 2010:30). The battle of languages intensified from here on, and linguistic imperialism seemed to partly breed apartheid.

During apartheid, linguistic diversity was undermined and disregarded through the promotion of Afrikaans-only language policies. During the 1970s, Afrikaans as a medium of instruction caused political unrest. When the apartheid state enforced Afrikaans as the medium of instruction in 1976, black learners would be taught in two distinct “new” languages, first English in 1975, and then Afrikaans in 1976. According to Plüddemann (2015:189), black learners were taught in their mother tongue at primary schools (for eight years) between 1948 and 1994. Thereafter, black schools had to follow “non-mother tongue” dual-medium instruction, in which half of the subjects were taught in Afrikaans and the other half were taught in English. This is one of the reasons why African languages are still underutilised in society, and as a language of learning and teaching (LoLT) from grade 4 onwards.

Although the Constitution of South Africa acknowledges 11 official languages, it still remains a question whether each language is used unilaterally (RSA, 1996b:3). The Language Plan Task Group (LANGTAG) (LANGTAG 1996, cited in Ndhlovu, 2008:63). report emphasised, inter alia, the promotion of multilingualism and the elaboration and modernisation of African languages. According to Beukes (2004:14, cited in Ndhlovu, 2008:65), the LANGTAG report also included concern about a possible second-language imperialism: departments in most of the spheres of South African society were turning to English as a medium, which meant that African languages were unrepresented. This was devastating to democracy in South Africa and led to a range of systematic and prevailing disadvantages to overcome.

South Africa thus needed a strategic plan to overcome this division. This was done through the induction and introduction of two language policies, viz. the National Language Policy Framework (NLPF), which was accepted by the cabinet (Beukes, 2009:40), and the creation of the Implementation Plan for the NLPF two months after the NLPF was accepted. The intention of these policies was clear, namely to promote multilingualism and advance the use of African languages. Although the intent was clear, there are no traces of these language policies in the South African linguistic reality. The Department of Arts and Culture (DAC) devised a further plan and drew up the Use of Official Languages Act (RSA, 2012) to regulate the use of all the official languages: if government bodies failed to supply their language policies in all languages, they hampered the process of implementing this act (RSA, 2012).

All three these attempts were meaningless in terms of implementation, for many reasons. The Use of Official Languages Act (RSA, 2012) was critiqued in that it did not promote inclusive linguistic diversity (Pretorius, 2013:282). Furthermore, it acted on its own and had no “inclusivity-specific guidelines”; when viewed from the directive principles (section 6(3) of the Constitution), “it mandates unguided discretionary powers to limit official language use” (Pretorius, 2013:303). What is clear from the

language policy implementation failures is that the formulation of these policies echoed apartheid and colonial language policies: indigenous languages are still being neglected in South African society and reality. English is still the default language in government spheres (Cakata & Segalo, 2017: 324). It seems that public schools depict the same picture as in the South African society.

1.2.4 Language policy in South African public schools

Madiba and Mabiletja (2008:221, cited in Coetzee-Van Rooy, 2018: 20) indicate that the lack of clear implementation goals leads to the failure to implement multilingual language policies in schools. Given the advantages of multilingual education, as explained by Le Cordeur (2015), the South African education sector still falls short of the actual acknowledgment of the 11 official languages of the country. Plüddemann (2015:192) notes that the implementation of language policies in public schools is hindered because of a disjuncture between a learner's home language (HL) and the language of learning and teaching (LoLT). This is only one of the contradictions of language in South African schools.

Another contradiction, which lies at the heart of language use in education (De Klerk, 2002 cited in Heugh, 2013:218), is that the Language in Education Policy (DoE, 1997a) and the curriculum (Curriculum 2005, RNCS, and now CAPS) were originally drafted by different parties that had different outlooks on multilingualism. This means there was a lack of communication between the two departments while the national language in education policy was being formulated. According to this policy, the LoLT must be an official language of the country (DoE, 1997a:3). The South African Language in Education Policy is based on the notion of additive multilingual (bilingual) education (DoE, 1997a). The LiEP requires that learners must have at least one language subject in Grade 1 and Grade 2 and, from Grade 3, learners will have their LoLT as a subject and one other (additional) language (DoE, 1997a:3). Curriculum 2005 (DoE, 1997c) and the revisions that followed are based on an early transition to English (in grade 4), which, according to Heugh (2013:220), is against additive multilingual language policies. After Curriculum 2005 (DoE, 1997c) was introduced, The Revised National Curriculum Statement for Grade R – 9 (RNCS) introduced FAL in Grade 2 (DBE, 2002:20). Unlike the mother-tongue emphasis of the LiEP, the Curriculum Assessment and Policy Statements (DBE, 2011a) is designed to introduce English as a language subject much earlier than Curriculum 2005 (DoE, 1997c) and RNCS (DBE, 2002) – in grade 1 (actually informally in grade R) to support the change in LoLT to English in grade 4 (DBE, 2009:14). One therefore sees that the LiEP (DoE, 1997a) focuses more on mother-tongue education with additive bi(multi)-lingualism, while the curriculum initiatives in South Africa focus more on the introduction of multilingualism and developing the other tongue similar to the FAL subject. The problem here remains that the newest national language in education policy, *The*

Incremental Introduction of African Languages in South African Schools (IIAL) (DBE, 2013) does not promote African languages as an LoLT but as a second additional language (SAL).

To bring this into an educational governance context, as the SASA section 6 (1 and 2) states that the national Minister of Education may produce norms and standards for language policy in public schools which could form a contradiction with the idea of a SGB be the sole authority to formulate language policy is a contradiction. The only norms that the Minister of Education may formulate were published in the LiEP (DoE, 1997a), and were called Norms and Standards Regarding Language Policy Published in Terms of Section 6(1) of the South African Schools Act (DBE, 1997b:2), which states that the SGB must indicate in its language policy how it intends to promote multilingualism, which language subjects will be taught and what language maintenance programme will be hosted. This keeps the SGB in check with regard to language policy formulation and theoretically would prohibit an SGB from discriminating against learners linguistically.

New legislation, such as the Basic Education Laws Amendment Bill of 2017 (Government DBE, 2017) seeks to impugn democratic school governance and alter the power of the SGB to formulate language policy through first submitting it to the HOD for approval. The HOD may approve a language policy formulated by the SGB, or may send it back with recommendations. The HOD must take certain aspects into consideration when he or she co-signs the formulation of the language policy: the SGB must also review this language policy every three years. More importantly, the Amendment Bill grants the HOD power to direct the SGB to adopt more than one LoLT. This poses a threat to school governance on the one hand, and to language policy formulation by the SGB on the other. This section and the previous section serve as a background to the study.

1.3 Rationale for the study

I perceived the need to explore language policy as a function of school governance in South African schools due to the mismatch of learners' mother tongue and the language subjects some schools offer. I am an Afrikaans teacher in a high school in the Cape Winelands Education District, Western Cape in South Africa. I witness every day how learners are taught their second language as a HL subject at school. These learners seem to struggle with the language but, more problematically than that, they are required to think abstractly in a language that is not their mother tongue. This is a challenge, because learners struggle to understand what they are taught, which deems the education they receive (that which I teach) meaningless.

Secondly, English-speaking learners that have Afrikaans at FAL level are not interested in this language, because some argue that they will not use it after school when they study at a university or college. This led me to believe that language is direct related to identity formation and social construction. I also witnessed that

teachers are not given a lot of time to actually teach learners how to speak Afrikaans and, for that matter, how to speak a second language (FAL or SAL). Language is part of a learner and, for that matter, of a human's immediate environment, and it is difficult to imagine oneself without using the language.

Through close reading of the Norms and Standards for Language Policy in Schools (DBE, 1997b:2), I attempted to understand how members of the SGBs thought and perceived these norms in terms of their school's language policy. Every SGB is tasked with the responsibility of formulating a language policy, but not all participants, in any case those that I studied, were language practitioners. Interestingly, language policy in public schools, or perceptions of the Norms and Standards of Language Policy and the manifestation of these norms in the different school language policies, are formulated by people who do not necessarily have the subject knowledge of language or language policy. This means that language policy formulation is undertaken by individuals who neither understand language policy and practice, nor the needs of learners. By engaging with SGB members, I have learnt that, despite new intakes of learners from various contexts and linguistic abilities, the language policy of a school is seldom changed. In a changing world and with learners' linguistic needs that change every year, it is difficult to cope if one does not strengthen the school's policy stance

1.4 Problem statement

Single-medium public schools in South Africa, in the past, faced some pressure due to their language policy stance. Case law suggests that it is only Afrikaans single-medium schools that have faced language policy contestation. Even though there could be a political explanation for this contestation, it remains unclear from this study what the reason is. Due to the abolishment of Apartheid and the Groups Area Act, it is logical to assume that past Afrikaans-only areas experienced an inflow of people with different mother tongues than Afrikaans. This means that learner demographics have changed in the new South Africa. The problem that arises here is that the language policy of some single-medium schools has been unresponsive to this shift, meaning that the language policy has remained the same. This leads to tension with regard to language policy formulation as a function of an SGB.

Language policy as formulated by the SGB has come under severe of scrutiny and, due to this, SGBs have been questioned about their functionality. It has become unclear, in academic terms, who has the last say on language policy formulation, even though SASA states in section 6(2) that the formulation of the language policy of a public school rests upon the SGB (RSA, 1996a:11). Woolman and Fleisch (2008) and Smit (Smit, 2011:405) argue that the power to formulate and determine language policy in public schools ultimately rests with the HOD. On the other hand, Colditz and Deacon (2010) and Malherbe (2010) argue that the power to set language policy rests with the SGB. Malherbe (2010) also argues that language policy formulation is a

competency of the SGB and not of the HOD. It is unclear from this who has the authority or “the last say” in language policy formulation. To complicate this matter further, the HOD has the right to revoke or withdraw a function of the SGB. A debate is also ongoing on whether language policy formulation is a function or a power: according to Malherbe (2010), this will influence if a HOD may withdraw the power/function of an SGB. However, be it as it may, if an HOD withdraws the function/power to formulate language policy, this ‘privilege’ to formulate language policy is taken away from an SGB. Because an SGB consist mainly of parents, parents will now be disenfranchised and the democratic function of the SGB will be influenced.

As stated in my selection criteria, I chose Afrikaans single-medium primary schools because they have, in the past, been subject to pressure from the DBE to change their language policy. There are certain instances of case law that question the authority of SGBs as formulating the language policy like:

1. *Head of Department: Mpumalanga Department of Education and Another v Hoërskool Ermelo and Another* (CCT40/09) [2009] ZACC 32; 2010 (2) SA 415 (CC) ; 2010 (3) BCLR 177 (CC) (14 October 2009),
2. *Governing Body of Mikro Primary School and Another v Western Cape Minister of Education and Others* (332/05) [2005] ZAWCHC 14; 2005 (3) SA 504 (C) [2005] 2 All SA 37 (C) (18 February 2005).

These are examples of Afrikaans single-medium schools (or former) that were pressurised by the HOD and MEC to change their language policy. Secondly, given that Afrikaans is the most spoken language in the Western Cape of South Africa, my interest in these schools grew because the irony involved in changing these school’s language policy highlighted the pressure outside the realm of a SGB’s power to formulate language policy and govern a school by means thereof. As indicated above, the power/function of language policy are embedded in the democratic school governance of a SGB according to SASA section 6 (RSA, 1996a: 11). In the light of the abovementioned case law, it came to be that the State, in terms of the intervention of the HOD in school governance has always been solved through legal actions which could lead to the demise of democratic school governance.

1.5 Research question

To address the problem stated above, the following main research question directed the study:

Do governance and language policy in South African public schools provide an opportunity for deliberative democracy?

The main research question led to the following sub-research questions:

1. Why should parents, as members of the SGB, and other members of the SGB have the right to determine a school's language policy?
2. How do democratic school governance and language policy formulation in public schools in South Africa intersect?
3. What are the inherent tensions arising from the role of parents and SGBs in relation to determining language policy?
4. On what basis does the HOD contest the language policy adopted by the SGB?
5. How can deliberative democracy assist in mediating the tension between the state (HOD) and the SGB in terms of its language policy?

1.6 Objectives of the research

This study will serve as an exploration of language policy and school governance in three public schools in the Western Cape of South Africa. The following objectives were pursued:

1. To gain information in order to explore the nature of parental involvement in language policy formulation as a larger project of democratic school governance.
2. To explore the intersections of language policy in public schools and democratic school governance.
3. To interrogate the role of and intervention by the HOD with regard to school governance and language policy formulation.
4. To examine the possibility of deliberative democracy to mediate the relationship between an SGB and an HOD with regard to language policy formulation.

1.7 Research paradigm

The term paradigm refers to a research culture with its own set of beliefs, values, and assumptions that are consistent with a range of researchers when approaching research (Kuhn, 1977). A paradigm therefore refers to a general worldview that is interdependent with a certain way of thinking (Olsen, Lodwick and Dunlop, 1992: 16). Gephart (1999) classifies research paradigms into three distinct philosophical frameworks, namely positivism, interpretivism and postmodernism.

The paradigm for this particular study, especially because it is based on the polite experience of the SGB members, will mainly be interpretivist. Interpretivism is the belief that reality consists only of subjective experiences and where researchers reveal intersubjective epistemology and ontology which in turn gives rise to the creation of a reality that is also socially constructed (Gephart, 1999). The interpretive paradigm consists of numerous philosophical perspectives, viz. phenomenology and hermeneutical phenomenology (Burrell & Morgan, 1979).

The core of the interpretive paradigm is to understand the subjective reality of human experience as the topic of research (Guba & Lincoln, 1989; Langdridge 2007:4). Schwandt (2007:314-317) states that meaning could be discovered through language, and not only through quantitative research methods. As I stated before, the research paradigm used for this study is interpretive due to the fact that the researcher wants to understand how participants view “school governance” and “language policy”. The policy analysis employed in this thesis also formed part of the interpretive research paradigm which would be illuminated in the following sections.

1.8 Research methodology

Harding (1987:2) notes that research methodology refers to the theory of epistemology or the framework of interpretation that systematically directs and guides research. Similarly, Schwandt (2007:195) declares that research methodology is a theoretical framework and a guideline for how an inquiry should commence. The research methodology thus is the theoretical and philosophical underpinning of the research enterprise.

In conducting this study, I chose a phenomenological inquiry. Briefly stated, phenomenological inquiry hinges on what Collis and Hussey (2009:56-57) argue is the goal of interpretivist research, which is to understand and interpret mundane and everyday events (ideas) that are embedded in social experiences and systems, as well as the meaning that people project onto the phenomena. I sought to work with people’s thoughts on phenomena like “language policy” and “school governance”, how they viewed these phenomena, and how they made sense of these phenomena when thinking about them. According to Van Niekerk and Rossouw (2006:12), Husserl argues that, in the phenomenological ‘epoche’, one takes a distance from the validity of the natural world (physical world) and ‘brackets’ a certain aspect that lies beyond human consciousness, to be left with consciousness alone. Therefore, I was interested in how participants thought about the different phenomena.

1.9 Research design

Building on the interpretivist paradigm and phenomenological methodology, it is clear that the research design would be embedded in qualitative research strategy. Preliminary thoughts on qualitative research is to understand participants and their views (Merriam, 2009:3). In the same light, Creswell (2003) argues that the qualitative research approach is used for knowledge generation with regard to the multi facet meanings of individual's views or the meanings that is socially and historically created.

The research methods that flow out of an interpretive paradigm, phenomenological methodology and qualitative research design, is e-mail interviews and policy analysis. At its core, e-mail interviews as qualitative research, are a form of these frameworks because they capture what the participant views. One can easily dismiss policy analysis as a phenomenological endeavour, but as I will argue in the following subsections, the policy analysis employed in this thesis could easily be reconciled with phenomenological methodology. The reason therefore is, it captures how participants view a certain policy construct.

1.10 Research methods

In this study, I hoped to gain in-depth knowledge about language policy and governance in South African public schools by looking at the perceptions of selected members of the SGB of the participant schools.

1.10.1 E-mail interviews

E-mail interviews differ from face-to-face interviews in that they are a form of written communication and not oral communication (Hamilton & Bowers, 2006:829). E-mail interviews are not simply yes-no answers to questions or even short answers (Hamilton & Bowers, 2006:831). They are a form of semi-structured interview questions in which there are multiple exchanges of e-mails (Meho, 2006:1284). E-mail interviews must not be confused with e-mail surveys.

E-mail interviews were used in this study because it was economic (my participants' schools were not close to each other) and the interpretation of data was more coherent. E-mail interviews were conducted with an educator, a parent and a principal from each of the three primary schools, labelled Schools A, B and C, in the Western Cape of South Africa. I used this method because I was only interested in the perspectives of the participants, meaning that they would give a more nuanced response that they had actually thought about. Sometimes, face-to-face interviews place the participant under stress, but with an e-mail interview there is an

epistemological and ontological distance between the participant and the researcher. Up to 200 e-mails were exchanged between the researcher and the participants.

1.10.2 Policy analysis

Policy analysis refers to the nature, intentions and effects of social problems and the intention to solve these problems on an institutional level (Nagel, 1995:181). I have chosen to evaluate the language policy formulation process of three schools, labelled School A, B and C, in the Western Cape in South Africa. I will briefly refer to the nature of the evaluation of policy formulation and then state how I used this concept in the study. Pressman and Wildavsky (1973, cited in Khan & Rahman, 2017: 175) argue that this evaluation of policy formulation looks not necessarily at the faulty logic, but at the logic as such that lies at the core of the policy. In this study, I focused on what lies at the core, i.e. the essence of language policy in the three sample schools. The essence of language policy as a function of an SGB is nationally formulated in the Norms and Standards Regarding Language Policy Published in Terms of Section 6(1) of the South African Schools Act (DBE, 1997b:2). The introduction of the Norms and Standards will then differ from school to school, not only because their language policies differ, but because each participant views the language policy as a different manifestation of the Norms and Standards.

I “bracketed” these norms to arrive at each participant’s view of how they are manifested in the school, i.e. what is the essence of the language policy and how participants make sense of it. I never looked at any of the language policies of the sample schools because I was interested in how the norms manifested in each school from the point of view by the participants. Each participant would therefore give me an account of how he/she thought the norms and standards were formulated and manifested in their school’s language policy. In turn, I looked at each perspective and viewed these critically by searching for connections with and deviations from the literature.

1.11 Research context

For the purpose of this study, three primary schools in the Western Cape of South Africa were selected to obtain data. The three primary schools shared the same province, but not the same educational district. Schools B and C were near each other in one town, but School A was 40 km away from these schools. Schools A and B had more or less the same ethos, but School C differed with regard to language, race and culture. The learners also came from a different socio-economic background. Schools A, B and C were Afrikaans-medium primary schools. However, the three schools reflected different subcultures of the Afrikaans community. Furthermore, they were schools with strong Christian beliefs and a value system based on that belief. School

A is in the northern suburbs of Cape Town in the Western Cape. The northern suburbs is a busy area that caters for learners from different backgrounds. School A houses many races from a higher economic background. School B is in a suburban area of the so-called Boland area in the Western Cape. School A and School B have expanded SGBs, comprising nine and 11 members respectively. They both attract a variety of races. School C is in a Coloured area, with largely Coloured people from poor backgrounds and most of the parents do not involve themselves in school governance. School C had five SGB members.

1.12 Sampling techniques and selection

Polit and Hungler (1999:37) describe a population as the total number of subjects, objects and participants with the same specifications and characteristics. The sample of a research study is used to gain specific information from a specific population (Frey, Botan & Kreps, 2000:125). When qualitative research is conducted, as in interviews, a sample is “drawn” from a given population (Latham, 2007:1). The population of the study is expressed by N , which is 25, and the sample, which is expressed by the letter n , which is 9 (Latham, 2007:1). For the purpose of this study, I used non-probability, purposive (judgemental) sampling. Non-probability sampling refers to the probability that all the characteristics of the participants are unknown (McMillan, 1996:91). The only known characteristic of the sample was that every participant was a member of the SGB or, in other words, the sample consisted of educators, parents and principals. With *purposive sampling*, the researcher chooses specific elements from the population that suit the research the best (McMillan, 1996:92). I chose purposive sampling because I decided to look only at the perceptions of educators, parents and the principal, and not those of the non-teaching staff members of an SGB.

Furthermore, I chose these three schools mainly because they were Afrikaans-medium primary schools representing different subcultures of Afrikaans. Furthermore, single-medium Afrikaans primary and secondary schools in South Africa receive varying amounts of pressure to change their language policy. Malherbe (2006:197) argues that solely Afrikaans-medium schools are treated as if they are the biggest obstacle to a transformation agenda, which is directly in contrast with constitutional language rights. Challenging these language policies is also, according to Malherbe (2006:197), against mother-tongue education.

Purposive sampling indicates that there is a reason or goal behind the choice of sample. Also, in purposive sampling, argues Merriam (2009), one must indicate what the selection criteria are essential to choose the school and the members of the SGB. In criterion-based selection, the researcher considers certain attributes which is essential to his/her study and then find a unit matching the list (Merriam, 2009: 77). The following criterion was used to determine the selection for the sample:

1. Province in South Africa

The school had to be situated public school in the Western Cape of South Africa (WCED) which had an SGB according to SASA (RSA, 1996a).

2. Language-of-teaching-and-learning (LoLT)

The public schools in the Western Cape needed to be Afrikaans-medium. This was because Malherbe (2006:197) argued that Afrikaans-medium schools are targeted by the DBE (and therefore HOD) as the greatest obstacle towards achieving social transformation. Second, Afrikaans is the language that is most spoken in the Western Cape which would render this criterium in agreement with the status quo (Statistics South Africa, 2011).

3. Specific members of the SGB

I have chosen a parent, teacher and principal of each school to portray a diversity of insights into language policy formulation and school governance.

1.13 Significance of the study

Interpreting the provisions of SASA together with the Constitution does not provide a clear reflection of the South African educational field. These statutes are theoretically 'perfect', but when it comes to the implementation thereof, and other language policies, the picture is not always clear cut. If one looks at significant case law and weighs it against statutes, viz. SASA, one can easily see the discrepancy. Case law can easily be 'grafted' onto SASA to reflect a better image of the South African education sector. When one takes language policy in public schools, for example, case law suggest a different picture to that suggested by SASA and other relevant language policies.

Language policies in public schools are currently (2020) in the news headlines. In 2018, the *Governing Body, Hoërskool Overvaal v Head of Department of Education Gauteng Province 2018 JDR 0005 (GP)* case led not only to public sentiments regarding language in public schools, but also in relation to LoLT in general. The language debate in schools is based on false ideas of what language in schools ought to be: what the media seems to leave out is the question of language policies and democratic school governance, and how these two are intertwined. Therefore, as case law and the relevant language policies in South Africa suggest, there is a gap between language policy formulation in public schools on the one hand, and democratic school governance on the other.

I worked at a high school that uses Afrikaans as an FAL language and English as its HL subject and LoLT. It came to my attention that more than 40% of the learners were children of refugees and people from Africa. This means that their mother tongue is not English – English therefore is their second language and Afrikaans their third

language, but English is the LoLT and HL. Afrikaans is their third language, but it is offered as an FAL or on the second-language level. This iterates *Nkosi v Vermaak NO & Other (77/2007) [2008] ZAKZHC 83 (Equality Court, Durban, 30 September 2008)* where a school chose English as a HL and Afrikaans as a FAL in their language policy. However, most of the learners had a different mother-tongue than English i.e. isiZulu, the language policy of the school discriminated unfairly not because it had English as a HL but, Afrikaans as a FAL whereas many learners had a different mother-tongue.

that it is unfair discrimination to offer Afrikaans at a second-language level even though it is learners' third language. It therefore is clear that learners from the surrounding neighbourhood do not receive tuition in their mother tongue. The school also changed its LoLT from Afrikaans to English, which indicates a movement to a colonial language policy and does not reflect equality and social justice. which the Constitution seeks to promote.

As mentioned earlier, language policy formulation is a power entrusted to the SGB by SASA according to section 6(2) (RSA, 1996a:11). In the light of this, an SGB is a important entity in language policy formulation in public schools. An SGB must be in sync with the community to look after its linguistic needs and to ensure that there are no racial or other forms of discrimination when a language policy is formulated. According to section 6(2), the language policy of a school needs to be formulated in accordance with the Constitution and other provincial statutes (RSA, 1996b). It does not follow that a SGB has unlimited power when governing a school or fulfilling its functions, especially a power/function like formulating a language policy. Therefore, SASA gives permission for the HOD to withdraw certain functions and appoint persons who, after the withdrawal, must fulfil that function (RSA, 1996a). The more accurate a language policy corresponds with best practice that is inclusive and democratic, the better its functionality is. If language policy design follows this formation, then revoking the function will lead to a process in which an SGB cannot fulfil its democratic function.

1.14 Contribution of the study

This study seeks to join the fields of language policy in public schools and school governance. However, there are several considerations that are necessary before these fields coincide. There are numerous challenges facing school governance in South African schools (see Xaba, 2011). South Africa is also faced with language and language policy issues nationally and in public schools (see Cakata & Segalo (2017) and Plüddemann (2015) respectively). Research has been done on the intervention of the state in public schools (Prinsloo, 2006); and tensions between provincial educational departments and SGBs (Clase, Kok & Van der Merwe, 2007); and some body of research has been done on the Constitution, reasonableness and the HOD (see Malherbe, 2010; Smit, 2011; Woolman & Fleisch, 2007).

This study provides new insights into language policy formulation as a function/power of the SGB in South African public schools. Furthermore, the study revisits SASA (1996a), the LiEP (DoE, 1997a), and the Norms and Standards Regarding Language Policy Published in Terms of Section 6(1) of the South African Schools Act (DoE, 1997b:2). I also made use of other educational policies and language policies to inform the body of the research in the hope of joining language-in-education into a combined whole. The aim of my research was to gain more information about language policy and governance in South African schools by taking the perspectives of educators, parents and principals into consideration. The outcomes of the research is aimed at informing SGBs that they need to consider more policy options when they formulate a language policy and work with the HOD. Furthermore, the hope is of this study is that SGBs will revise their practices of governing and gain more knowledge about language issues in South Africa nationally, and in schools.

1.15 Limitations of this study

This study provides an exploration of language policy and governance in public schools. The study was limited to three primary schools in the Western Cape of South Africa. The study used a sample size of nine participants – three educators, three principals and three parents – from three different primary schools in the Western Cape. First, I used parents because their involvement has a direct effect on the democracy of the SGB. They also bring creative insights to the SGB due to the fact that they have different occupations. Second, I chose principals because they have expert knowledge about the functionality of schools, which is carried over to the functionality of the SGB. Third, I chose educators because they are closely involved in didactics and what learners want and need.

The research was also limited by the methods I used, viz. e-mail interviews and policy analysis. E-mail interviews have shortcomings because one cannot see any non-verbal cues, and policy analysis is limited to only evaluating the formulation of language policy through the perspective of members of the SGB and the instructions and guidelines in the Norms and Standards (DBE, 1997:2). Lastly, as mentioned in the problem statement regarding who is responsible for school governance between the SGB and the HOD with regard to language policy formulation, I did not interview the HOD of any province and the participants did not have direct contact with the HOD. The role and intervention of the HOD hinge solely on and are in terms of the perspectives and views of the participants with regard to language policy.

1.16 Ethical considerations

Ethical issues that usually arise when conducting qualitative interviews are: research and power relations, informed consent and issues with data dissemination (Burgess, 1989:5-6; Ramrathan *et al.*, 2016:444-445). In order to conduct this research, I received permission from the Western Cape Education Department (WCED) Research Division (Addendum B). Secondly, I received ethical clearance from Stellenbosch University (Addendum A) and, thirdly, I received written consent from the principals of the three schools. In addition, I received advice from my supervisor: Prof. Nuraan Davids on the ethics of the study. Before the e-mail interviews with the participants commenced, the principals gave me a list of members of the SGB from whom I could ask permission to conduct interviews. When these members (who are the participants) gave me permission, I informed them that the interview was voluntary. I gave each participant an electronic consent form (Addendum C) to sign and return to me containing a description of my research and proof of ethical clearance from the university. The participants were assured that their responses remained confidential and that their identity would remain anonymous.

1.17 Data analysis

Data analysis can be seen as the creation of meaning of data that was gathered by the researcher through employing the research methods according to Thomas *et al.* (2005, cited in Perry, 2010:49). According to Patton (2002), qualitative research is based on three phases. This thesis had also used these phases to analyse the compiled data using a phenomenological methodology (interpretative paradigm) and qualitative research design. Data was compiled and protected, and the researcher had also become acquainted with the data: this phase is called the *preparatory phase* (2002).

After this phase, the researcher engaged into the *descriptive phase* (Patton, 2002). According to Patton (2002: 50) this phase involved the classification and coding of data. The following phase, the *interpretative phase*, was entered through the merging of data in a holistic way. These three phases together form what Maykut and Morehouse (1994: 134) call the *constant comparative method*: it is an inductive categorical coding that is accompanied by a comparison of units of meaning. The data analysis of this study is embedded in the constant comparative method. The transcribed e-mail interviews and policy analysis are divided into meaningful units and each one is given a different theme. Building on the aforementioned, the following themes were identified during the e-mail interviews:

1. Parental involvement in language policy
2. Democratic school governance and language policy

3. Role of and intervention by the HOD
4. School governance and deliberative democracy

1.18 Trustworthiness, validity and reliability

Trustworthiness in qualitative research is summarised as the self-confidence a researcher has in his/her findings and conclusions (Maykut & Morehouse, 1994:145). To ensure trustworthiness, I used two research methods. To ensure transparency, I introduce my research findings and discuss the findings before I analyse the data. This will provide the reader with the full extent of my data.

Reliability, for Bell (2002, cited in Bush, 2002:60), refers to getting “similar results under constant conditions on all occasions”. The e-mail interviews can be regarded as reliable because I asked each participant the same question. With regard to policy analysis, the choice of a framework to analyse policy will increase the reliability of the research method because the framework is a constant.

The validity of a research method depends on how accurately the method describes the phenomenon that is being researched (Bush, 2002:65). E-mail interviews helped me to understand the SGB members’ views of school governance and the language policy to determine the. The framework of Ball (1993) and Regmi (2017) gave me the means to understand language policies in the chosen schools relative to the given framework.

1.19 Brief chapter overview

Chapter 1 – a brief introduction to the motivation for the study, the rationale, the research context and the research methods. This chapter also provides the research question and the sub-questions, which were translated into interview questions. There also is a brief background to the study and the research methodology.

Chapter 2 – serves as the literature study on school governance in South Africa and contains the conceptual framework of the study. It analyses the functionality of the SGB and how SASA introduced the concepts of decentralisation and democratic school governance into public schools in South Africa. Furthermore, a distinction is made between the functions and powers of an SGB in order to position language policy as a power/function of the SGB. The members of the SGB with regard to the study are analysed, followed by a description of the challenges SGBs experience in South Africa to provide a detailed sketch of school governance in the country. It lastly looked at the role of the HOD according to the SASA.

Chapter 3 – a literature study on language policy and language use in South Africa and in public schools in the country. It starts with a theoretical position, which is a description of language policy and planning and a fluid definition of language as a concept. Furthermore, there is a discussion of language policy and language with regard to colonial times and during apartheid times. It then moves on to language planning and policy in South Africa, with the possible problems of language in South Africa nationally. It further looks at language policy in the country's public schools, which is guided by the curriculum and other sources (policies) from a South African perspective. This chapter refers to the multiple language policies in South Africa nationally and in public schools. Lastly, it looks at language policy as a function/power of the SGB, emphasised by a description of the recent case law regarding language policy and school governance in South African public schools.

Chapter 4 – discusses the research methodology and research methods. The research methodology is a phenomenological inquiry that form the base and the guiding principle of the research methods used. The description of the research methods includes information about e-mail interviews and policy analysis. Both these methods were used, and there is clear motivation for these methods. Furthermore, the research context provided in this chapter yields information about the functionality of the SGB and where these schools lie geographically. I then move on to ethical considerations and issues of trustworthiness and reliability.

Chapter 5 – presents the themes of the research findings and the perspectives of the participants on the research subject.

Chapter 6 – contains the critical discussion of the themes that arose from the findings. The information gathered from the e-mail interviews contains views and perspectives based on the questions I asked. The policy analysis looks at how participants viewed their own language policy through the unique manifestation of the Norms and Standards.

Chapter 7 – focuses on the final discussion of the study, and makes recommendations for the participants, SGBs, HODs and possible policymakers with regard to language-in-education policy in public schools in South Africa. The limitations of this study and recommendations for future research are discussed.

1.20 Chapter Summary

Chapter 1 served as an orientation to the research study, which deals with language policy and governance in three public primary schools in South Africa. The chapter was accompanied by the rationale for and background to the study, which includes trends in language policy nationally and in public schools and school governance in South Africa. This was followed by the objectives, motivation and a brief discussion of the research paradigm, methodology, methods, design and context. This chapter also

contains the limitations, significance, contribution, data analysis, trustworthiness, validity, reliability and the ethical considerations of the study, and a chapter overview. In the following chapter, I discuss concepts relating to school governance in South Africa. This is one part of the foundation of the research.

CHAPTER 2

SCHOOL GOVERNANCE IN THE POST-APARTHEID PERIOD

2.1 Introduction

As mentioned in Chapter 1, Chapter 2 focuses on school governance as vested in the SGB. In Chapter 1, I started briefly by discussing “decentralisation” and “governance” within the South African school system. SASA vests school governance in an SGB, which means that the SGB has the original power to govern a school. Due to the fact that an SGB is a statutory body, it is entrusted with powers and functions it is responsible for fulfilling. In this regard, Malherbe (2010) makes a distinction between competencies, functions and allocated functions of an SGB.

Therefore, I look at the functionality and status of the SGB in an to attempt to understand the relationship between governance and language policy in public schools in South Africa in a different chapter - Chapter 3. Certain powers and functions are given to an SGB by SASA, but they also have another function, i.e. a democratic function. SGBs are seedbeds of democratic participation due to the fact that they have a diversity of members and these members are democratically elected. Lastly, I discuss the conceptual framework, i.e. deliberative democracy. Preliminary thoughts on deliberative democracy yield its potential for strategic consensus based on common virtues and values that can have fruitful outcomes for decision-making (Pellizzoni, 2001:78).

2.2 Decentralisation

For Townsend (1994, cited in Naidoo, 2005: 40), decentralisation became a worldwide event in the 1980s. Preliminary thoughts on decentralisation involve participation in decision-making, which hinges on relationships and shared power in a local authority (Naidoo, 2005:36). The assumption behind Naidoo’s (2005:36) study is the rationale behind decentralisation that the state cannot provide quality education for the country or province on their own (Melaphi, 2015:19). Decentralisation, as stated by Zajda and Rust (2009:4), results in a greater degree of participation by various stakeholders, such as the community, which in turn could possibly spill over into greater accountability: Decentralisation is often associated with greater democratic praxis because it empowers local publics to participate in governance, i.e. parent-governors and the community (Naidoo, 2005:39). According to Davies, Harber and Schweisfurth (2002, cited in Mncube & Harber, 2010) all state departments were aligned with the basic democratic principles of rights, participation, equity and informed choice after 1994.

However, decentralisation does not guarantee democracy but, where governors are democratically elected and participation by members of the school community is intact, it will likely be present (Joubert & Van Rooyen, 2011:320). Furthermore, according to Olssen and Peters (2005, cited in Heystek, 2011: 456), decentralisation is coupled with neo-liberal ideology because it emphasises a lack of direct influence of central government in local educational settings. I further look at the denotation of the concept of decentralisation as it is forwarded by the notion of *educational decentralisation*.

According Lauglo and McLean (1985, cited in Sayed, 1997: 355), and Prawda (1993, cited in Sayed, 1997: 355), *educational decentralisation* means the redistribution, sharing and extension of power beyond the confines of a central [education] authority. To elaborate on this notion, McGinn and Welch (1999, cited in Mwinjuma, Kadir, Hamzah, Basri, 2015: 34) define *educational decentralisation* as a movement of power from one level of an education organisation to another level, i.e. the local level. Decentralisation does not mean that schools are autonomous, but rather that local settings are entrusted with resources because they are in contact with local demands and implementation (Heystek, 2011:456). Therefore, educational decentralisation puts forward the idea that lower levels of government have authority, but that does not detract from the fact that they have absolute power. Naidoo (2005:41) states that decentralisation goes hand in hand with policy choices such as the curriculum changes, assessment reforms, and parental choice of schools. Jansen (2000, cited in Naidoo, 2005:41) questions the intentions of policy-making after Apartheid because he is sceptical about the intentions of policies during this period for not fundamentally changing educational landscapes and processes.

Mwinjuma *et al.* (2015) highlight three concepts that accompanies the understanding of *educational decentralisation*, i.e. *deconcentration*, *devolution* and *delegation*. *Deconcentration* denotes the movement that increases the power of local agencies such as schools (Mwinjuma *et al.*, 2015:35). Firstly, every province in South Africa has its own DBE, e.g. the Western Cape Education Department (WCED), which is responsible for quality education in the province. Secondly, and to further the downward movement of power, SASA promotes decentralisation through the mandatory introduction of SGBs in public schools in South Africa. Accordingly, the terms “local agencies” and “schools” can easily be substituted by the notion of an SGB. According to Lauglo (1995, cited in Mwinjuma *et al.*, 2015: 35), schools, or in this case SGBs, are granted the power to make certain decisions that they would not have been able to make under a centralised authority [**national/provincial education department**] (my emphasis).

According to Fiske (1996: 10, cited in Mwinjuma *et al.*, 2015: 35), *Devolution* expands the notion of *deconcentration* by specifying what portfolios will be sent down to the school to fulfil, i.e. finance, school curriculum, governance, pedagogy, etc. Therefore, devolution of power fosters a responsibility by stakeholders to perform a certain degree of decision-making and involvement in policy matters of schools. The SASA clearly states what is expected of SGBs, what they “must” do and what the “may” do

i.e. manage the finance of a school set up a language policy, religious policy and a code of conduct, just to name a few. According to Fiske (1996:10, cited in Mwinjuma *et al.*, 2015: 35), *delegation* refers to the handing over of tasks and work by a central authority through the line of management to school principals, SGBs, teachers (and parents). Emphasis is placed on the SMT of a public school to manage the day-to-day activities of the school. In addition, and from a theoretical point of view, decentralisation could open the possibility for good and sound governance (Bradhan, 2002:185).

The history of decentralisation in South Africa can be traced back to the apartheid era. Near the end of apartheid, decentralisation was a result because of the poor economic performance in the 1980s and 1990s (Melhapi, 2015:23). Lehulere (1997, cited in Malhepi, 2015: 18) and Marais (2001, cited in Malhepi, 2015: 18) argue that the economic recession was due to great fiscal spending: balance-of-payments deficits, large capital outflows, financial sanctions, low foreign direct investment, an unskilled labour force, rampant poverty and major unemployment. During the 1980s and 1990s, the government welcomed decentralisation in white schools (Melhapi, 2015:23). According to Sayed (1997, cited in Melhapi, 2015:23) the government allowed educational decentralisation because it allowed greater control of schooling for those who paid for it, and it would enhance the efficiency, effectivity and quality of the nation's schools.

In the post-Apartheid era, the institutional commitment to educational decentralisation is based on the notion of participation and democratisation (Naidoo, 2005:18). Still, not all schools enjoyed or still enjoy the positive effects of decentralisation in post-Apartheid South Africa. Naidoo (2005) emphasises that decentralisation bred a two-tier system of public schooling, where the one tier was well-resourced and the other relied on the state. Decentralisation in the form of educational transformation has benefit only some schools due to the absence of integrated infrastructure for capacity building, and the fact that some schools had to deal with change on a large scale (Naidoo, 2005:121). Furthermore, due to a neoliberal system in South Africa, the education sector has been adversely affected by the unequal quality of education (Melaphi, 2015:26-27). Decentralisation is coupled with the issue of funds, i.e. school fees, because there is a direct correlation between school fees and the quality of education (Melaphi, 2015:26-27).

Seekings and Nattrass (2002, cited in Melhapi, 2015: 26 - 27)) argue that public historically advantaged schools (HAS) can appoint educators with higher qualifications, while historically disadvantaged schools (HDS) or state public schools have poorly qualified teachers with less of a work ethic. According to the DOE (2003), HDS need to catch up because they have minimal to no resources and the teachers and learners in these schools are expected to achieve the same levels of learning and teaching as HAS, when there are also disproportions in the personal income of the learners' parents (Melaphi, 2015:27). The lesson we learn here is that decentralisation is successful as a theoretical endeavour, but is a mixed concept in the South African

education system. Decentralisation inspired school governance in South Africa in the Apartheid era and in the post-Apartheid era. The following section builds on decentralisation and its influence on school governance in South Africa.

2.3 School governance

The governing of individual schools in South Africa took off in the early 1990s (Heystek, 2011:455). As stated above, even the Apartheid government moved to self-governance in public schools at that stage. However, as also stated above, the idea behind this form of school governance was not based on democratic principles, but on the authority of state control. Be that as it may, the large-scale democratisation in South Africa after 1994 brought about school governance that was structured by local political contexts and international trends of the 1990s (Heystek, 2011:456). South Africa followed the school governance structures as found in countries like England and Wales, Australia, Canada, New Zealand, Portugal and Spain (Bush & Heystek, 2003:127). Self-management characterised by “community involvement, decentralized decisions and decentralization of funds” was a new trend (ideal) in the new South African education system (Heystek, 2011:456). This norm was created by SASA and various white papers, but there are multiple deviations.

Webber (2002, cited in Heystek, 2011: 457) says that the devolution of school management in South Africa was introduced in former white schools during the 1990s. This movement is seen by Heystek (2011:457) as “politically and financially driven”, rather than to improve the quality of education. The Clase Models were devised by Piet Clase, the Minister of Education in the House of Assembly, in September 1990 to set forth a new admissions policy, which according to Naidoo (2005:23) was intended to secure the status quo for white parents. This system had four models: A, B, C and D (Naidoo, 2005:23). In short, Model A schools were state schools that became private schools and were run by a management committee or board of governors who determined the admissions policy. Model B schools were state schools under the management of a committee, with open admission in terms of the DOE regulations. Model C schools were semi-private, state-aided schools run by a management committee and the principal.

In Model C schools, some costs and salaries were funded by the state, and the management committee had the power to appoint teachers, decide on admission policies and set fees (Naidoo, 2005:23). Model C schools had all the benefits a school would have under the governance of a governing body (Heystek, 2011:457). However, this proved to be the opposite for black schools. According to Pampalis (2002, cited in Radebe, 2015:2) Model D schools were state funded, had no race restrictions and could admit unlimited black learners of all the models together. Davies *et al.* (2003, cited in Melhapi, 2015: 20) argue that the decision on this decentralisation was taken

in bad faith: it was to prolong and protect white interests for the sake of the governance and admission policy in schools approaching 1994.

During Apartheid, various systems in different departments included a form of community participation in the form of school councils, management committees and school boards, which comprised elected and non-elected members of the local community (Naidoo, 2005:22). There was more autonomy in the white system, in which there were more educated parents to play a supervisory and advisory role, but some black, coloured and Indian schools also had school governance structures with advisory roles (Naidoo, 2005:22). Black schools did not have self-managing status, which limited the involvement of parents and other important stakeholders (Heystek, 2011:457). Webber (2002, cited in Heystek, 2011: 458) notes that high-quality and sound governance structures were less important than granting parents the right to democratic participation. Learners in former white schools came from better socio-economic environments than learners in black schools (Heystek, 2011:458).

The White Paper on Education and Training (DoE, 1995) was the first instalment of democratic school governance and provided early statutory elements of SASA that were implemented in 1997 (RSA, 1996a). According to numerous authors, such as (Christie, 2006, Sayed and Soudien, 2005 and Woolman and Fleisch, 2008, cited in Heystek, 2011: 458), the introduction of SGBs into the South African educational context did not only have financial benefits for the central government, but was a political step towards democratic participation.

As stated earlier, SASA had many positive effects, but I focus only on the following. Firstly, it institutionalised the act of decentralisation through stating that SGBs would be the instantiation of school governance. Secondly, it made the existence of SGBs mandatory and statutory. SASA is legislation that offers fundamental structural changes to school governance in the new South Africa (Naidoo, 2005:29). SASA reaffirmed the ample policies on governance that were released before, which iterated principles such as equity, quality and democratic governance (Naidoo, 2005:29). For Naidoo (2005:29), the underlying philosophy of SASA was to create a system of democratic school governance based on citizen participation, partnerships with the state, parents, learners and school staff, and community, and to devolve power to the individual school. It therefore provides mechanisms for stakeholders to participate in decision-making and emphasises the power of certain stakeholders to participate (Naidoo, 2005:29). SASA provides for the election of SGBs by learners, staff and parents (Naidoo, 2005:29). For Khuzwayo (2007:5), school governance denotes the act of determining policies by which schools are organised, and determining rules for implementation of **[SASA and the Constitution]** (my emphasis). In South Africa, policies like the White Paper on Education and Training (DoE, 1995:70) proclaimed that the words “school governing body” be synonymous with school governance structures. However, school governance entails much more than the act of drafting policies. An SGB, as I will discuss later, is a seedbed for democratic participation through the statutory institution of elections and the nature of its diverse membership.

Xaba (2004:314) explains that school governance happens when all members of an SGB strive for the best interests of the school and the learners. School governance can be closely related to communitarian and societal understandings of the role public schools play in a democratic society and members of the SGB and other members such as parents (not only parents on the SGB) communities, political leaders, elites and educational experts who under all logical necessity play a role in school policy (Gomez-Velez, 2008:299). Here we are introduced to a “co-operative” governance structure which in all awe seems to be attractive, but highly contradictory.

Sound socio-economic environments necessarily lead to better functioning SGB’s (Heystek, 2011:458). According to Taylor (2006:3, cited in Smit and Oostehuisen, 2011:61). While former white schools had an upper middle-class parent community, former non-white schools did not have that advantage. This can lead to a lack financing, poor governance, and effectively a poor quality of education. Neo-liberalism, coupled with a market economy, reproduced the status of historically disadvantaged schools. In other words, HDS did not have the necessary cultural, social and economic capital to function properly, or to compete with former HAS. For this reason, certain schools and SGBs still struggle with challenges to functioning adequately.

According to Joubert and Van Rooyen (2011:302), SASA’s “cooperative design” embodies a “compromise” between a “centralized and decentralized system”. Smit (2011:403) agrees with this notion by emphasising the partnership between the state and school governance, as it is intended with an SGB. The phrase in “partnership with the State” occurs in the preamble to SASA (RSA, 1996a:1). It is common cause that the DoE and the provincial DoE cannot deliver quality education to all their constituencies on their own (this can be confirmed by mere observation). SASA allows the SGB to help in this regard. There are “checks and balances” (section 22 and 25) that hold SGBs accountable: yes, the SGB may govern a school, but this is not an absolute power. According to section 16(1) of SASA (RSA, 1996a:22):

“Subject to this Act, the governance of every public school is vested in its governing body and it may perform only such functions and obligations and exercise only such rights as prescribed by the Act.”

However, when read with section 16(4), it is clear that the HOD may intervene on “reasonable grounds” in case of an “emergency” (RSA, 1996a:23). Furthermore, the HOD has a stake in school governance after consulting on the policy in relation to NEPA (RSA, 1996c; RSA, 1996a:1-2). Also, according to section 22 of SASA, the HOD may withdraw a “function” of the SGB. SASA does not specify the meaning of “function” (as it is used in section 20) and what the status of the other sections, such as 6(2) – the determining of language policy, and section 8(1) – the formulation of a code of conduct (RSA, 1996a:11-12). The powers entrusted to SGBs by SASA would seem to be the heart of decentralised South African school governance (Melhapi, 2015:24). The following section provides a description of the legal status of the SGB. This is important because it gives more information on how the SGB functions as an entity and its powers under law.

2.4 The status of a SGB: Organ of state or not?

As mentioned in the previous section, an SGB has a legal status. Woolman and Fleisch (2008:55) argue that an SGB is a “fourth level of democratic government” that promotes “popular political participation that is quite real”. It is unclear, however, what these authors mean by “fourth level of democratic government”. I agree that SGBs are not “constitutionally mandated”: the functioning of SGBs is never mentioned in the formal Constitution (RSA, 1996a; Woolman & Fleisch, 2008:55). Only, the Interim Constitution stipulated that the government will not interfere with the “rights, powers and functions of the governing body” but that was before the introduction of the SASA (RSA, 1993). Ignoring the Interim Constitution, this implies that SASA, which grants a SGB the power to govern a school, is only provisional and could be changed through alteration and amendments of the SASA (Woolman & Fleisch, 2008: 55).

The deconstruction of the term “public power” problematise and complicates the nature and status of a SGB’s power to govern. If an SGB is executing “public power”, or any “public function” for that matter, can it automatically be described as an “organ of state”? A “fourth level of democratic government” implies that an SGB in fact has constitutional status; via being an “organ of state”.

According to the Constitution, an:

organ of state” means—

(a) any department of state or administration in the national, provincial or local sphere of government; or

(b) any other functionary or institution—

(i) exercising a power or performing a function in terms of the Constitution or a provincial constitution; or

(ii) exercising a public power or performing a public function in terms of any legislation, but does not include a court or a judicial officer ...

If an SGB is a “fourth level of democratic government” (Woolman & Fleisch, 2008:55), and given subsection b(ii) of the Constitution, SGBs “exercise a public power or perform a public function in terms of any legislation” (RSA, 1996a:122). According to section 20(1a) of SASA, an SGB delivers a “public function” through “the provision of quality education” under the legislation of SASA (RSA, 1996b:27). Distinguishing a power of an SGB from a function, I take the following stance. There is a difference between a power of an SGB and a function of an SGB. To make this distinction, one can argue that a power is seen as upholding the Constitution, the principle of legality (rule of law) and case law (Mdumbe, 2003:57).

If an SGB should be an ‘organ of state’, it has to exhaust all other remedies before legal action is taken. The Constitution renders us compelling insights: according to section 41(3) (RSA, 1996b:22):

an organ of state involved in an intergovernmental dispute must make every reasonable effort to settle the dispute by means of mechanisms and procedures provided for that purpose, and must exhaust all other remedies before it approaches a court to resolve the dispute.

This implies that an organ of state should not be taken to court for what it had allegedly done wrong. Other mechanisms must be used to resolve the conflict. Furthermore, because an SGB is not constitutionally mandated and only has power through SASA, it does not, as was ruled in some case law, fall under national, provincial or local executive control and falls outside any sphere of government (par. 21 of the second Mikro-case). However, in the past, the HOD and its office has taken an SGB to court, which renders the SGB as not being an “organ of state” and not part of any executive government. The passage above is necessary in this thesis because it indicates directly how and under what circumstances the SGB functions legally and socially. The following section expands on the notion of the “functionality” of the SGB by referring to its different functions and powers.

2.5 The functionality of SGBs in South Africa

The SGB has a unique functionality, and also has the capability of being a legal person, as mentioned briefly above. The following comments on this unique functionality can be regarded as important. Firstly, according to section 15 of SASA, every public school has a legal status: “every public school [SGB] is a juristic person, with legal capacity to perform its functions in terms of this Act” (RSA, 1996a:22). This means an SGB is a statutory body with formal “functions” as provided by SASA. An SGB is “independent” and may apply for court proceedings. Secondly, functionality refers to effective and efficient fulfilment of an SGB’s functions to ultimately reach its goals (Rangongo, 2011:32). The effectiveness of an SGB does not only lie in the fact that it must adhere to SASA, but also how well it links with the overall project of democracy. It follows that the fulfilment of statutory functions leads to the fulfilment of democratic functions, i.e. elections and a diversity of stakeholders. According to Kirkpatrick (1997:321, cited in in Rangongo, 2011: 10), “functionality” refers to useful, working, serviceable, running, in operation, how well you do. I use this term to denote the effective and efficient use or execution of the functions in sections 20 and 21 and the powers of sections 5(5), 6(2), 7, 8(1) and 9 (RSA, 1996a).

On the one hand, the literature problematises the term “function” as it is used or not being used in SASA (Malherbe, 2010; Smit, 2011). The Minister of Education (Western Cape) v Mikro Primary School Governing Body (140/2005) [2005] ZASCA 66; [2005]

3 All SA 436 (SCA) (27 June 2005) case supplies us with insight into what the SCA views as a “function of an SGB”. It is argued that the functions of an SGB cannot simply be used to refer to section 21 functions in SASA, with the eye on withdrawing that function, as the HOD is allowed in terms of section 22 (para. 38 p. 21 of the above mentioned case). According to this case, when the HOD, for example, withdraws functions according to section 22 of SASA (as I will discuss later), it refers to all the functions an SGB has in terms of SASA (para. p. 21 of the above mentioned case). This means that SGBs are entrusted with powers to govern a public school, but that does not necessarily mean that is not the SGBs’ function (p. 4 of the above mentioned case). However, Malherbe (2010:616) argues that the terms “competency/power” and “function” are used as if they are the same terms. Due to this ambiguity, I use the terms as set out by Malherbe (2010).

Malherbe (2010:616) distinguishes “competencies” and “core functions” from “allocated/additional functions”. This indicates that there is a semantic difference between the terms “competency/power” of an SGB and “function” of an SGB. I will refer to all three these groups as “statutory functions”, which can be distinguished from the “democratic functions” of an SGB. All three these “functions” are mandated by SASA. The “power” of an SGB has to do with the governing of a public school, which is seen as an “original power” with regard to SASA and the Constitution (although the Constitution does not mandate the existence of an SGB). The SGB has no “original powers” to act outside the provisions in SASA, but it has original powers to act in accordance with SASA (Beckmann & Prinsloo, 2009:172). Delegated powers would imply that another authority figure bestows power on the SGBs (Nwagbara, 2015:82).

To be exact, section 16(1) of SASA reads: “... the governance of every public school is vested in its governing body and it may perform only such functions and obligations and exercise only such rights as prescribed by the SASA” (RSA, 1996a:22). This gives an SGB the “power” (governance is not a function of an SGB) to govern a public school and to stand as a public school’s trust (section 16(2)) – meaning that an SGB must always act in the best interest of the school (Beckmann & Prinsloo, 2009:173; RSA, 1996a:22-23). The SGB has autonomy over certain domestic affairs that are conferred by statute (i.e. not by the state)” (Smit, 2011:403). I will expand on the notion of functionality with regard to the “statutory functions” (which are contained in SASA) and the democratic functions in the following section.

2.5.1 “Statutory functions” of an SGB

The previous section gave an outline of the term functionality with regard to SGBs. Tangled up with functionality is the carrying out of the functions of the SGB. I agree with Malherbe about dividing, “statutory functions”, as I call them, into three sections, viz. “core functions”, “additional/allocated functions” and “competencies/powers” (Malherbe, 2010:614). I have distinguished these terms from each other and

determine what I mean by “public function” and “public power”. I will use the previous mentioned terms to clarify what SASA refers to as “function”, and what falls beyond this term. According to Malherbe (2010:616), “core functions” imply “section 20 functions” that are transferred directly to an SGB. The “section 20 functions” are named “core functions” by the SCA in the Ermelo case (Malherbe, 2010:616). I refer the reader back to SASA for a full reading of section 20. Below are the majority of an SGB’s functions (RSA, 1996b:27-29):

(1) Subject to this Act, the governing body of a public school must—

a) promote the best interests of the school and strive to ensure its development through the provision of quality education for all learners at the school;

(b) adopt a constitution;

(c) develop the mission statement of the school;

(d) adopt a code of conduct for learners at the school;

(e) support the principal, educators and other staff of the school in the performance of their professional functions;

(e) adhere to any actions taken by the Head of Department in terms of section 16 of the Employment of Educators Act, 1998 (Act No. 76 of 1998), to address the incapacity of a principal or educator to carry out his or her duties effectively; [Para. (eA) inserted by s. 9 (a) of Act No. 31 of 2007.]

(f) determine times of the school day consistent with any applicable conditions of employment of staff at the school;

(g) administer and control the school’s property, and buildings and grounds occupied by the school, including school hostels, but the exercise of this power must not in any manner interfere with or otherwise hamper the implementation of a decision made by the Member of the Executive Council or Head of Department in terms of any law or policy; [Para. (g) substituted by s. 9 (b) of Act No. 31 of 2007.] Wording of Sections

(h) encourage parents, learners, educators and other staff at the school to render voluntary services to the school;

(i) recommend to the Head of Department the appointment of educators at the school, subject to the Employment of Educators Act, 1998 (Act No. 76 of 1998), and the Labour Relations Act, 1995 (Act No. 66 of 1995);

...

l) discharge all other functions imposed upon the governing body by or under this Act; and

[m] The governing body may join a voluntary association representing governing bodies of public schools.

Furthermore, “additional/allocated functions” are functions that bear “financial implications”, and an SGB may apply for these functions if it has the capacity to fulfil them (Malherbe, 2010:617). They are “section 21 function” (RSA, 1996b:30):

1) Subject to this Act, a governing body may apply to the Head of Department in writing to be allocated any of the following functions:

(a) To maintain and improve the school’s property, and buildings and grounds occupied by the school, including school hostels, if applicable;

(b) to determine the extra-mural curriculum of the school and the choice of subject options in terms of provincial curriculum policy;

(c) to purchase textbooks, educational materials or equipment for the school;

(d) to pay for services to the school;

(dA) to provide an adult basic education and training class or centre subject to any applicable law; or [Para. (dA) inserted by s. 10 (b) of Act No. 48 of 1999.]

(e) other functions consistent with this Act and any applicable provincial law.

(2) The Head of Department may refuse an application contemplated in subsection

(1) only if the governing body concerned does not have the capacity to perform such function effectively.

(3) The Head of Department may approve such application unconditionally or subject to conditions.

(4) The decision of the Head of Department on such application must be conveyed in writing to the governing body concerned, giving reasons.

(5) Any person aggrieved by a decision of the Head of Department in terms of this section may appeal to the Member of the Executive Council.

(6) The Member of the Executive Council may, by notice in the Provincial Gazette, determine that some governing bodies may exercise one or more functions without making an application contemplated in subsection (1), if—

(a) the or she is satisfied that the governing bodies concerned have the capacity to perform such function effectively; and

(b) there is a reasonable and equitable basis for doing so.

To start with, as mentioned earlier, section 16(1) permits the SGB of a school the “power” to govern that school (RSA, 1996a:22). “Competencies” or “powers” refer to sections 5(5), 6(2), 7, 8(1) and 9 (Malherbe, 2010:616; RSA, 1996b). In SASA, section 5(5) reads as follows (RSA, 1996b:8): “subject to this Act [SASA] and any applicable provincial law, the admission policy of a public school is determined by the governing body of such school.” According to section 6(2) of SASA (RSA, 1996b:11), “the governing body of a public school may determine the language policy of the school subject to the Constitution, this Act [SASA] and any applicable provincial law”. The nature of the previously mentioned “competency/power” is important for this study. I expand on this “competency” or “power” more in Chapter 3. In this regard, it is interesting that the words “may determine” are used with regard to this power: according to Malherbe (2010: 616), the wording “may” implies a “competency” and not a “function”. According to this author, the word “function” with regard to the language policy formulation of public schools is not used uniquely in jurisprudence, neither in legislation nor in the literature (Malherbe, 2010:616). In Chapter 3 I focus, inter alia, on language policy as a function/power of the SGB per se.

Section 7 of SASA (RSA, 1996b:12) stipulates that:

subject to the Constitution and any applicable provincial law, religious observances may be conducted at a public school under rules issued by the governing body if such observances are conducted on an equitable basis and attendance at them by learners and members of staff is free and voluntary.

Furthermore, section 8(1) reads that, “subject to any applicable provincial law, a governing body of a public school must adopt a code of conduct for the learners after consultation with the learners, parents and educators of the school” (RSA, 1996b:12). Lastly, section 9 (RSA, 1996b:15) stipulates that:

the governing body may, on reasonable grounds and as a precautionary measure, suspend a learner who is suspected of serious misconduct from attending school, but may only enforce such suspension after the learner has been granted a reasonable opportunity to make representations to it in relation to such suspension.

See the rest of section 9 of SASA for information about disciplinary actions. Most of these competencies or powers involve the act of policy formulation. Van Wyk and Marumoloa (2012) argue that the SMT can formulate and implement school policies. Given that an SMT “can” implement does not mean that it “may” formulate and implement school policies. At worst, and in practice, the SMT could aid the SGB in the implementation of school policies. Unlike what is said by Van Wyk and Marumoloa

(2012), an SMT does not have the power to formulate school policies, which implies that their suggestion is unlawful according to SASA. However, the SMT could aid the SGB through deliberating on policy formulation, which in turn will lead to co-operative governance (Van Wyk & Marumoloa, 2012). The section above provides an outline of the “statutory functions” of the SGB. I will now look at the democratic functions the SGB fulfils.

2.5.2 Democratic school governance and the “democratic functions” of an SGB

Because democracy has no universal meaning, I firstly undertake a conceptual analysis of the term and then apply it to certain functions of SGBs. The term democracy goes back as far as the philosophers of Athens. It can also be analysed with regard to its Greek morphemes, viz. “demos”, which means “the people”, and “kratos (kratein)”, which is “to rule” (Holden, 1993:9). This is the grassroots definition of democracy, in a literal sense. In educational reality, democracy refers to a free act of governance. If one takes Woolman and Fleisch’s (2008:55) notion of a “fourth level of democratic government” seriously – which means that an SGB serves as a local government for the school – a local government is seen as one of the fewest direct forms of democracy due to its closeness to the people (Geldenhuys, 1996). I therefore use this concept to denote the governance as a form of local government, i.e. the SGB that governs the school. The idea was to allow all citizens to participate in the activities of local government through meetings in order to address common interests (Gildenhuys, Fox & Wissink, 1991:140).

According to Dalton, Jou and Shin (2007:143), democracy could be explained by referring to the institutions and procedures that constitute democratic governance. Furthermore, my use of this concept will imply that these procedures and institutions include a citizen who “can participate equally in free and fair elections, and if those elections direct the actions of government, then the standards of democracy are met”. (Dalton *et al.*, 2007:143). The application of this concept will further enforce that democratic governance is meaningless if an aspect of the principles and virtues that constitute a “quality” democracy is not present: rule of law, participation, competition, accountability, freedom, equality and responsiveness (Diamond & Morlino, 2004:23-28).

In terms of this theory, SASA states the need for the “[d]emocratic transformation of society” in its preamble (RSA, 1996a). The democratic nature of an SGB stems from the fact that members are democratically elected and that governance is delegated to parents and other members who form an integral part of the child’s education (DoE, 1995, 1997). Partnership governance and co-operative government are two of the pillars on which SASA is grounded. In turn, The organisation, governance and funding of schools: Education White Paper 2 (DoE, 1996:70) stipulates that all governing

bodies have core functions and consist of democratically elected members. In 1997, SASA gave SGBs the original power to govern public schools according to section 16(1) (RSA, 1996a:22). SASA is the only document that provides SGBs with the authority to govern schools; outside the parameters of SASA, the existence of the SGB is meaningless and invalid. Beckmann (2002, cited in Woolman & Fleisch, 2008: 53) offers the reading that SASA is a form of “disguised centralization”, i.e. the autonomy granted to SGBs by SASA is so narrowly defined that it is contradictory to the concept of power and authority.

SGBs [in South Africa] are community-based entities that draw on a diverse range of stakeholders and voices (Bush & Heystek, 2003; Heystek, 2006:474; Woolman & Fleisch, 2008:48). Every member of the SGB must act in good faith and avoid behaviour that will lead to the destruction of an SGB’s moral and democratic fibre (Heystek, 2006:474). Policies like the White Paper on Education and Training (DoE, 1995), Education White Paper 2 (DoE, 1996) and the South African Schools Act (No. 84 of 1996; RSA, 1996a) have collaboratively led to the introduction of democratically elected members of SGBs. SASA section 28 and section 23, for example, iterate the democratic process of the election of members (RSA, 1996a:29). The democratic election of members and the diversity that results from that election helps with the formation of a small-scale democracy. Therefore, the composition of an SGB with regard to the type of members is crucial.

According to SASA section 23, one can distinguish between elected members and co-opted members of an SGB (RSA, 1996a:31). Firstly, elected members of the SGB of an ordinary school are mostly parents of learners, teachers, non-teaching staff, the principal (in his official capacity), and the learners of a high school (school that teach up to grade 8) (RSA, 1996a:31). The White Paper on Education and Training (DoE, 1995:70) highlights parental involvement as pivotal for democratic school governance. Section 23(9) of SASA also stresses the importance of parents’ involvement and their mutual responsibility in the governance of a public school (Beckmann & Prinsloo, 2009:174; RSA, 1996a:32). Section 29(2) only permits a parent-governor to be the chairperson of an SGB: parent leadership is therefore a statutory requirement (RSA, 1996a:34).

Furthermore, according to section 23(9) of SASA, there must be one more parent “than the combined total of other members of a governing body who has voting rights” (RSA, 1996a:32). Secondly, according to section 23(6), co-opted members are usually community leaders, i.e. who know the community and are acquainted with the school (RSA, 1996a:32). However, according to section 23(8), co-opted members of an SGB do not have voting rights (RSA, 1996a:32). Co-opted members may only have temporarily voting rights when the number of parents does not exceed the total non-parent-governors by one (RSA, 1996a:32).

Public school governance reveals a level of democratic participation even if it is a minimalist vision in which decision-making rests only in government officials (Gomez-Velez, 2008:300). Gomez-Velez (2008:299) also note the following:

[School] governance is the force that determines the degree to which procedures are in place to include and empower parents, communities and the public to support informed, deliberative decision-making and to prepare stakeholders for broader democratic participation.

I thus agree with Woolman and Fleisch (2008:47) that the legal status of an SGB does not necessarily enhance local democracy, but an SGB creates social networks that “generate new stores of social capital”. One therefore can see that SASA promotes decentralisation through democratic decision-making and participation, i.e. elections of SGB members and the participation of parents and other members in school governance (Joubert & Van Rooyen, 2011:320). However, Heystek (2004:309) argues that sections 20 and 21 of SASA give the SGB a list of functions; what they fail to do, however, is to mention what each member’s function is in the SGB. Each SGB must choose individually who must be the first member to draw up a policy (Heystek, 2004:309). In the light of the aforementioned, Woolman and Fleisch (2008:50) argue that SGBs are inclusive and participatory. Therefore, these two aspects are both constitutive of a democracy (Woolman & Fleisch, 2008:51). SGBs remind us that democracy is an everyday practice in which a majority citizens are involved (Woolman & Fleisch, 2008:51).

Apple and Beane (2007, cited in Mncube and Naicker, 2011: 145) iterate that all institutions in a democratic society have the responsibility to promote the democratic way of life. Collaboration is a cornerstone in a democracy and in a democratic school, and stakeholders look for possible ways to work together to make decisions (Mncube & Naicker, 2011:145). In a study by Mncube and Naicker (2011:149), SGB members noted that people participated and were involved in the governance of the school. One participant noted that everybody talked with each other about problems they were facing (Mncube & Naicker, 2011:145). However, there are situations in which the democratic fibre of an SGB is hampered by elements such as power imbalances caused by principals, poor parental participation, poor learner participation (Mncube & Naicker, 2011:157) and deficiencies in SGB elections (Smit, 2015).

Smit (2015:2142-2143) argues that, in the past two decades, there have been deficiencies in the election of SGBs that hinder their democratic viability and also pose other problems:

... the inability to reach a 15% quorum of voters, the ineligibility of persons posing as the guardians of learners, inadequate parental participation, non-compliance with the National Election Guidelines, and the incorrect application of election procedures by school electoral officers. Furthermore, more than 50% of the School Governing Bodies of public schools in South Africa are in essence dysfunctional ...

The following section analyses all the literature about the stakeholders involved in the study, viz. the participants.

2.6 Stakeholder involvement and their challenges in school governance

In the previous section I referred to the functionality of the SGB with regard to fulfilling its “statutory” and “democratic” functions. It is important to note that an SGB can only function when there is coherence among its members. For Onderi and Makori (2013:265), governors ought to be trained to be committed and competent to gain the experience needed. Stakeholders in an SGB are everyone who has an interest in the efficacy of a school and how the school should operate (Warring, 1999:180). All stakeholders must participate in order to democratise the education system along managerial and governing lines (DoE, 1995,1996). Participation is therefore a significant democratic ideal that fosters co-operation between the school and the community. According to Woolman and Fleisch (2008:50), SGBs have an inclusive and participatory role, which is in essence part of a bigger form of participatory and direct democracy. However, stakeholders can also cause challenges within an SGB. Bayat, Louw and Rena (2014:360) found that SGBs in underperforming schools in the Western Cape of South Africa were ineffective, had management issues, had a lack of capacity that had a negative impact on teaching and learning, and that there was chronic conflict between SGBs and the school staff. For Xaba (2011:209), the ultimate challenges for school governance in South Africa is “the specialist nature of the prescribed functions themselves”. On that note, SASA is unclear about what it expects of each member or stakeholder in an SGB (Xaba, 2011:209). In this section I describe three main stakeholders or governors in an SGB, viz. parents, educators and principals. I look at how they can promote democracy and how the ineffective management of these stakeholders leads to challenges for an SGB and its democracy.

2.6.1 Parents and SGBs

Parents are the backbone of democratic school governance. Education White Paper 2 (DoE, 1996:21) states the following about parents with regard to school governance:

Parents or guardians have the primary responsibility for the education of their children, and have the right to be consulted by the state authorities with respect to the form that education should take and to take part in its governance. Parents have the inalienable right to choose the form of education which is best for their children, particularly in the early years of schooling, whether provided by the state or not, subject to reasonable safeguards which may be required by law. The parents' right to choose includes choice of the language, cultural or religious basis of the child's education, with due regard to the rights of others and the rights of choice of the growing child.

Singh *et al.* (2004) agree with the First White Paper on Education and Training (DoE, 1995), which states that SGBs should present parents as a collective stakeholder to

represent the school community. Furthermore, SASA creates a significant space for partnership governance through which parents could voice their opinions of their children's education (Singh *et al.*, 2004). SASA could create a system where school educators can work together with parents to ensure quality education, which includes issues with the school curriculum (Singh *et al.*, 2004). The role of parents in an SGB represents a form of democratic participation and decision-making in school governance. Theoretically, parents have a say in their children's education and in other educational matters. The governance of a public school is a collaboration of elected members, co-opted members (in some cases the co-opted members are also parents of the school) and the principal. According to section 23 of SASA, elected members are one entity that may serve on a governing body: elected members could possibly be parents, teachers and other members of staff, for example, and co-opted members can be any person who represents the school community (RSA, 1996a:32).

Parents who are involved in their children's schooling have a greater appreciation for their education (McBride, 1991). To listen to the voices of parents, to encourage their participation and to give them more power results in a better-functioning school (Harber, 2004 and Moggach, 2006:17 cited in Mncube, 2009), and better outcomes (Joubert & Van Rooyen, 2011:315). Parents are positioned in terms of resources and time (this is contestable) to participate in school governance; they have time to spend on school activities (which is also contestable and not in all cases), and are aligned with the context, culture and needs of the school (Joubert & Van Rooyen, 2011:302).

Parental involvement has a range of advantages that stretch from better educational attainment to more informed decision-making (Mncube, Harber & Du Plessis, 2011:216). Cave (1970:46) expressed concern that the school cannot be the sole provider of schooling and needs stakeholders like parents. The role of the parent is therefore important to construct "home-school" partnerships (Epstein, 1991:261). Parents and schools must be in a reciprocal partnership, which in turn is based on communication and mutuality. These advantages do not always manifest in all schools, and there are challenges with regard to parents and SGBs.

According to Mabasa and Themane (2002:122) and Xaba (2011:206), the parents in their sample had a problem with the following: language use during meetings, administration-orientated work, nature of involvement and contribution to the SGB, policies and the content of SASA (parents usually delegate policy formulation to educators). Mncube (2007:137) found that the parents in his sample were often ill-represented because they could not attend meetings regularly due to a lack of transport; as a result, some parents conferred their rights to others. If schools want parents and learners to participate, they need to accommodate them, for example in the time and length of meetings.

Some schools (SGBs) hold their meetings during school hours, which actively and deliberately excludes some parents from raising their voices (Mncube, 2007:138). However, parent-governors often cite that the relationship with educator-governors is the main problem, because some parents feel that they cannot make an input in

disciplinary matters because they are overshadowed by educators: disciplinary action is seen as part of professional management and not school governance (parents often do not understand the difference between the two) (Xaba, 2011:205-206). In some HDS, parents do not have the time to participate in school governance because they work in the informal sector, which in its turn implies that they work in shifts. Consequently, Xaba (2011:206) states that educators view parents as illiterates and therefore no teamwork or solidarity is found within the context of school governance. Also, in HDS, grandparents of learners serve on the SGB, which could skew the inputs because their viewpoints are not those of the learners' parents (Mabasa & Themane, 2002:114).

In some HDS, stakeholders (like parents and learners) are ill-represented in the SGB due to power struggles and uneven power relations (Mncube, 2007:135, 2008:85). As indicated by McLennan (2000, cited in Joubert & Van Rooyen, 2011:316), uneven power relations manifest in an "insider" and "outsider", "lay" and "professional" relationship that creates coalition and decision-making based on factions. In HDS, parents tend not to be involved when educators do not want them there, or they believe school governing is a professional matter that does not require their participation (Sibuyi, 2000). In some circumstances, educators and the principal seem to dominate the meetings and overall governance (Joubert & Van Rooyen, 2011:316). It seems as if many of the problems and challenges in the SGBs of HDS stem mostly from parent-stakeholders' education (Mabasa & Themane, 2002:112; Van Wyk, 2004:53; Xaba, 2011:201). Adams and Waghid (2005:25) maintain that a lack of training is the reason why governors do not fulfil their duties efficiently, and the practicality of training as stipulated in SASA section 15 is absent in most cases. Additionally, these governors are parents of learners from HDS (Van Wyk, 2007; Xaba, 2011). Xaba (2011) similarly shows what challenges parent-governors pose for the effective functioning of an SGB and the best interests of a school. Educational decentralisation is only effective and efficient when members of an SGB have the necessary skills and training to govern a school (Van Wyk, 2007:137).

The management of school finances is one of the biggest responsibilities of an SGB (RSA, 1996a:37). There is a lack of financial management skills in some HDS, which leads to the ineffective allocation of funds and a range of other functions not being carried out (Bush & Heystek, 2003; Mestry & Naidoo, 2009). Governors need financial training, inter alia to budget and to manage the allocation of money effectively. Where the provincial DBE and HODs cannot provide training for SGBs, they must affiliate with tertiary institutions and other entities that specialise in financial management, and for that matter in other functional structures of public schools (Mestry, 2006:35). Professional bodies like the Federation of Governing Bodies in South Africa (FEDSAS) or any other professional association for that matter, can also contribute to close the gap between functioning and non-functioning governing bodies according to section 20(3) (RSA, 1996a: 29). Training in general will provide a tool and mechanism for SGBs to be responsible and accountable for funds that will be allocated for school

projects (Mestry, 2006:35). This can add to a governor's capacity to improve the overall quality of teaching and learning of a school (Mestry, 2004 cited in Mestry, 2006:35).

Parents who do not participate in training or who undertake insufficient training lack the skills to interpret the content of SASA (Heystek, 2006:482). Because decentralisation and neo-liberalism favour pre-determine skills and competencies: a lack of parent education and skills could be reproduced which leads to parents with a predisposition and they are potentially worse off. If these skills are not disseminated beyond SGBs, SGBs and schools will not benefit from the South African democracy (Karlsson, 2002:132). Van Wyk (2007:135) found that the skills, education and training of parents influenced their participation, which affects the efficacy of SGBs. Although parents are attuned to grassroots knowledge of the local community and the shortcomings within that community, some parents lack the knowledge of provincial and national educational issues, which leads to a disparate course of action (Levin, 1998 cited in Tsotesti, *et al.*, 2008:395). Many parents feel "out of their depth" when it comes to governing a school (Heystek, 2006: 478). In some cases, the parents tend to depend on the principal (Van Wyk, 2007:135; Xaba, 2011:205).

In the light of the discussion above, it is important to note that the HOD has a statutory responsibility and obligation to train an SGB and supply continued training for the purposes stated above. Ironically, this is not what happens in South Africa. According to section 19(1a and 1b) of SASA (RSA, 1996a:26), the HOD must:

(a) provide introductory training for newly elected governing bodies to enable them to perform their functions; and

(b) provide continuing training to governing bodies to promote the effective performance of their functions or to enable them to assume additional functions

Lastly, the training of parent-governors must be seen as a professional accomplishment and governors should be given something like a certificate to incentivise the continued improvement of their skills (Van Wyk, 2007:137). Follow-up training is beneficial for governors to ensure continued improvement (Van Wyk, 2007:137). While parents are seen as key role players within an SGB, educators also bring a new and unique perspective to school governance.

2.6.2 Educators and the SGB

The previous section iterated how the involvement of parents could enhance the democratic capability of the SGB, but highlighted the challenges parent-governors could bring with them. The relationship between an educator and an SGB manifests as an expectation to act in terms of the best interest of the school and the learner,

according to SASA (RSA, 1996a:27) and Earley and Crease (2000:485, cited in Xaba, 2004: 314). Educator-governors in Xaba's (2004:316) sample use their role mainly to protect the interests of other educator-colleagues and the educator corps in general. Educators relate to other educators because of the nature of their workload and the conversational aspects of their experience of the learners – which makes the act of representing other educators a lot easier. Educators have a unique and creative outlook on and experience of the functioning of the school: they are employed by the school and understand how the management of the school works (Xaba, 2004:316). They therefore have the potential to be the actual link between the management team (SMT and SGB) and learners.

Earley and Crease (2000:485, cited in Xaba, 2004: 314) view a hypothetical educator-governor as contributing in the same way as the other governors in decision-making. Usually, educators who contribute effectively to the promotion of the school and learners, and incorporate other educators' views, stand to become governors; however, this could vary according (Earley & Crease, 2000:485 cited in Xaba, 2004: 314). Older educators are tired of serving the SGB because of years of service, even though they have the most experience. According to my limited time in education, it sometimes happens that younger educators stand to serve on the SGB for this reason. The possibility exists that an SGB could be a space in which educators could represent the entire teacher corps of the school. Due to the low representation of educators in the SGB, they may feel that their input into school governance is undervalued (Van Wyk, 2004:51).

Educators from HDS mostly feel that malfunctioning SGBs influence the interests of the school negatively, have low levels of literacy and a lack of training (Van Wyk, 2007:137). As Motala and Mungadi (1999:15, cited in Van Wyk, 2004:51) note, the introduction of school governance was done with insufficient school-level preparation, which meant that educators felt the policies were implemented "top-down". Xaba (2004:315) indicates that most of the educators in his sample did not always meet their educator colleagues prior to SGB meetings to discuss the agenda. Xaba (2004:315) also indicates that fewer than half of the educators in his sample reported back to their teaching colleagues. It appears that educators are sometimes uncertain of their roles as SGB members; are not interested in the work of the SGB; dislike the interference of the SGB; and view the SGB as consisting only of parents (Xaba, 2004:315). In some cases, educators only perform the role of "watchdogs", meaning that their colleagues only see the educator-governor as conveying information about the inner spheres of the SGB and consequently do not see themselves as governors (Xaba, 2004:314). Teachers in these schools see the SGB as invisible, "worth nothing", and that it "added no value" (Bayat *et al.*, 2014:360). The next section deals with principals as members of the SGB.

2.6.3 The principal and SGB

In the previous section, attention was paid to educators and their function in an SGB and in democratic school governance, and it was found that their position on the SGB comes with challenges. The same can be said about principals with regard to their membership of the governing body. According to section 16(1) of SASA, governance is the mandate of the SGB, which grants the principal the following according to section 16(3): “the professional management of a public school must be undertaken by the principal under the authority of the Head of Department” (RSA, 1996a:23). Section 16A(2) highlights the principal's functions on an SGB, which ranges from the “participation of principals on SGB meetings” and also emphasises the need for them to “assist and inform” the SGB (RSA, 1996a:23-25). According to SASA, section 16A(1a), the principal also represents the HOD in fulfilling his/her duties in the SGB (RSA, 1996a:23). Furthermore, the principal's membership status implies that his/her capacity, according to section 23(2b), stretches only so far as *ex officio* in representing the DBE, which means in his/her official capacity (Prinsloo, 2016:1; RSA, 1996a:31).

Prinsloo (2016:8) notes that, although a principal has a statutory obligation to participate in school governance in his/her official capacity, he/she can receive contrasting and conflicting assignments from the DBE and the governing body. According to Prinsloo (2016), if a principal refuses to comply with the DBE, disciplinary action may be taken against the principal according to the Employment of Educators Act (Act 76 of 1998). Research shows that the relationship between principals and the SGBs of public schools in South Africa does not always come down to sound practice, according to Heystek and Bush (2003:10, in Heystek, 2004:309). Principals often do not trust SGB members in confidential issues and, in turn, often do not trust principals: this leads to conflict and parties that are disempowered (Hartell, Dippenaar, Moen & Dladla, 2016:129; Heystek, 2004:309). Some principals argue that SGB members (parent-governors) allegedly could keep a degree of confidentiality when they were in a meeting or at the school, but as soon as the parent-governors left the premises information seemed to leak to the community (Hartell *et al.*, 2016:129). Heystek (2004:310) emphasises the significance of a good working relationship between SGBs and principals.

Variance usually occurs when functions like finance and budget setting are on the table (Heystek, 2004:310). In settings where parents do not necessarily have the skills to govern a school, they regard the inputs of principals as being more trustworthy (Heystek, 2004:310). Trust is therefore mandatory for better governance and the existence of a sound working relationship between an SGB and a principal. It must be added that parents could easily overstep their power to govern a public school via the SGB by intruding into “professional management”, where they usually support members of the SGB (Heystek, 2004:310). For example, parents think they can address teachers' relationships in SGB meetings, but this is seen by principals as “taking over” the education situation in the school (Heystek, 2004:310). Yet school

principals also do not necessarily abide by the rights and responsibilities set out in SASA.

Due to the decentralisation of funds for governing bodies, there is pressure to deliver quality education, “because decentralization of funds to governing bodies is a cornerstone of self-managing school principals” (Heystek, 2011:464). Dibete (2015:107) shows that some members of the SGB are not trained to manage the finances of the school. Some of the research on principals in the study undertaken by Dibete (2015:108) shows that certain principals rely only on the “one-day workshop” held by the circuit office and on documents provided by the circuit office to manage the school’s funds. One principal in this study noted that the training was not effective (Dibete, 2015:108). The pressure to manage funds is also present in “no-fee” schools (Marishane, 2013).

In some cases, principals use their status to influence decision-making (Mncube, 2007:135). Principals are unwilling to share their power of school governance due to uneven power relations. Consequently, there is a lack of co-operation and partnership in governance. The principals of some HDS do not act in their *ex officio* position as stated by SASA and act as the chairperson of the SGB (Mncube, 2007:135). As Mncube (2007) suggests, this irregularity seem to be a norm in some historically HDS. In some schools, the principal does not adhere to the rules and laws: parents are suspicious of what the principal is doing. The principal largely influences the relationship between parents and the school: if a principal dominates SGB meetings, parents will not feel they want or need to participate (Joubert & Van Rooyen, 2011:315).

According to SASA, the principal does not possess the power to govern. In some cases, the training of governors lies in the hands of the principal because the training provided by the WCED is not good enough. However, the training of governors should not be the principals’ responsibility: the principal, according to SASA, is not in the position to educate and train governors. According to section 19(2) of SASA, the principal and other officers from the education department must merely lend assistance to governing bodies in the fulfilment of their functions in terms of the Act (RSA, 1996a:26). This leads to power imbalances and disparate power relations. The responsibility rests with the DoE, i.e. the HOD (RSA, 1996a:26). To summarise, the different stakeholders have the inherent ability to expand the notion of democratic school governance, but also bring along certain challenges, which I highlighted above. The next section revolves around the HOD’s power to govern a school.

2.7 The role of the Head of Department (HOD) in school governance according to SASA

The previous sections highlighted the role of parents, educators and principals in democratic school governance. However, there is another role player external to the SGB: the Head of the Department of the provincial DBE. The HOD holds a unique position in democratic school governance, which often is, and in the past has been, considered a potential endangerment. I will expand more in Chapter 3 on how the HOD and SGB function together and what conflict there has been between these two in the past. SASA provides a clear explanation of the power of an HOD. According to section 2(2) of SASA (RSA, 1996a:6), the powers of the HOD and MEC are the following:

... A *Member of the Executive Council* and a *Head of Department* must exercise any power conferred upon them by or under *this Act*, after taking full account of the applicable policy determined in terms of the National Education Policy Act, 1996 (Act No. 27 of 1996).

This means that an HOD is empowered by SASA to perform certain functions that must be according to SASA, however, he/she must also respect the formulated school-based policy that was drafted by an SGB. An HOD is not formally part of the drafting of certain school-based policies; as I mentioned in the “statutory functions” in sections 6,7,8, 9, of SASA (RSA, 1996a), the SGB has the authority to formulate policies. Furthermore, the appointment of an HOD is largely political and administrative in nature. He/she does not deal with schools directly – not even in court cases. He/she has a legal team that defends him/her in legal proceedings. Before one thinks of the HOD and his/her role, it is important to note that there is a certain hierarchy within the executive branch of a provincial DBE. The hierarchical chain starts with the MEC of the National Department of Basic Education, which in this case is Angie Motshekga, and then a provincial MEC who works under her. There are nine provincial MECs of Education due to the fact that there are nine provinces in South Africa. Thereafter comes the Head of Department of each individual provincial DBE, which also adds up to nine because there are nine provincial departments of education.

The three positions above are merely administrative, which means they do not encounter schools directly or influence school-based policies directly. Operating underneath these three authority figures is the district office, which has circuits. Each school belongs to a circuit, and thereafter to a district. Also, each school has what is known as a “link team”, which consists of curriculum advisors, circuit managers, educational psychologists and learning support offices, etc. It is the circuit manager who is responsible for advising management and governance at the school level. This is the person who will request to see policies and who sits with the school to appoint a new school principal, for example.

The picture that was sketched of the SGB being the only authority to govern a school is problematised by the existence of the positions discussed above. Court cases that involve matters of the extent of the HOD's power such as the cases of Middelburg, Mikro and Overvaal (which is fully referenced in chapter 3) and other literature (Malherbe, 2010; Smit, 2011), suggest that when the HOD intervenes in school affairs the SGB's power to govern a school and perform its functions is compromised. However, the power of an SGB to govern a school and fulfil its functions according to SASA is not an absolute power, which effectively means that functions may be revoked or withdrawn by the HOD. I am only referring to the HOD powers according to SASA and the SGB's power (function) to formulate language policy in public schools.

It is well within the HOD's power to withdraw a function(s) of an SGB under certain conditions. Section 22 of SASA (RSA, 1996a:31) states that:

(1) The Head of Department may, on reasonable grounds, withdraw a function of a governing body.

(2) The Head of Department may not take action under subsection (1) unless he or she has—

(a) informed the governing body of his or her intention so to act and the reasons therefor;

(b) granted the governing body a reasonable opportunity to make representations to him or her relating to such intention; and

(c) given due consideration to any such representations received.

(3) In cases of urgency, the Head of Department may act in terms of subsection (1) without prior communication to such governing body, if the Head of Department thereafter—

(a) furnishes the governing body with reasons for his or her actions;

(b) gives the governing body a reasonable opportunity to make representations relating to such actions; and

(c) duly considers any such representations received.

(4) The Head of Department may for sufficient reasons reverse or suspend his or her action in terms of subsection (3).

(5) Any person aggrieved by a decision of the Head of Department in terms of this section may appeal against the decision to the Member of the Executive Council.

On the one hand, this section of SASA compromises the "sovereignty" of an SGB, prevents an SGB from effectively fulfilling its functions, prevents the democratic participation of an SGB and also threatens the notion of the decentralisation that SASA

seeks to promote. On the other hand, it has the advantage of preventing an SGB from abusing its power. Notably, the literature tends to see this in a negative light (Malherbe, 2010; Prinsloo, 2006; Smit, 2011). The word “may” occurs in section 22 of SASA (RSA, 1996a), which refers back to my discussion about what is seen as a “function” or as a “power. As we have seen in the past, no power is absolute and can be altered by law; South Africa has a constitutional democracy, which renders the Constitution supreme (RSA, 1996b). This is exactly what the rule of law means. In other words, the HOD is held accountable by the Constitution and the conditions in section 22(2) (RSA, 1996a:30-31). I repeat that section 22 of SASA poses serious threats for democratic participation. The only limit to the HOD’s power to withdraw a function is the Constitution and section 22(2 and 3) (RSA, 1996a:30-31). After a function(s) is withdrawn, an HOD is further empowered by section 25 of SASA (RSA, 1996a:33), which reads:

(1) If the Head of Department determines on reasonable grounds that a governing body has ceased to perform functions allocated to it in terms of this Act or has failed to perform one or more of such functions, he or she must appoint sufficient persons to perform all such functions or one or more of such functions, as the case may be, for a period not exceeding three months.

(2) The Head of Department may extend the period referred to in subsection (1), by further periods not exceeding three months each, but the total period may not exceed one year.

(3) If a governing body has ceased to perform its functions, the Head of Department must ensure that a governing body is elected in terms of this Act within a year after the appointment of persons contemplated in subsection (1).

(4) If a governing body fails to perform any of its functions, the persons contemplated in subsection (1) must build the necessary capacity within the period of their appointment to ensure that the governing body performs its functions.

Sections 22 and 25 of SASA (RSA, 1996a) need to be read together to form a holistic view of the HOD’s power concerning SGBs and school governance. In this chapter so far, I have looked at the functionality of the SGB and concepts like school governance and decentralisation in educational governance, which are applied to the educational reality of South Africa. Thereafter, I looked at multiple stakeholders in the SGB, which I will also be interviewing. As a stakeholder, the HOD has certain powers. Although I have quoted literature that the HOD in some cases misuses his power, the true function of an HOD according to SASA is to keep an SGB’s powers in check. Next, I will introduce the conceptual framework of the study, which was used to address the problem statement and research question.

2.8 Conceptual framework

The interest of this research was to focus on the role school governance in relation to language policy formulation at three primary schools in the Western Cape. I was particularly interested in deliberative democracy as a means of engagement. Past conflicts that has arisen from issues with governance and language policy in schools has been treated as a legal matter – which then poses a threat to deliberation and deliberative democracy, as indicated in Chapter 1. In the discussion below, I focus on Gutmann and Thompson's (2004) seminal work as a conceptual framework for this study. In this research study, I propose deliberative democracy as an instrumental means to achieve a different understanding of the relationship between the SGB and the HOD with regard to issues of governance and language policy in three public primary schools.

To start with, a deliberative democracy is a form of direct democracy in which democratic legitimacy lies within the cadre of public deliberation by citizens (Rostbøll, 2001:166). Gutmann and Thompson argue that a deliberative democracy can be divided into elements, such as the provision of reasons for certain points of view, the accessibility of these reasons, the binding character of decisions that flow from deliberation, and the dynamism of deliberative practices (Gutmann & Thompson, 2004:3-6). I will discuss each of these elements of deliberative democracy as set out by Gutmann and Thompson (2004).

2.8.1 Reason-giving as a form of argumentation

Firstly, reason-giving is a process through which a reason cannot be reasonably rejected (Gutmann & Thompson, 2004:3). Reasons must be accepted by “free and equal persons seeking fair terms of co-operation”, recognising elements like pluralism and mutual respect (Gutmann & Thompson, 2004:3; see Habermas, 1996a on “communicative action”). Deliberation refers to the rational justification or argumentation of decisions (Gutmann & Thompson, 2004:3; Smith, 2011). It is a free and equal act in which citizens (people) have an “open-minded dialogue about a matter of public concern” (Myers & Mendelberg, 2013:701). According to this standard, every view needs to be “articulated, defended and criticised through the use of reasons that are, in principle, not only fully accessible to all deliberators but also designed to win their endorsement” (Smith, 2011:2). Deliberating on matters grants members of an SGB an opportunity to critically weigh the merits of multiple reasons for relevant matters, which leads to a better understanding of their own point of view and of shared problems to make better informed decisions (Chambers, 1996; Smith, 2011). Deliberation could even lead participants to “reconsider” their judgements and claims in the presence of others (Smith, 2011:2).

However, for Young (2001:56), restricting communication and deliberation to argumentation is an unequal process of delivering information. Deliberation cannot exist if citizens do not contest each other and ask each other why they hold certain views (Young, 2001:5). Arguments follow in a linear fashion, which needs logical connections – not everybody has the talent or ability to argue (Young, 2001:5). Young (2001:57-77) presents three other ways in which deliberation could take place: greeting, narrative and rhetoric. The benefits of a deliberative democracy are vast and I will refer only to the following few examples. Bohman (1996, cited in Pellizzoni, 2001: 75) argues that [deliberative democracy] could possibly be a solution for deep-lying problems: this implies that deliberation is more than argumentation and reasoning, but rather a co-operative activity that leads to mutual respect. Young believes that deliberation leads to the manifestation of multiple virtues, such co-operation, solving collective problems and the expansion of justice. Deliberative democracy leads to enhanced empathy, enlightened preferences and solutions to underlying conflict, a better understanding of differences and procedures; tolerance of the views of others; willingness to compromise; and changes perceptions of legitimacy (Gutmann & Thompson, 1996; Mendelberg, 2002; Mutz, 2008).

Deliberation is not merely procedural or substantive but a means of supplying a positive environment to produce democratic outcomes (Mendelberg, 2002). The procedural and substance debate could be summarised as follows: procedural deliberative democracies depend on deliberation as a means to an end (process to achieve democratic and just outcomes or decisions), and substantive deliberative democracies hinge on the fact that deliberation is inherently good and must be valued as such (Rostbøll, 2001:169). This distinction is important because it necessarily changes the structure of a deliberative democracy and deliberation itself. It further implies that discourse should result in an acceptable outcome for everybody, which is not limited to a priori structures: participants may use different reasons, and this prevents co-operation from being interrupted (Pellizzoni, 2001:76). Consequently, participants contribute to the process of decision-making even if they disagree with the reasons and arguments of the other party (Pellizzoni, 2001:76). According to Pellizzoni (2001:73), there is no common basis for the judgment of arguments: this means that there cannot be a “better argument”, which is devastating for decision-making. Rawls refers to this circumstance as a “reasonable disagreement”, which involves the notion that there are multiple reasons for one solution. Although deliberative democracy is a moral and normative endeavour (Habermas, 1996a), the possibility exists that it has empirical value (Chambers, 2003). Deliberative democracy as deliberation could be something one does or what one ought to do.

2.8.2 Accessibility of reasons within argumentation

Secondly, all reasons must be accessible to everybody whom they address (Gutmann & Thompson, 2004:4). Someone who imposes their will on you needs to state comprehensively why they want to do it in that way (Gutmann & Thompson, 2004:4). When citizens deliberate in this sense, there is a relationship of reciprocity (Gutmann & Thompson, 2004:4). This reciprocity presupposes public affirmation, where one cannot deliberate as Rousseau meant in one's own mind with the content of reasons (Gutmann & Thompson, 2004:4). The moral principle of deliberation is reciprocity, which is in its turn is built on the foundation of mutually accessible argumentation. If the public and other citizens do not understand a reason or a line of reasoning, then deliberation is meaningless: if there is no public sphere, deliberation is a mere myth (Gutmann & Thompson, 2004:4).

2.8.3 Binding nature of deliberation

Thirdly, the decisions made in a deliberative process must be binding in nature (Gutmann & Thompson, 2004:5). A decision must last for a period of time, otherwise the deliberative process has no meaning in itself (Gutmann & Thompson, 2004:5). A reason or argument itself has the purpose of influencing decision-making – the deliberation happens before the decision is made, so it is safe to say that deliberation helps informed decision-making. Collective decision-making stems from negotiation and bargaining (Warntjen, 2010:667). A form of bargaining that stands out in this regard is “distributive bargaining”: an actor only accepts a point of view if he will be “better off than the best alternative” (Warntjen, 2010:667).

It is attractive to assume that the binding character of a deliberative democracy is to achieve a consensus or agreement, according to Habermas (1996, cited in Mabovula, 2009:222; Pellizzoni, 2001:71; ȚuȚui, 2015:184-185), is based on the most convincing argument. Habermas distinguishes between two types of consensus (Pettit, 1982:215). Distributive consensus refers to when each person is in agreement, either after discussion or in awareness or what one thinks (Pettit, 1982:215). Collective consensus is reached when the people who are involved have a discussion as a group, which leads to an unanimous decision (Pettit, 1982:215). On the other hand, deliberation seeks “reasoned consensus”, which could translate directly to the power of the “better argument” and common reason. The comments of Risse (2000, cited in Warntjen 2010: 670) and ȚuȚui (2015: 184) are in line with Pettit (1982).

A solution to the “better argument” is to reconsider the purpose of deliberation: never rendering it as a means to achieve consensus through reasons alone (common reason), but rather to reach non-strategic agreement on practices (Pellizzoni, 2001:73). This means that the goal of deliberation is not to achieve consensus and not

to fail in reasoning when one reasons to the advantage of oneself. If one is not committed to conveying the “best argument”, one has to appeal to the other’s “deliberative” orientation, i.e. virtues (Pellizzoni, 2001:77). Deliberation does not seek for consensus if that consensus means uniformity and agreement; the “consensus” deliberation is seeking is co-operation through the reconciliation of common virtues, which leads to a common problem that could be resolved through an open discussion. A legitimate decision follows from open and equal discussion, which in turn leads to co-operation: participants contribute even if they disagree (Pellizzoni, 2001:77). Mutually acceptable reasoning among parties is also at the heart of reciprocity, which is the leading moral principle in a deliberative democracy.

2.8.4 Dynamism of deliberative practices

Fourthly, it is important for a deliberative practice to be dynamic (Gutmann & Thompson, 2004:6). The aim of deliberation is a justifiable decision, but that does not mean that the decision will be justified in the present or in the near future (Gutmann & Thompson, 2004:5). Being contextual in nature – deliberations and decisions – it implies a continuous dialogue – where citizens and parties can criticise previous decisions and move on from there (Gutmann & Thompson, 2004:6). In other words, deliberation seeks a common value structure to derive a contextual agreement (or commensurability of arguments) (Pellizzoni, 2001:80). Therefore, parties with conflicting interests ought to deliberate; they seek common ground but not necessarily common reasons; deliberation rather requires common virtues like “openness” and “equality”, which results in a common problem in which the agreement is mere contextual and situational per se. Decisions following from open discussion have greater legitimacy (Pellizzoni, 2001:66). Deliberation presupposes that there is a shared problem that can be solved by a plurality of reasons and virtues: political values can be cultured despite any preordained force (Pellizzoni, 2001:78). An orientation or deeper understanding results of better decision-making: if opinions are not based in permanence, then deliberation may result in different and more fruitful points of views (Pellizzoni, 2001:66).

Deliberation is not a panacea for undemocratic behaviour, but it opens opportunities for other forms of decision-making, like bargaining (Gutmann & Thompson, 2004:3). The only prerequisite for other types of decision-making is that decisions need to be justified somewhere along the line (Gutmann & Thompson, 2004:3). On the other hand, deliberation cannot be characterised by “reason-giving” and “justification” alone. The ideal for deliberation is not justification per se (Vallier, 2015:142). Vallier (2015:142) distinguishes between deliberation and public justification to form an ideal of deliberative restraint as public justification: deliberative restraint does not entail legal restrictions, but rather denotes a moral duty. For Fishkin (2009:33-34), “deliberation” refers to the “process by which individuals *sincerely* [my emphasis] weigh merits of

competing arguments in the discussion". This emphasises a *bona fide* transaction between parties. Additionally, deliberation can be cultured, but has no meaning if it does not include notions like friendship and trust (*Nichomachean Ethics*, Aristotle, (350 B.C.)). The fact that everybody's reasons are listened to creates trust amongst the participants, which in turn emphasises a mode of political unity, i.e. everybody has a set of virtues that allows open and equal discussion (Pellizzoni, 2001:78).

Gutmann (1999) states that the moral foundation of deliberative educational governance in a democracy is non-repressive and non-discriminating. Non-repressive behaviour stems from the presupposition that education will not be used by the state to control the rational deliberation of a "good life" and the "good society" (Gutmann, 1999:44). According to Habermas, "the good" in ethical discourse refers to what is valuable and is only possible in a context-specific situation according to (Habermas, 1996, cited in Bonotti, 2015:639). In other words, "the good" can be achieved through free and rational deliberation in a specific context like a community. On the other hand, non-discrimination within an educational cadre means that the state cannot deny anyone education, and education can only limit itself through social purpose (Gutmann, 1999:45). Gutmann (1999:46) iterates that rights like the freedom of expression cannot be limited by the reproduction of social inequalities.

Young's (2001) account of a democracy is a communicative model: communication encapsulates more meaning than deliberation. Deliberation implies rational argument, in which communication is more than mere argumentation. In this model, every member of the SGB could have a "voice" and may raise their opinion. Due to the subjective nature of a point of view, not everybody can express their point of view in the same manner. This implies that different people have different ways of expressing themselves. Also, in this model, an SGB could have a specific role to negotiate its stance and to influence decision-making and set policies, e.g. a language policy. This has two implications: parents can now feel free to deliberate with a HOD before decision-making takes place. Nevertheless, deliberation must be built on *bona fide* grounds and not have ulterior motives or bad faith (*mala vides*). Where extrajudicial deliberative actions have failed, SGBs or the HOD can confront the court to play the role of mediator.

Schools can be transformed into sites of deliberative democracy and mutual respect. Gutmann and Thompson (2004) view education as a perfect context for deliberation and deliberative action. Waghid acknowledges three ideas of deliberation in schools. Firstly, deliberation in schools takes place through an enabling environment of exchange and reason amongst educators, the SMT, parents and circuit managers (Waghid, 2002:95). Schools are responsible for the provision of policies that produce the inevitable opportunity for the "systemic exchange of information" (Waghid, 2002:95). Secondly, deliberation is public and inclusive, meaning that anybody can take part in the exchange of information at any stage (Waghid, 2002:96). Lastly, deliberation in schools is bound by communication and the rules of argumentation, i.e. every member of a community or the public has the opportunity to be heard, to

introduce topics, to make contributions, and to suggest and criticise proposals (Waghid, 2002:96). The “better argument” is not forced upon someone (Waghid, 2002:96). To summarise, deliberation is a talk-centric approach to decision-making that counteracts coercive power relationships (Chambers, 2003).

It is now clear that deliberative democracy holds the inherent potential not only to achieve better and fruitful outcomes, but to change the process of decision-making to become more inclusive. Parties could benefit from deliberative democracy because it does not presume a “better argument” or consensus. It rather seeks solutions for common problems. However, one must not be trapped into seeing deliberation only for its instrumental value: deliberative democracy has value in itself. The practical implication thereof presumes the transmission of values and virtues.

2.9 Chapter summary

In this chapter, I built on what was mentioned briefly in Chapter 1. I looked at the concepts of decentralisation and school governance in a South African educational context. School governance was analysed with regard to public schools in South Africa according to numerous legislation and policies, viz. SASA and the First and Second White Papers (RSA, 1996a; DoE, 1995, 1997). According to this chapter, it is difficult to determine academically whether or not an SGB is an “organ of state”. We have to follow the verdict of the highest court (SCA) in the second Mikro-case which dealt with the nature of the functions of an SGB. This debate is important because it could change how conflict is dealt with between the SGB and other state departments, and what the functionality of the SGB implies in a democratic context. I have argued that an SGB has two sets of functions, namely statutory functions and democratic functions and thereafter looked at stakeholder involvement in the SGB, focusing on the influence of principals, parents and educators in an SGB which will also serve as the choice of participants for the research. I also highlighted the challenges that parents, principals and educators bring to school governance in South African public schools. I also looked at the role of the HOD in terms of SASA. Lastly, in the conceptual framework I focused on deliberative democracy and analysed alternatives to “the better argument” and “consensus” principles.

CHAPTER 3

LANGUAGE AND LANGUAGE POLICY IN SOUTH AFRICA

3.1 Introduction

In Chapter 2 I highlighted the democratic fibre of an SGB and how an SGB, within its legal capacity, has certain functions that can extend the South African democratic project. It therefore is important to note that an SGB is a statutory and democratic entity that transcends mere school governance. In this chapter, I started by mapping the theory of language planning and policy (LPP) and language issues in South Africa and South African public schools. This will help to put language movement in South Africa into a theoretical and scientific context.

I will then look at the historical emergence and dominance of particular languages during colonialism and apartheid. I will provide a glimpse of what the language issues were during the Dutch and British colonialism. Here it is important to underscore the linguistic imperialism within these two historical moments. Under the same banner and with the same emphasis, I provide another glimpse of language issues during apartheid, and discuss to what extent Afrikaans led to the suppression of African languages and how Afrikaans was seen as a political tool to promote racial segregation and provide black and coloured people with an impoverished education (Alexander, 2007). These glimpses are ultimately important, because they create a historical narrative for the language struggle in South Africa.

I then turn to language policy and planning (LPP) in a democratic South Africa. This summarises trends within the South African linguistic context by looking at policy initiatives that range from the Constitution (RSA, 1996b), to the LANGTAG report (LANGTAG 1996, cited in Ndhlovu, 2008:63) to the NPLF (DAC, 2003a) and its Implementation Plan (DAC, 2003b). Through this, the problem with the implementation of a multilingual language policy in South Africa comes to the fore (Alexander, 2004, 2007), and this led me to clarify multilingualism and multilingual education in South Africa, i.e. additive bilingualism (McArthur, 1992). This sets the tone for a discussion of LPP in South African schools, in which I highlight the content of the LiEP (DoE, 2017) and various other language policies with regard to public schools, i.e. the IIAL (DBE, 2013). By drawing on the abovementioned aspects, I elaborate on language policy formulation as a function of an SGB (RSA, 1996a; DoE, 1997a). Lastly, I conclude this chapter by bringing together language policy formulation and school governance by referring to issues revolving around these two elements; there is a body of case law that I use for this subsection.

3.2 Language, language planning and policy (LPP)

Because South Africa has multiple “democratic language policies”, theoretical inquiry is necessary to understand the current issues relating to language policy in South Africa. Language planning and policy are a complex democratic endeavour that refers to the politics that accompanies a language. The process entails the acceptance of language as a social artefact that is always already embedded in political roots, and studies these roots. The following discussions focus on the underlying theory of language planning and language policy. The application of this theory will lead to an understanding of power imbalances in relation to language practices. SGBs could benefit from this theoretical discussion because it will show them where they fit in as actors in language policy formulation. Given this, I look at a more philosophically pronounced definition of language and then move to the theory of language policy and planning as a field of study. This aids the study because of the analysis of the socio-political nature of language policy in South Africa.

3.2.1 The term ‘language’ as it is used in the study

In the post-modern time, language moves beyond a system to language as a discourse (McCarthy & Clancy, 2018:2-3). The difference is not meaning as such, but how meaning is created (McCarthy & Clancy, 2018). McCarthy and Clancy (2018) indicate that meaning is created inside a discourse when one is communicating. It is also too elementary and narrow to define language as the medium in which one communicates. However, it is superfluous to contemplate language in its full philosophical identity in this thesis. On this note, Bourdieu (1972) indicates that language is not a mere tool for communication, or even an epistemology, but is a way to assert power over a subject. In addition, Foucault’s (1977) idea of language as discourse and power describes discourse as a “thing” that shape what is thought and said in the presence of power and authority. Language use and policy in South Africa during colonialism and apartheid teaches us that linguistic segregation leads to social classism and imperialism. Therefore, language is a social and historical discourse that classifies a specific identity with an individual and projects a certain ideology via power onto them.

Following Foucault (1977:49), discourses can be seen as “practices that systematically form the objects of which they speak. In addition, discourses are not about objects; they do not identify objects, they constitute them and in the practice of doing so conceal their own invention”. This means that discourse, and therefore language, construct social identity and are maintained by those who are in charge of language policy formulation. To this end, there is no language that is neutral and free from power. This is important if one looks at the past and present language planning and policy situation in South Africa.

Blommaert (2005: 214) defines ethnolinguistic identity as the identity constructed by belonging to a specific language community. In a multilingual society like South Africa, it is difficult to determine what exactly the relationship between the identity of each speaker is. For Parmegiani (2014:686), it is important that the study of language, power and identity are accompanied by language ownership. There is no doubt that the speaker's mother tongue influences his/her language ownership directly, but this cannot be the only measure of language ownership. Parmegiani (2014:687) uses Rampton (1990:99) to expand the notion of language ownership: categories like "expertise (how well he speaks the language), inheritance (born in a certain language group), and affiliation (identifies him/herself with a language)" have a profound effect on how a speaker takes ownership of his/her language. In sum, language is a discourse that has the power and authority to produce certain social hierarchies. The postmodern idea of language as discourse and power has a spill-over effect towards the theory of language policy and planning and reinforces this policy endeavour.

3.2.2 Language planning and policy (LPP) as a field of study

In the discussion that follows, the content of a language policy transcends the mere stipulation of language use(s) or, in the case of education, the media of instruction (see how the following authors use the term "language policy" – Heugh, 2013; Plüddemann, 2015; Woolman & Fleisch, 2008. For Spolsky (2004:5), however, the language policy of a speech community consists of three components. Firstly, language policy consists of language practices; language practices are the continuous process of language selection from different linguistic repertoires. This means one chooses a language or parts of a language from the broader spectrum of languages. Secondly, language policy is a set of language beliefs and ideologies; this is the specific belief system and ideology accompanying a language choice. Lastly, language intervention, planning and management are undertaken to modify specific language practices as part of language policy. Although Spolsky (2004) uses a completely different component for language planning and management, the first two components of language policy are also in themselves part of the process of language planning. Because language planning is a process that informs and reinforces language policy as such, it is necessary to expand on this notion.

Language planning as a field of study assumes that language problems do not merely evolve from a linguistic perspective, but that there also is a socio-political factor underlying these language problems (Cooper, 1989; Fishman, 1972). According to Alexander and Heugh (1999, cited in Ngcobo, 2007: 4), language planning is rather a social construct in which one studies the discursive production of language policy. The term language planning was first used in 1959 by Haugen (1959:8) as: "the activity of preparing a normative orthography, grammar, and dictionary for the guidance of writers and speakers in a non-homogeneous speech community". Haugen (1966,

1983, cited in Johnson & Ricento, 2013:8) continues by referring to language planning as norm selection, codification through orthography, grammar and lexicon. This, however, is beyond the scope of this thesis. One could draw the conclusion that language planning forms part of language policy through the study of sociolinguistics and society. Cooper (1989) and Leibowitz (1969) also emphasise the social factor of language planning.

Cooper (1989:45) argues that language planning is the deliberate attempt to control/influence the behaviour of others with regard to the “acquisition, structure and functional allocation of their language codes”. Cooper (1989:164) emphasises the socio-political ramifications of a language and adds that language planning is a study or management of social change. To “influence behaviour” and “social change”, as highlighted by Cooper (1989:45), implies that there is an underlying political and ideological agenda that accompanies language planning and policy (Fairclough, 1993). There are three aspects of language planning that reinforce language policy: corpus planning and status planning (Kloss, 1969), and acquisition planning (Cooper, 1989).

I rather want to draw attention to status planning and acquisition planning, which for the sake of this study could provide information about the language policy situation in South Africa and in South African public schools. Status planning, according to Bright (1992:311, cited in Wiley & García, 2016:50), deals with the choice of language, the attitudes towards other languages, and the political implications of different choices. According to Cooper (1989, cited in Johnson & Ricento, 2013:11), acquisition planning captures language teaching and other educational activities to increase the users or use of a language. According to Tollefson (2013, cited in Wiley & García, 2016:50) and Tollefson & Tsui (2004, cited in Wiley & García, 2016:50) point out that acquisition planning invites “the formulation of policies that guide practice on a large scale, including which language will be used as a [medium] of instruction”. Language policy in public schools will thus encapsulate this process of language planning and information gathered from the language-planning process, and could then be used to formulate language policy in public schools in South Africa.

According to Ngcobo (2007:161), most developing countries like South Africa take a policy approach to language planning that focuses more on status planning than on corpus planning. But corpus planning is just as important for language development. Ngcobo (2007:161), says that [language] policies ought to be formulated according to the corpus of the language. Even if policy could increase the status of a language, corpus planning could be used for its practical experience to improve the implementation of a policy. Wiley and García (2016:50) point out that language policy could differ according to its formality or explicitness. They (2016) list seven possible language policy orientations, which I narrow down to those that are applicable to South Africa. According to their typography, the orientation of post-apartheid South African language policy could be summarised as focusing on promotion-orientation, and erasing and nullifying older language policies (Wiley & García, 2016:50).

South Africa's language policies are promotion-orientated because they seek to promote all 11 official languages, along with multilingualism. The language policies of the new South Africa attempt to erase the nature of Apartheid, i.e. they want to be differentiated from the Apartheid language policy and erase any visible and historical memory of certain languages and ideologies that accompany them. Although South Africa has multiple language policies, ranging from legislation to other documents, viz the NLPF (Department of Arts and culture [DAC], 2003a), the Implementation Plan (DAC, 2003b), the Constitution (RSA, 1996b), and the Use of Official Languages Act (RSA, 2012), these documents do not necessarily meet the need for intervention. Therefore, South Africa has examples of 'null language policies' with regard to national and educational language issues. The example could also be made that South African language policies aim only at improving and promoting the status of the official languages in South Africa, without developing the corpus (linguistics) of those languages.

According to Tollefson (1991, cited in Johnson & Ricento, 2013:11), South Africa's language policies follow a "historical-structural approach". This approach, as Johnson & Ricento 2013:11) emphasises, shows that a language policy serves the interest of the dominant social group and therefore has political and ideological traits. During Apartheid, as I have shown, language-in-education policies, but more specifically bilingual Afrikaans-English, were used as political tools to oppress black people with regard to their language practices. To conclude, language planning and policy are indeed necessary for this research project to understand the content, nature and ramifications of language policy in South Africa. I now attempt to analyse language issues, stretching from Dutch and British colonialism to apartheid and the new South Africa.

3.3 Historical context of language in South Africa

3.3.1 During colonialism

The following subsection focuses on language situations during colonial South Africa in both coherent and incoherent ways, i.e. the imposition of one language on another and one variant over an original dialect (Makoni & Makoni, 2010:5). Before colonialism, indigenous languages were the oral language of Southern Africa (Dollie, 2011:97). According to Alexander (1989a:9), indigenous groups were initially not forced to adopt the colonial language during the mercantilist period (Dutch rule), since the Dutch colonists and the indigenous groups understood each other through interpreters and translators. However, says Alexander (1989a:10), as the economic intention of the Dutch colonists changed and deepened, a growing demand for communication between them and the indigenous people existed. As a result of the free burghers along the Liesbeeck River in 1657, speakers of indigenous languages started to decrease in the Cape of Good Hope, except in the northern districts and parts across the Orange River: these groups were faced with the "pressure of disposition", to which

they reacted by refusing to be “labour tenants to ‘white’ farms” (Alexander, 1989a:9-10; Dollie, 2011:96).

The Dutch colonists brought slaves from West Africa, East Africa and the Malayo-Indonesian archipelago, and used their labour instead of that of the local African Khoe and San people (Prah, 2018). Through communicating with their masters, these slaves altered the Dutch language and changed it to a lingua franca, which could later be called a “kombuistaal” – kitchen language – which was Afrikaans-Hollands (Prah, 2018). Belcher (1987:18, cited in Alexander, 1989:10) noted that, during this period “Afrikaans-Hollands” (a form of Dutch) became the language of commerce, religion and education among white and non-white folk within eight years. The Dutch colonists had no intention of learning the indigenous languages: the Europeans found the Khoikhoi phonetics very difficult, and they also had difficulty pronouncing the “clicks” – which are a unique aspect of this language (Alexander, 1989a:10).

Alexander (1989a:11) explains that, as slavery advanced, the Dutch East India Company made attempts to teach “Dutch Reformed religion” to slaves and their children; needless to say, the medium of instruction was Dutch. These missionary attempts, says Alexander (1989a:12), manifested as the first movement towards modernised schooling and the first attempts at a language policy in a segregated yet multilingual South Africa. By the end of the 17th century, most inhabitants of the Cape Colony started to speak in a lingua franca that was an early form of Afrikaans; for the children of some slaves, this was probably their home language (Alexander, 1989a:12). Among the East Indian slaves at the Cape of Good Hope (when the Khoikhoi people started entering services with the slaves, Afrikaans-Hollands became the language of white-brown relations), there emerged a particular variety of Afrikaans-Hollands, “a dialect related in complex ways of the Islam in the Cape” (Alexander, 1989a:10-11).

At the beginning of the 19th century, the British settlers began to challenge the Dutch colonists’ dominance in the Cape: language became an essential part of this power struggle (Prah, 2018). British colonists succeeded by replacing the Dutch and, by 1822, English was proclaimed as the only official language of the Cape Colony. This language policy position of the British was formulated to anglicise the Dutch culturally (Prah, 2018). However, the Dutch settlers were still able to speak Dutch unofficially (Němeček, 2010:29). The movement to English resulted in the Great Trek, during which many Dutch settlers migrated away from British rule (Prah, 2018). The British saw this as an opportunity to hire educators and other clergymen with the intention to keep English as the official language (Němeček, 2010:29).

Makoni and Makoni (2010:8), on the other hand, argue that a degree of proficiency in local Bantu languages was necessary to enforce colonial orders and to learn the customary law of the natives. In the British colonial enterprise, they used their own language to control indigenous groups. In British colonial Africa, the colonists did not deem it necessary to impose their own language on the local population. Therefore, Makoni and Makoni (2010:8) add that the imperialistic endeavour did not lie with the

imposition of English on indigenous languages, but the imposition of European variants of these languages on their speakers via the judicial and educational system. For Makoni and Makoni (2010:5), the written form of the original indigenous languages is not indigenous at all: these written products are actually “foreign languages”.

As explained by Němeček (2010:30), the first British settlers were mainly from the working class and spoke a different kind of English dialect; this was not standard English. This English dialect was influenced by other languages spoken in the area, i.e. mainly Afrikaans-Hollands, but other indigenous languages as well (Němeček, 2010:29). The Boers, according to Němeček (2010:30), were unable to speak English and were deemed to be of a lower social and economic status because their English proficiency forced them to migrate to the countryside, where they did not have to be taught English.

Nonetheless, the Boer community successfully achieved recognition for Afrikaans in 1875. However, equal language rights in this paradigm were shallow in nature, because they did not include South African Bantu languages in the constitution (Němeček, 2010:30). Along with the unification of South Africa in 1910, English and Dutch were proclaimed the official languages (Němeček, 2010:30). From this point of view, the Dutch, and later the British, brought a Eurocentric linguistic ideology that marginalised indigenous languages and their speakers (Rudwick, 2018:255). In sum, suppression took place during the Dutch colonial times in the form of the subjugation of indigenous languages.

3.3.2 During Apartheid

Language issues during apartheid arose prior to the acknowledgement of Afrikaans as the language of national unity. Afrikaans, says Brenzinger (2017:41), failed to be incorporated into the Union of South Africa Constitution and did not replace Dutch until the National Party joined the pact government of the Union of South Africa in 1924. According to Brenzinger (2017:41), the recognition of Afrikaans was an urgent priority in the Union Act (no. 8 of 1925), which states that the word “Dutch” would be replaced by the word “Afrikaans”.

In 1961, when South Africa left the Commonwealth, the South African Constitution (Act no. 32 of 1961) refers to Afrikaans as an official language and includes Dutch and English (Brenzinger 2017:41). It was the Republic of South Africa Constitution (Act no. 110 of 1983) that omitted Dutch and made equal provision for Afrikaans and English (Brenzinger, 2017:41). Afrikaans only received official status in 1925 (Gough, 1996:2; Prah, 2018). The institutional struggle for the acknowledgment of Afrikaans is one of the reasons why indigenous languages remained in a submissive position.

According to Stultz (1974:82, cited in Brenzinger, 2017:41), the National Party in the 1940s recognised Afrikaans as the official language, but with English as a

“supplemental language, on an equal footing”. Despite the subordinate status afforded to the English language, English-speaking whites were still viewed as major role players in the economy (Brenzinger, 2017:41). However, it was at this stage, state Webb and Kriel (2000:19), that Afrikaans became interwoven with the apartheid state and the National Party’s ideology, Afrikaner Nationalism. Given that Afrikaner nationalism is a form of linguistic nationalism, and formed the identity of Afrikaners, Afrikaans as a language was a tool to mobilise a political vehicle (Webb & Kriel, 2000: 27). During Apartheid, linguistic diversity was undermined and disregarded through the promotion of Afrikaans-only language policies. Hence, Alexander (2007:1) argues that Afrikaans carries a negative stigma in this regard; here, language policy was used as a tool to limit black social mobility, and consequently Afrikaans was considered as the “language of the oppressor”. Alexander (1989a:12-13) states his outrage clearly, namely that the Afrikaner nationalists who lyrically praised Afrikaans for the originality of a national heritage were created in the mouths of “East Indian and African slaves, European Free Burghers and indigenous Khoisan people”.

Apartheid language policy intensified British [and Dutch] colonial language policy (Alexander, 1989a:19). The Eiselen-Verwoerd language policy, as I will discuss later, was based on missionary theory and practice in relation to the indigenous languages: the logical grounds for this language policy lay in seeing each human in an “ethnic” group as having a right to promote his/her language and culture (Alexander, 1989a:19). However, as Alexander (1989a:19) points out, it was the breaking up of black people into large groups that gave rise to this policy. Thompson and Wilson (1969, cited in Alexander, 1989a:10) note that vernacular instruction was the main tool to promote segregation. According to the Verwoerd blueprint (Alexander, 1989a:19), Afrikaner-Nationalism was based on the same philosophy as “Central European” social theory, and was employed to identify 10 ethnic groups among the African people in South Africa.

During the 1970s, Afrikaans as a medium of instruction caused political unrest. According to the Bantu Education Act, section 15, the Apartheid government could dictate the education sector of African schools (Union of South Africa, 1953:9). Section 15(e) further stipulates that the Apartheid government may prescribe the medium of instruction of all South African schools, meaning that it had the power to favour Afrikaans and English over African and indigenous languages (Union of South Africa, 1953:9). Ndlovu (2011:327) states that the Department of Bantu Education disseminated a circular (no. 2 of 1973) with the name, “Medium of Instruction in Secondary Schools (and Std 5 which is the new Grade 7) in White Areas”. This policy document sought to bring Afrikaans to a significant level, i.e. making it a medium of instruction in most public schools in South Africa (Botha, 1974). This policy stated that Afrikaans and English as official language of instruction must have a 50:50 status in white areas from the last year of primary school until the end of high school (Ndlovu, 2011:327).

Following on the above, the Soweto Uprising of 1976 was a protest against the imperialism of Afrikaans as a medium of instruction. When the apartheid state enforced Afrikaans as the medium of instruction in 1976, black learners would be taught in two distinct ‘new’ languages, first English in 1975 and then Afrikaans in 1976 (Ndlovu, 2011:327). Punt Janson (in Motshekga, 2015), the deputy Minister of Bantu Education in 1974, stated that he would not consult African people about the language issue: non-white people would find that the oppressor only spoke Afrikaans or English and that these two languages would be to their advantage.

The jump to a different medium of instruction meant that learners could not understand what they were being taught. Some noted that the only way black learners could learn was via rote learning: there was no critical engagement with the work whatsoever (Ndlovu, 2011:327). What made this educational project more unequal and inhumane was that Verwoerd argued that there was no place for the Bantu in the European community with regard to certain forms of labour: he argued that it was useless to teach non-white learners normal school subjects because they would never be used in practice (Hendrik Verwoerd, in Lapping, 1987). The expectation arose that black learners would learn non-language subjects in the medium of Afrikaans and that teachers who got appointed for only teaching Afrikaans had to teach these non-language subjects (Ngcobo in Ndlovu, 2011:328).

According to Plüddemann (2015:189), black learners were taught in their mother tongue at primary schools between 1948 and 1994 (for eight years). Thereafter, non-white schools had to follow “non-mother-tongue” dual-medium instruction, in which half of the subjects were taught in Afrikaans and the half were taught in English. Principals of black schools, says Ndlovu (2011:327), received a letter stating that subjects like “General Science, Practical Subjects (Homecraft, Needlework, Woodwork, Metalwork, Art and Craft and Agricultural Science) will be conducted in English while Mathematics and Social Sciences must be conducted in Afrikaans”. This became the fundamental reason why black South Africans saw Afrikaans as the “language of the oppressor”, and led to the affirmation of English as their chosen language and medium of instruction, which in turn led to the violent uprising in Soweto on 16 June 1976 (Reagan, 1987:305).

According to Reagan (1987:305), English was considered as the “language of liberation” – meaning that the use of the language would free people from an Afrikaner nationalist identity. Notwithstanding, with English being the “language of liberation”, it was, as an LoLT, ironically implemented at the expense of African and other indigenous languages (Plüddemann, 2015:189). For black schools in South Africa, an early exit transition to English was on the horizon, which meant that African languages were demoted from being a home language (LoLT) to a mere language subject (Plüddemann, 2015:189). Non-white schools lost their ability to teach in learners’ mother tongue, which led to large-scale confusion because black teachers and learners were not prepared for the shift in LoLT (Plüddemann, 2015:189).

Colonialism and apartheid in South Africa revealed an intrinsic relationship between language (discourse), power and identity. McKinney (2017:8) argues that discourse “forms the objects of which they speak”, i.e. dominant discourses creates the dominant identity. Colonial discourses had the power to make “colonial subjects”, inasmuch as the indigenous identities were subject to a greater power, i.e. colonial power. Colonial schooling, asserts Enslin (2017:2), had the purpose to serve as the “colonizing power” that was “dismissive of indigenous culture”. Hence, “colonized subjects” received an inferior identity, whilst a colonial identity was projected onto them.

Apartheid had the same imperialistic language effect on the black people of South Africa. Afrikaans had an alienating and “othering” effect, i.e. the ideology of Afrikaner Nationalism alienated black people and gave them a subjected identity. The importance of power and colonial discourse can be applied to black identity during apartheid and post-apartheid. Because some hold the view that black languages are “incompatible with the objectives of learning”, black people are introduced to certain social spaces that condone “humiliation, exclusion and discrimination and racism” (Davids, 2018a:1- 5).

This adds to Frantz Fanon’s (1967, cited in Enslin, 2017:5) analogy of black people wearing “white masks”, which in its turn indicates how the power of colonial subjects was enslaved psychologically and emotionally via language imposition. Discourse has the power to confine black languages as blackness, which is form of a “othering”, and hence is seen as undesirable (Davids, 2018a:4). To conclude, the story of language in South Africa moves beyond struggles but emphasises how indigenous languages experienced difficulty to receive official status through the auspices of racial segregation. The following section continues the chronological study of language in South Africa through a discussion of the current language and language policy situation in the country.

3.4 Language and language policy in post-apartheid South Africa

On paper, South Africa’s language policies a display remarkable movement away from the apartheid regime and language practices. After the first democratic election in 1994, the Constitution of the Republic of South Africa (RSA, 1996b) became the most profound piece of legislation written by the new, democratically elected government to change the political and linguistic landscape of South Africa. Below, a few sections that deal with the promotion of the 11 official languages of South Africa.

Section 6(2) of the Constitution reads as follows:

Recognising the historically diminished use and status of the indigenous languages of our people, the state must take practical and positive measures to elevate the status and advance the use of these languages (RSA, 1996b:4),

and therefore the Constitution acknowledges 11 languages in section 6(1):

The official languages of the Republic are Sepedi, Sesotho, Setswana, siSwati, Tshivenda, Xitsonga, Afrikaans, English, isiNdebele, isiXhosa and isiZulu.

With regard to language rights and education, section 29(2) of the Constitution (RSA, 1996b:14) states the following:

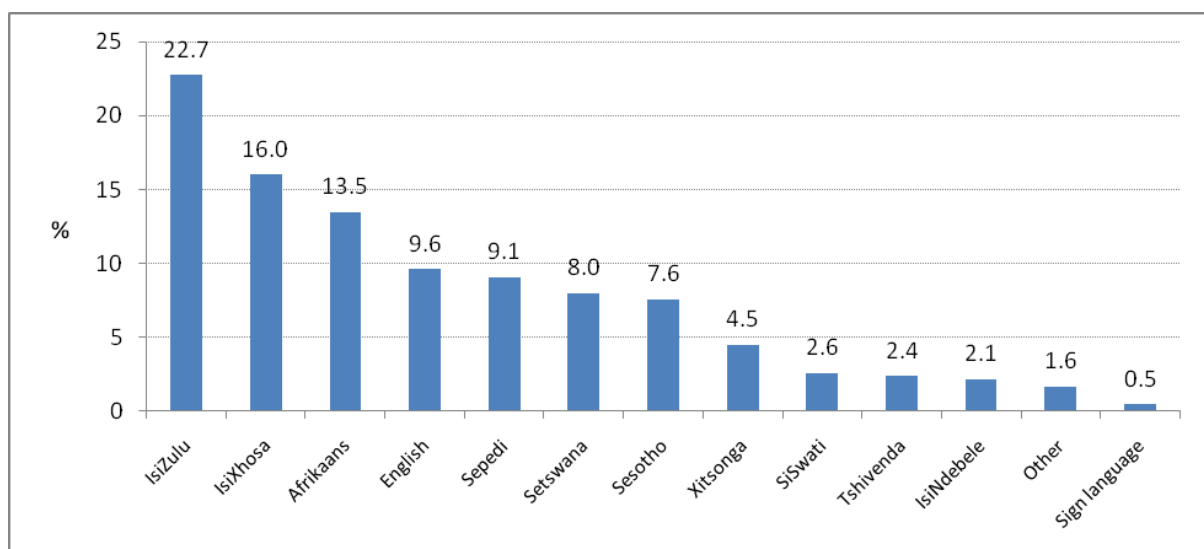
Everyone has the right to receive education in the official language or languages of their choice in public educational institutions where that education is reasonably practicable. In order to ensure the effective access to, and implementation of, this right, the state must consider all reasonable educational alternatives, including single medium institutions, taking into account—

(a) equity;

(b) practicability; and

(c) the need to redress the results of past racially discriminatory laws and practices.

The sections above are evidence that the newly elected government prioritised indigenous language promotion, at least on the policy level. The following graph shows what percentage of the country's population has one of the 11 official languages of South Africa as a mother tongue according the Census (Statistics South Africa, 2011).



Note that, within the new political dispensation, two African languages are the most frequently spoken languages in South Africa, viz. IsiZulu (22.7%) and IsiXhosa (16%). Note that Afrikaans is spoken more frequently than English, and it is also the most frequently spoken language in the Western Cape of South Africa (Statistics South

Africa, 2011). Language negotiations started prior to the coming of democracy. After apartheid, language diversity was a priority for the newly elected government. The Constitution of 1996 embraces the notion of language as a basic human right and multilingualism as a national resource, which acknowledges the 11 official languages (Hornberger & Vaish, 2008:312). The rule of law promotes multilingualism, in which every language “must enjoy parity of esteem and must be treated equally” (Beukes, 2004:5). According to Currie (1996, cited in Ngcobo, 2007:166), “parity of esteem” denotes the putting aside of practicality, which in turn triggers an effort to ensure no language is dominated by another.

After the first democratic election in 1994, the Minister of Arts, Culture, Science and Technology appointed the Language Task Group (LANGTAG) in 1996 to construct a policy and implementation plan for the provisions made in section 6 of the Constitution (Beukes, 2009:39). According to Beukes (2009:39) and Alexander (2004:125), the entity aimed to change language policy formulation to a bottom-up process by providing a contact point between government and language stakeholders. Ngcobo (2007:162) adds that LANGTAG was a forerunner of the Pan South African Language Board. According to Ngcobo (2007:162) the PanSALB replaced LANGTAG and compiled reports, made recommendations, but it was created during the “transition” period when much policy and legislation was introduced to remedy the effects of apartheid (Beukes, 2009: 39; Ngcobo, 2012: 184).

Consultations were held in a participatory and accountable manner, involving language experts and other stakeholders, to construct a comprehensive document called the *Final LANGTAG Report* in 1996 that stipulated South Africa’s language needs, and a framework for language policy initiatives with policy decisions, including language-in-education policy (Beukes, 2009:39). The LANGTAG report emphasised, inter alia, the promotion of multilingualism and the need to elaborate and modernise African languages (LANGTAG, 1996 cited in Ndhlovu, 2008:63). According to Beukes (2004:14, cited in Ndhlovu, 2008: 65) the LANGTAG report also included concern that a possible second language imperialism is approaching: departments in most of the spheres of South African society are turning towards English as a medium, which means that African languages are again unrepresented.

The Minister of Arts, Culture, Science and Technology then appointed an Advisory Panel of experts to draft a language policy and implementation plan built on the LANGTAG report (Beukes, 2009:39). Webb (2002) states that the Department of Arts, Culture, Science and Technology (DACST) was the state department tasked with managing language policy development: they appointed an Advisory Panel to propose a language policy for South Africa. Their proposals were presented in March 2000 (Webb, 2002). The Advisory Panel was responsible for the first draft of the Language Policy and Plan for South Africa, and the South African Languages Draft Bill (Beukes, 2009:39).

Post-apartheid South Africa gave birth to numerous language implementation bodies and language policies. I refer to only some of them, as set out in Beukes (2009). The

National Language Forum is an entity that consists of government structures and NGOs that were created by the National Language Services in 2004 to monitor policy implementation (Beukes, 2009:42). The National Language Service is a “comprehensive language office in government’s executive arm in language matters, the DAC, [and] is in charge of policy and planning matters” (Beukes, 2009:43). There are other statutory bodies that attempt to foster a multilingual society, viz. the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities (Beukes, 2009:42). The Human Rights Commission mandates the promotion of linguistic rights (Beukes, 2009:42). According to Heugh (2003:126, cited in Ngcobo, 2012:184), however, pre-1994, the National Party (NP), the African National Congress (ANC) and NGO, the National Language Project, were the role players when language matters came into discussion.

PanSALB was established in 1995. It is an independent language planning agency that is constitutionally mandated not only to promote a multilingual society, as noted by Posel and Zeller (2016:358), but according to Brenzinger (2017:48), PanSALB “fosters and monitor the implementation of the Constitution by promoting and creating conditions for the development and use of all eleven official languages, as well as the “Khoi, Nama and San” languages. South African Sign Language is included in this list of languages, along with “heritage languages” (Brenzinger, 2017:48). PanSALB was set in motion by section 6(5) of the Constitution (RSA, 1996b:5) and by the Pan South African Language Board Act (this act was amended in 1999) (RSA, 1995). It has nine provincial language committees, 11 lexicography units, and language bodies for every official language and entities for Sign Language (Beukes, 2009:41). According to the DAC (2003c, cited in Beukes, 2009: 43), the National Language Service and the DAC oversee the language planning and policy endeavours of the country, and PanSALB is seen as a “strategic partner” in language matters.

The Language Policy and Plan for South Africa and the Draft Bill were revised, and the National Language Policy Framework (NLPF) was accepted by the cabinet only in 2003 (Beukes, 2009:40). However, the Bill was not accepted and had to be revised, which implied that alternative routes had to be used to implement the National Language Policy Framework (NLPF) (DAC, 2003a). The NLPF will include all government structures, but private enterprises are not bound by this document, although they are encouraged to support the policy by means of participation in equitable language practices (DAC, 2003a:13).

The NLPF is designed for the following purposes (DAC, 2003a:10):

- *[to] promote the equitable use of the 11 official languages;*
- *facilitate equitable access to government services, knowledge and information;*
- *[to] ensure redress for the previously marginalised official indigenous languages;*

- *[to] initiate and sustain a vibrant discourse on multilingualism with all language communities;*
- *[to] encourage the learning of other official indigenous languages to promote national unity, and linguistic and cultural diversity; and*
- *[to] promote good language management for efficient public service administration to meet client expectations and needs.*

The NLPF Implementation Plan also commenced in 2003. The creation of the Implementation Plan for the NLPF followed two months after the NLPF was accepted. The Implementation Plan is a flexible proposal aimed at realising multilingualism in public spheres (DAC, 2003b:5). The Implementation Plan was designed to foster the agency to disseminate the content of the NLPF over a reasonable period (DAC, 2003b:8). Furthermore, the policy sets out to change the cultural linguistic formation by changing attitudes towards indigenous languages (DAC, 2003b:8). Implementation without ad hoc grassroots structures is a mere ideal. Therefore, the Implementation Plan sets out to create certain structures that would increase the probability of a multilingual society for South Africa (DAC, 2003b:12). The National Language Service (NLS) of the DAC would facilitate all the ad hoc structures, with the Pan South African Language Board (PanSALB) at the forefront (DAC, 2003b:12).

According to Beukes (2009:40), the government seeks to materialise these aims through a process of “functional multilingualism”. This principle indicates the usage of any official languages, as groups and audiences differ. According to Ngcobo (2007:163), PanSALB completed the NLPF and denotes a co-operative effort between the Advisory Panel and other bodies. With the NLPF came a range of language policies or initiatives, namely a Policy Statement, an Implementation Plan, the South African Languages Act, and the South African Language Practitioners’ Council Act (Beukes, 2009:40). The South African Languages Bill (DAC, 2003c) emphasised the promotion of multilingualism as a constitutional principle, and equated the use of the official languages as “a matter of right” (South African Languages Bill, cited in Pretorius, 2013:307). It also contained more pronounced guidelines for language policy, but the cabinet did not pass the Bill and asked for a more non-legislative way to regulate the use of official languages within government structures (Pretorius, 2013:307). The South African Languages Bill led to the Use of Official Languages Act in 2012. In 2014, the Minister of Arts and Culture sent an urgent notice to all government agencies, saying that each agency must have a language policy (DAC, 2014). The Uses of the Official Languages Act was created to regulate the use of all the official languages: if government bodies fail to supply their language policies, they hinder the process of implementing this act (RSA, 2012).

The use of South African official languages is institutionalised in the Use of Official Languages Act (Act 12 of 2012) (RSA, 2012). According to section 4(1):

Every national department, national public entity and national public enterprise must adopt a language policy regarding its use of official languages for government purposes within 18 months of the commencement of this Act or such further period as the Minister may prescribe, provided that such prescribed period may not exceed six months (RSA, 2012:2).

According to section 4(2):

A language policy adopted in terms of subsection (1) must-

- (a) comply with the provisions of section 6(3)(a) of the Constitution;*
- (b) identify at least three official languages that the national department, national public entity or national public enterprise will use for government purposes;*
- (c) stipulate how official languages will be used, amongst other things, in effectively communicating with the public, official notices, government publications and inter- and intragovernment communications;*
- (d) describe how the national department, national public entity or national public enterprise will effectively communicate with members of the public whose language of choice is- (i) not an official language contemplated in paragraph (b); or (ii) South African sign language.*
- (e) describe how members of the public can access the language policy;*
- (f) provide a complaints mechanism to enable members of the public to lodge complaints regarding the*
- (g) use of official languages by a national department, national public entity or national public enterprise;*
- (h) provide for any other matter that the Minister may prescribe; and*
- (i) be published in the Gazette as soon as reasonably practicable, but within days of its adoption (RSA, 2012:3).*

One therefore can see that the language policy initiatives of the new South Africa had a profound interest in developing a multilingual society through the promotion of the Constitution (RSA, 1996b). This does not come without any problems. The next section looks at the problems of South African language policy initiatives.

3.5 Problems with language planning and policy in South Africa

3.5.1 Policies and laws

The previous section provided introductory remarks on the language policies in South Africa. Due to the vast parameters of the Constitution, which promotes 11 official languages, there are numerous challenges and problems with its implementation. Beukes (2009:35) believes that language policy and planning have fallen into an implementation gap. The Use of Official Languages Act seeks to promote the monitoring and regulation of official languages by the national government for government purposes (RSA, 2012:1). However, the provisions of this act are made exclusively for government structures by institutionally binding them to certain criteria, and the act does not promote inclusive linguistic diversity itself (Pretorius, 2013:282).

It seems as if the Use of Official Languages Act (RSA, 2012) is built on a rocky foundation, which would lead to inclusive linguistic diversity that is accomplished when the “policy-making competence of administrative bodies” is achieved (Pretorius, 2013:302). The act on its own has no “inclusivity-specific guidelines” and, when served from the directive principles (section 6(3) of the Constitution), “it mandates unguided discretionary powers to limit official language use” (Pretorius, 2013:303). The Use of Official Languages Act (RSA, 2012) does not promote multilingualism, and the act is delegated down to only implement the multilingualism of non-independent advisory and monitoring bodies (Pretorius, 2013:304).

In the new dispensation, language and language policy are institutionally protected by the Constitution (RSA, 1996b). The protection of languages in the Constitution does not necessarily mean that this happens in practice. Language policy formulation and production does not secure language policy implementation, as I discuss next. Firstly, the post-apartheid government built its democratic language policies on the language policies of the apartheid era. In a study conducted by Cakata and Segalo (2017:324), one of the research participants noted that replacing a “white minister” with a “black minister” is policy reformation, and not deconstruction of apartheid systems and language policies (Cakata & Segalo, 2017:324). The policies in the democratic era are also a mere continuation of colonial practices: indigenous languages (South African African languages) are physically acknowledged in the Constitution and other language policies, but English is still the default in government spheres (Cakata & Segalo, 2017:324). The language policies may have changed from Afrikaans to English, but that does not imply a deconstruction of apartheid and colonial language policies: indigenous languages need to be at the front and centre – meaning they must be used in schools as LoLT and HL (Home Language). Hence Cakata and Segalo’s (2017) argument that South African language policy initiatives need to start from a different ideology and a new foundation is intriguing.

Secondly, as Cakata and Segalo (2017:325) state, the legal language of South African language policy is English: translated documents do not get passed in government. It is the English written policy that receives the official status and is passed by government. The treatment of English as superior to other languages presupposes colonial language policies. Furthermore, Cakata and Segalo (2017:326) contend that, while Afrikaans has been labelled as the “language of the oppressor”, English has escaped interrogation and is viewed as the “language of liberation”, despite being as, if not more, oppressive than Afrikaans during colonialism.

Thirdly, according to Cakata and Segalo (2017:326), many government structures use section 6(3)(a) of the Constitution as an excuse for not implementing language policies. Section 6(3)(a) of the Constitution goes as follows:

The national government and provincial governments may use any particular official languages for the purposes of government, taking into account usage, practicality, expense, regional circumstances and the balance of the needs and preferences of the population as a whole or in the province concerned; but the national government and each provincial government must use at least two official languages (RSA, 1996b:4).

The founding principle of the Constitution is the notion of democracy and democratic principles: this is a blessing and a vice. Government structures and schools can choose their language policy, which often means a choice between English or Afrikaans, and in turn means that they implement either a colonial or an apartheid discourse and language policy. One cannot help but note that black languages, along with their accompanying identities, are still (in a post-apartheid era) seen as the “other” in some schools and other spaces (Davids, 2018b). In a postcolonial and post-apartheid South Africa, these types of “othering” still take place in the form of egalitarianism in social spaces such as schools and cultural places. Nicholson (2016, cited in Davids, 2018b) notes that, in some cases, black learners are prohibited from speaking their mother tongue, i.e. South African African languages, in classrooms. Afrikaans had what is called “elite closure”: this indicates that the linguistic patterns of the elite are promoted by language policy through limiting the social mobility of the masses (Alexander, 2004:5). This also causes what Alexander calls “static maintenance syndrome”, in terms of which black South Africans speak their mother tongue at home and in private spaces, but do not believe that their mother tongue has the power to become the language of power (dominant language) (Alexander, 2004:6). But, as stated by Alexander (2004:5), in a multilingual society it is a smart move to learn the dominant language of that society. If one is fluent in the dominant language, one possesses the cultural capital to participate in the economic life for upwards social mobility.

People use English at the expense of their mother tongue because of its status (“world language”) and, whoever does not use and understand it, misses crucial opportunities (Alexander, 2000:87). The adoption of such a policy will cost less than a multilingual language policy, which would involve numerous translators and interpreters

(Alexander, 2000:87). Phaahla (2006:57) indicates that black people immediately associate the realm of business with English. Most centres' and shops' default language is English – English is seen as the language of commerce. Those who are fluent in English possess the right cultural capital that could get them certain occupations in a time of unemployment (Alexander, 2000:87). Non-English-speaking learners realise that their epistemic linguistic world is only knowable to a few people and, if they cannot express themselves in the language of power (English in this case), they lose out on job opportunities and critical labour-related information. This tendency can occur even if they do not speak English in their lived spaces.

At the height of apartheid, Alexander's solution was to democratise language policy – the first solution in this regard seems to be the question whether English could serve as a *lingua franca* (Alexander, 1989a:52-53). At the time, Alexander did not have enough research to make an informed decision, but he mentioned English had to stay as *an* official language, joined by other languages such as the indigenous African languages. He did not mean that English must be used in the Anglocentric sense of language policy (Alexander, 1989a:52). English would be the linking language that unified all South Africans (Alexander, 1989a:53). Furthermore, he advised that South Africa needs to adopt language policy initiatives that acknowledge the indigenous languages and promote mother-tongue education. For Ngcobo (2012:185), multilingual language policy needs to shift in meaning over time and space: to create a continuum and to remain inclusive of language planning, linguistic behaviour and new languages. The forces of social practices, like “new South African nationalism”, as well as areas such as the media, government and education, tend to influence the policy production process, and continue to challenge the authority of language policy (Ngcobo, 2012:184). In sum, there are mixed arguments that focus on the introduction of English-only language policies. The next section deals with the problems of language institutions in South Africa.

3.5.2 Language institutions

According to Beukes (2009:44), language bodies in South Africa have lost their credibility. Lafon & Webb (2008:19) argues that these bodies need to be held accountable by assessing their activities against their outcomes. In South Africa one can easily see that there is a mismatch between language planning and policy implementation, i.e. there is a mismatch between the NLPF objectives and the NLPF Implementation Plan. Due to the lack of necessary skills, participation by citizens and inadequate attention being paid to African languages, the NLPF was and still is doomed to fail (Docrat & Kaschula, 2015:2). Kaschula (1999) emphasises how important “people” are for the implementation of a language policy in South Africa. The multilingual acknowledgement, however, which the Constitution optimistically

propagates, does not reflect the current language practices in South Africa. English-only policies seem to dominate the language policy landscape, for many reasons.

The 2016/2017 Annual Report of PanSALB noted that PanSALB was underperforming as a constitutional language entity (PanSALB *et al.*, 2017). PanSALB is fraught with financial malpractice and could not employ the necessary expertise to send off a large-scale attempt to implement multilingualism and multilingual language policies (PanSALB *et al.*, 2017; Kaschula, 2004:14). The Annual Performance Plan of the Department of Arts and Culture for 2018/2019 emphasises the ideal and importance of PanSALB to perform as its mandate states, viz. to give priority to marginalised languages (DAC, 2018:32). The DAC (2018:32) argues that it will continue to develop technical terminologies to support the enterprise of multilingualism.

One can add to this that 11 official languages do not reflect the entire speech community of the variants that reside within the language itself. Three examples that stand out are Afrikaans, isiNdebele and Sepedi. Afrikaans has more than one variant, but one that stands out the most is *Kaaps* (derived from “die Kaap” (the Cape)) (Le Cordeur, 2015:713). Le Cordeur (2015:718) contends that, although Afrikaans is sometimes seen as a “white man’s language”, this is not the case in the new South Africa. According to the Census (Statistics South Africa, 2011), Afrikaans is spoken by more “Coloured people” than by white people in the post-Apartheid period; 76% of all coloured people in South Africa speak Afrikaans, and 61% of white people speak Afrikaans as their mother tongue. *Kaaps*, as a variant of Afrikaans, suffered through Apartheid and still suffers through misrecognition (Le Cordeur, 2015).

The same goes for isiNdebele – no provisions are made in the Constitution for Northern isiNdebele, and the Constitution does not account for the different variants of Sepedi – but the Constitution provides for each language of the Nguni clan, i.e. isiXhosa, isiZulu and siSwati (Ndhlovu, 2008:66). This is a structural flaw in South Africa’s constitutional provisions for language and practically falls short of the democratic language ideals that it envisions.

Justice Yacoob (2008, cited in Docrat and Kaschula, 2015:4) use the term “meaningful engagement” to denote a situation in which government and affected parties must search for common ground or a solution to any dispute, e.g. language issues. These authors apply this concept to language legislation to reflect the true language reality of South Africa and to implement language goals set forth by the language legislation (Docrat & Kaschula, 2015:4). By legislation is meant the Use of Official Languages Act, no. 12 of 2012 (RSA, 2012) and the Constitution (RSA, 1996a). Through “meaningful engagement”, language policy has the potential to reach the intended communities and people (Docrat & Kaschula, 2015:4). The proposed concept opens up the opportunity for creative solutions to South Africa’s language policy issues. Alexander (2013, cited in Docrat and Kaschula, 2015: 4) comments that, if we do not have the tools to negotiate solutions, we must rather not criticise. Bearing this in mind, I pose Alexander’s language question:

The crucial question, says Alexander (1989a:6), is whether people have to speak to one another in one particular language in order to be a nation. The question originated from a European nationalist ideology, arising from Portugal, Spain, Great Britain, France and the Netherlands (Alexander, 1989a:5). The question ventures and implies that one need not speak one language to be a nation (Alexander, 1989a:6). Communication in South Africa is possible because one has the freedom to switch to “the most appropriate language by a particular situation” (Alexander, 1989a:6). Most countries in the world are multilingual, which means that people have different mother tongues, although language barriers certainly exist (Alexander, 1989a:6). If one is to break away from apartheid’s ideology of segregation, one needs a democratic answer to this question (Alexander, 1989a:7). Racism and racial prejudice hide behind language barriers: if we, as advised by Alexander (1989a:7), want to break down racism and prejudice, we first need to break down language barriers in South Africa.

The linguistic composition of the post-Apartheid South African society provides a theoretical, multicultural and multilingual narrative. However, practical examples offer a different picture. Dollie (2011:107) argues that the “South African language question” has remained the same since the democratic elections of 1994. For Dollie (2011:107), “the language question” can be formulated in the following way: Why was English used, and indeed chosen, and not Zulu or Xhosa, as a national means of communication in the government? What are the historical and political reasons for continuing with the use of English as a lingua franca? What are the advantages and disadvantages of developing written standards for the Nguni and Sotho clusters of languages?

A linguistic movement has started to take place in South Africa that is in sharp contrast with the democratic language policies the new South African government has to offer. The excerpt above serves as an introduction to this movement or “problem”: institutions nationwide have spontaneously started to use English as the medium of communication and business. Actually, one finds traces of English in other structures as well, and not only in government (Cakata & Segalo, 2017:322). One usually sees the domination of English at the expense of other languages; in South Africa, the dominance of English is at the expense of indigenous languages (the official languages of South Africa except Afrikaans) (Cakata & Segalo, 2017:321).

According to the socio-linguistic composition of South Africa, one cannot consider all the indigenous languages of South Africa as minority languages, because almost 40% of the population speaks isiZulu and isiXhosa. English seems to dominate in the public sphere, even though only 9.6% of the South African population is mother-tongue English speakers. This problem seems to manifest in different ways. Alexander (2004:13) posits that African languages can only receive “market value” once language-in-education policies move towards African languages being the LoLT. According to Kaschula (1999), people are needed to implement policy and, if these people do not allow scope for the policies’ aims, the policies and their content are mere words. Additionally, Alexander (2004:13) says that, because mother-tongue education

improves academic literacy, African language speakers will develop a more nuanced skill set, which not only will promote democratic participation, but also will promote economic development. Alexander (2004:14) adds that, because South African language policy is determined by exogenous and endogenous factors, it needs to address the mother-tongue debate in African languages, the hegemony of English and literacy levels by means of successful language-in-education policies and the implementation of language-in-education policy to ensure economic development. Other powers and departments in different spheres of the society are also implementing language policy of South Africa.

As I mentioned earlier, a multilingual language policy needs to shift in meaning over time and space, to create a continuum and to remain inclusive of language planning, linguistic behaviour and new languages per se (Ngcobo, 2012:185). This implies that language policy entails a range of role players and elements. Ngcobo (2012:185) shows us that the courts can have a profound influence on language policy – they interpret and re-interpret language policies to form new ones. The development of school policies cannot be separated from government's transformation agenda (Joubert & Van Rooyen, 2011:304). This means that parents can only influence policy formulation as far as it is in concord with SASA and the Constitution and any provincial laws. Gale (1999:397 cited in Ngcobo, 2012) argues that judges become mediators of policy and citizens rely on them to appropriate policy in a context, and thus bring a temporary settlement in times of crisis in policy production. Judges create new policy formulation contexts, which result in an "inter-discursive struggle" between discourses that employ new strategies that lead to the continuation of dominance or that challenge the dominance of language and political barriers (Ngcobo, 2012:185). Gale (1999, cited in Ngcobo, 2012) notes that policy settlements are asymmetrical, temporary and context-specific. The discussion above serves as continuation of the imperialism of the English-only language policy in a multilingual South African society. Before I move to language policy in South African schools, I want to stress the idealistic notion and content of a multilingual education policy and the benefits it could bring for South African public schools.

3.6 Multilingualism and multilingual education

The previous section dealt with the problems of language planning and policy within a national context. It is easy to argue that a multilingual language policy in schools would better the situation on the ground, but this is an ideal situation and the implementation will still be difficult, although the policy intention would at least be bona fide. In this section, I focus on what the policy intention is for a universal, multilingual language-in-education policy would look like. Multilingualism is not a new concept, either internationally or in South Africa. This term has been overused during the post-apartheid period. I start off with a universal theory of multilingualism, and then move

to multilingualism in South Africa. Multilingualism can be defined as the ability to use three or more languages, separately or while one switches codes (McArthur, 1992:673). Also, according to the European Commission (2007, cited in Cenoz, 2013:5) builds on this definition by including the ability of individuals and societies to engage with multiple languages on a regular basis in normal daily tasks.

McArthur (1992) also notes that each language has a different purpose and that proficiency in each language depends on factors like register, occupation and education. Multilingualism is a phenomenon that fluctuates depending on the speakers: multilingualism does not only involve characteristics and components of bilingualism and monolingualism but rather addresses the languages that is learnt after the second language. Therefore, there is a connection between bi- and multilingualism. As discussed earlier, South African language policies seeks to promote the use of the country's 11 official languages, and hence multilingualism as such.

According to Cook and Basseti (2011, cited in Cenoz, 2013:7), bilingualism is a term used to denote proficiency in two languages, but sometimes it includes the proficiency in more languages. Following Aronin and Singleton (2008, cited in Cenoz, 2013:8), bilingualism and trilingualism are instances of multilingualism. The South African government with its NLPF believes in “functional multilingualism”, which means that different languages are used for different social situations (Beukes, 2009:40). South Africa's language-in-education policies and other curriculum policies (LiEP, RNCS and CAPS) emphasise mother-tongue education through the concept of “additive bi-(multi)lingualism” (DoE, 1997a:2). Additive bilingualism is the process by which someone acquires an additional language without the loss of proficiency in his/her mother tongue (Dampier, 2014:38). According to Banda (2009:5, cited in Coetzee-Van Rooy, 2018:22), it effective when a language is “added” to a monolingual linguistic repertoire, and not when a person is already bi-(multilingual). I argue that additive bilingualism could be broken down into “mother-tongue education” and “second language acquisition”.

Mother-tongue education taps into a learner's prior knowledge via his/her linguistic repertoire (Le Cordeur, 2011:441). But mother-tongue education cannot be practised in isolation: it needs to be complemented by second-language or even third-language acquisition. Mother-tongue education is important for various reasons; however, I only focus on a few of these. First, Webb (2006, cited in Le Cordeur, 2011:441) noticed that mother-tongue education facilitates knowledge and understanding by developing cognitive skills through unlocking the learner's fund of knowledge. Learners' prior knowledge is locked up in their mother tongue, and the use of this language as the LoLT makes it easier for the learner to study other subjects. According to Khan (2014:149), mother-tongue education can enhance cognitive abilities to acquire and learn a second language. Second, according to Webb (2006, cited in Le Cordeur, 2011:441), mother-tongue education develops the learners' academic languages

abilities. School discourse mixes the academic language with a learner's use of his mother tongue to make learning more meaningful.

Third, according to Fakeye (2011, cited in Khan, 2014:149), mother-tongue education makes cultural knowledge more accessible. Fourth, according to Webb (2006, cited in Le Cordeur, 2011:442), mother-tongue education is more cost effective because learners in these settings will not [necessarily] repeat grades, which effectively increases the pass rate of learners. Mother-tongue education is not without any flaws, but it has a sustainable role in knowledge creation. For people who suffered during apartheid due to language policies, *inter alia*, mother-tongue education has a different meaning. I will now move to second-language acquisition as a component of additive bi- or multilingualism.

If one evaluates second-language acquisition, a reading of the didactics of language teaching would give information on how successfully it will function as a policy imperative. Mother-tongue-based bilingual education implies that a learner is taught in his or her mother tongue for as long as possible, whilst an additional (second) language is introduced as a school subject (Le Cordeur, 2011:447). A learner is not supposed to be educated in his or her second language, unless he or she has mastered the home language (Le Cordeur, 2011:447). Khan (2014:149) argues that a learner's mother tongue is used to foster sound second-language use. From a Hegelian perspective, second-language learning and acquisition foster mutual recognition and universalisation, i.e. Universal Grammar (Wu, 2018:44). Universal Grammar is a linguistic universal that manifests as knowledge and principles that apply to all languages (Dampier, 2014:40). Wu (2018) argues that second-language teaching and learning can either empower or enslave learners.

According to Wu (2018:43-45), second-language learning can empower learners by providing them with intersubjective experiences and a higher level of consciousness. Learners achieve mutual recognition by transcending themselves and entering a state of 'ethical substance' in which they can express themselves universally. When learning a new language, one breaks away from the conscious stream of thoughts that goes with the native language; this enhances the opportunity to participate in society, which in turn fosters cultural learning. Wu (2018:41), on the other hand, believes that second-language teaching can also enslave learners by the mere projection of the dichotomy of the master-and-slave relationship. The teacher takes the role of the master and the learner is the slave. Furthermore, the enslavement takes a form of "linguistic imperialism", which creates structural and cultural inequalities through the dominance of English (Wu, 2018:41). I agree with this, for the simple reason that second-language teaching often represents colonial language policies. An "English-only language-in-education policy is due to many reasons which economic and ideological reasons are a part of (Alexander, 2000:87). Now that I have shed some light on the concept of multilingualism in a South African public schools sphere, I look at language policy in public schools in South Africa and show how language policy in these schools falls short of the ideal that multilingualism has to offer.

3.7 Language policy in public schools of post-Apartheid South Africa

This section sketches a view of language in education in South Africa thus far. South Africa has a conglomerate of language-in-education policies, which include South African curriculum policies up until now. As Alexander (2007:14) explains, language policy in South Africa, and every language policy for that matter, is influenced by exogenous and endogenous factors. Endogenous factors in the South African educational context include the South African school and curriculum situation, while exogenous factors include language education internationally. Alexander (2007) maintains further that, if mother-tongue-based multilingual education policy is deemed to be successful, one needs to consider a revision of South Africa's language-in-education policies. The key challenges of language policy in South Africa are the hegemony of English; literacy levels, which are directly correlated with South African language-in-education policies; and the demonstration of a positive relationship between functional multilingualism and economic efficacy and productivity (Alexander, 2007:14). South Africa, says Alexander (2007:119), is caught up between two language ideologies, viz. ethnic nationalism and Anglocentrism (anglicisation) – where rights are allocated to 11 official languages, but there is only one language that dominates linguistic narratives, viz. English.

Jansen (2002:203, cited in Coetzee-Van Rooy, 2018:20) contemplates the policy intention or the policy agenda of the then newly installed government in relation to education: he believes that, in most cases, the implementation of policies at that time were never on the new government's agenda. This explains why there were problems with the implementation of the South African LiEP (DoE, 1997a). On this note, Madiba and Mabiletja (2008:221, cited in Coetzee-Van Rooy, (2018:20) indicate that the lack of clear implementation goals leads to the failure to implement multilingual language policies in schools. The same authors reason that there must be a fit between policy representation and the linguistic reality of learners to ensure sound implementation (Coetzee-Van Rooy, 2018:22). Webb (1999:358, cited in Coetzee-Van Rooy (2018:22) says that language policy formulation must take into account "socio-linguistic diversity" and, in the case of language-in-education policy, the learners' linguistic repertoire and that different language policies must be developed for different sociolinguistic situations.

Plüddemann (2015:192) notes that the implementation of language policies in public schools is hindered because of a disjuncture between a learner's home language (HL) and the language of learning and teaching (LoLT). The Language in Education Policy (DoE, 1997a) was the first document that sought to change the language of teaching and the teaching of language in South African schools. The policy is designed to celebrate cultural diversity through the promotion of multilingualism and the development of the official languages (DoE, 1997a:2). According to this policy, individual multilingualism is the global norm: it assumes that the "learning of more than one language should be general practice" (DoE, 1997a:2). De Klerk (2002, cited in

Heugh, 2013:218) argues that the LiEP and the curriculum policy were originally drafted by different parties, which had different outlooks on multilingualism. Heugh (2003, cited in Heugh, 2013:219) states that experts who were included in the LANGTAG process to formulate the language-in-education policy were excluded from the curriculum discussion, as was the case during apartheid. Heugh (2013:219) states that policy documents included principles of functional and additive multilingualism, but the explanatory text that was needed to accompany these documents was left out. It was said that these texts would be included in the implementation of language in education that was to follow, but this never materialised (Heugh, 2013:219).

Some schools with English as a LoLT opted to drop African Languages as their FAL policy, and took Afrikaans as the FAL policy for the Foundation Phase. The reasons, as argued by Woolman and Fleisch (2014), are threefold. Foundation Phase teachers are trained to teach Afrikaans at the FAL level (Woolman & Fleisch, 2014:139). Another reason is that schools that had taught Afrikaans at the FAL level already had teaching and learning materials supporting their FAL of choice (Woolman & Fleisch, 2014:139). Lastly, African languages at the FAL level for matric exams are difficult even for isiXhosa people or other learners who have an African language as a mother tongue (Woolman & Fleisch, 2014:139). Afrikaans as an FAL language subject is therefore “easier” than other African language at the FAL level, because learners know what to expect in the matric exams and therefore can perform well in these exams (Woolman & Fleisch, 2014:139).

Curriculum 2005 (DoE, 1997c) and the revisions that followed were based on an early transition to English (in Grade 4) which, according to Heugh (2013:220), is against additive multilingual language policies. Until 2013, no attempts were made to use African languages as the LoLT, which complicates the transition, because black learners who come from mother-tongue education are expected to have an expanded vocabulary (Heugh, 2013). This is an unrealistic expectation, because these learners only received tuition in their mother tongue and had English as an FAL, and this is not even guaranteed.

Le Cordeur (2011:444) notes that, the DBE set out the LiEP (DOE, 1997:1) in the Revised National Curriculum Statement for Grade R - 9 (RNCS), which proclaimed that an “additive or incremental approach to multilingualism” is a priority. According to the RNCS, “all learners learn their home language and at least one additional official language” (DBE, 2002:20). Motshekga states that a FAL is taught from Grade 2 in this policy. The RNCS (DBE, 2002:20) allowed for three language subjects, viz. HL, FAL and SAL. The policy further promotes a learner’s HL as a LoLT and deems it important in the Foundation Phase, when learners learn to read and write. The policy states that when a learner moves from a HL to an FAL as LoLT, caution and planning are prerequisite. The RNCS (DBE 2002:17-18) provides time frames to indicate how long subjects will be taught, e.g. 40% is allocated for literacy during the Foundation Phase and 25% in the Intermediate and Senior Phase. In the RNCS, English FAL had specifications as to the number of words that needed to be learnt before the end of

each grade, viz i.e. 2 500 words by the end of Grade 4 (Heugh, 2013:223). This is highly problematic because English and Afrikaans learners have fewer expectations due to the fact that they do not have to learn in their FAL (Heugh, 2013:224). The end product, as Heugh (2013: 221) points out, is translanguaging: learners are taught through code-mixing and code-switching, with the expectation that they still must be able to read and write in English.

Unlike the mother-tongue emphasis of the LiEP, CAPS (the current South African curriculum since 2012 and still commencing in 2020) is designed to introduce English as a language subject much earlier – in Grade 1 (actually informally in Grade R) to support the change in LoLT in Grade 4 (DBE, 2009:14; DBE, 2010). A fourth subject – an additional language subject – was additionally introduced in the foundation phase from Grade 1 and not in Grade 3, as prescribed by the LiEP (Plüddemann, 2013:190). It follows that the majority of learners are negatively affected by the change of Curriculum 2005 (C2005) (DoE, 1997c) to RNCS (DBE, 2002) because of a lack of vocabulary and substandard reading and writing abilities (Woolman & Fleisch, 2014:138). For this reason, CAPS introduced a mandatory FAL policy for all public schools. In the majority of cases, quintile 1 to 3 schools would choose English as an FAL, which implied that learners would now be learning English (any FAL) in an oral, reading and writing fashion from Grade 1 (DBE, 2011a, 2011b). However, this is problematic Woolman and Fleisch (2014:138) explain that learners in Grades 1 to 3 are taught in their mother tongue, but as from Grade 4 they take the exit route, i.e. English LoLT. Most schools in South Africa tend to teach their learners in their HL from Grade 1 to 3, and there are formerly disadvantaged schools (usually school between quintile 1 and 3) that introduce English as the LoLT in Grade 4 (Woolman & Fleisch, 2014:138).

Reviews on education policy by the DBE shows recurring problems with repetitive remedies. Heugh (2013:230) uses Dada *et al.* (2009:41) to illustrate that the “Review of the Implementation of the National Curriculum Statement” understands additive bilingualism wrongly through essentialising mother-tongue education as the only medium to learn educational concepts. According to the DBE (2011c) and Heugh (1998, cited in Heugh, 2013:230), this review was followed by a series of other reviews that repeated their recommendations for the implementation of existing policies in 1998, i.e. the multilingual policy models. Since 2010, language-in-education policy has been further revised to expand on the notion of multilingualism and introduce African languages into the curriculum. This policy is called The Incremental Introduction of African Languages in South African Schools (IIAL) (DBE, 2013), and its purpose is inter alia to introduce the following incrementally:

1. *promote and strengthen the use of African languages by all learners in the school system by introducing learners incrementally to learning an African language from Grade 1 to 12 to ensure that all non-African home language speakers speak an African Language;*

2. *improve proficiency in and utility of African languages at Home Language level, so that learners are able to use their home language proficiently.*
3. *increase access to languages by all learners, beyond English and Afrikaans, by requiring all non-African Home Language speakers to learn an African language; and*
4. *promote social cohesion and economic empowerment and expand opportunities for the development of African languages as a significant way of preserving heritage and cultures.*

As noted above, the policy seems valorous and seeks to do well, but it makes a lot of demands. The implementation of this policy entails another compulsory FAL language subject, an African language, which is to be added to the curriculum (DBE, 2013:9). According to the policy, an African language is introduced in Grade one at FAL or second language level (DBE, 2013:10). This implies that the African language will receive the same time allocation and status as the first FAL language, viz. five hours a week for Grades 1 to 3; five hours a week for Grades 4 to 6; four hours a week for Grades 7 to 9; and 4.5 hours a week for Grades 10 to 12 (DBE, 2013:11-12).

Furthermore, the document states that the implementation of the policy will commence in Grade 1 by 2015, and progress incrementally to Grade 12 by 2026. The IIAL has two streams: for learners who have an indigenous language as a mother tongue, the policy lends itself to a position in which the learner may have his mother tongue as a language subject (DBE, 2013:9). The second stream enables learners who do not have an indigenous language as a mother tongue to take an indigenous language as a first additional language subject (DBE, 2013:9). The theoretical imperative of this policy enables all learners to have their mother tongue as a HL language subject at school.

Since 2014, the IIAL has been in a starting phase for some pilot schools, which implies that it has not been implemented in the mainstream curriculum (Plüddemann, 2013:191). The first draft IIAL policy emphasised the use of African languages as an LoLT and not just a study in terms of a HL (Plüddemann, 2013:191). The first draft of the IIAL also promoted the use of African languages as an LoLT outside the scope of the foundation phase, following major studies within a multilingual and educational context (Plüddemann, 2013:191). This shows the ambiguous attitude of the DBE towards the promotion of African languages as an LoLT.

Only a few previously disadvantaged rural schools are still using African languages as their LoLT. The majority of quintile 1 to 3 schools are black schools. The problem is that learners do not have the language skills and vocabulary to accompany this shift, which means they do not benefit from the education they receive. It is for this reason that mother-tongue education is of cardinal importance. South Africa, in theory, has democratic language policies with reference to its past and current language policy initiatives (as will be discussed in this study) (Alexander, 2004:10). A policy like The

Incremental Introduction of African Languages in South African Schools (IIAL) (DBE, 2013) will not promote mother-tongue education in African languages, and therefore undermines the promotion of democratic virtues. The problem with policies like these is that they do not give African languages “market value”, which in turn means that the African languages are not part of the production process and do not get used in formal social and economic settings (Alexander, 2004:13).

As mentioned, the IIAL was implemented in some schools in 2014, while other attempts were made to implement the policy in 2018 and 2019. According to Herman (2017), the DBE has plans to implement the IIAL from Grade 1 in the schools that have not yet adopted this policy. This is for the remaining of 3558 target schools (Herman, 2017). The implementation date for the remaining schools was moved up forward 2020 to 2018. According to Herman (2017), IIAL will be implemented in Grades 4 to 6 by 2021-2023, Grades 7 to 9 by 2024-2026, and Grades 10 to 12 by 2027-2029. However, it seems that DBE is amending this policy by implementing SAL policies from Grade 1 (second additional language, i.e. third language), rather than the FAL policy as stated in the document. The time allocation for African language SAL as part of the IIAL (DBE, 2013) is one hour a week. This section has provided a glimpse of language-in-education policy initiatives in South African public schools, from which it is clear that the LiEP of South Africa (DoE, 1997a:1) are in contrast with language initiatives within curriculum development. As argued in Chapter 2, section 6(2) of SASA (RSA, 1996a:11) permits the SGB to formulate language policy in public schools, but language policy formulation must still be seen as a larger project of the functionality of the SGB. The next section looks at language formulation as a function/power of the SGB.

3.8 Language policy formulation as a function/power of a SGB

Developing policy for a school with a homogenous culture cannot present many difficulties, but within a society like South Africa, policy, i.e. language, admission and religious policy, cannot be formulated without complexity (Joubert & Van Rooyen, 2011:308). Given that language-in-education policies (which include curriculum policies) in South Africa offer many challenges to teaching and learning, SGBs have a difficult responsibility to formulate the school language policy and must take many policies into account when formulating it. As mentioned in Chapter 2, section 6(2) of SASA (RSA, 1996a:11) gives the SGB the power/function to formulate language policy. I used Malherbe (2010:614-616) to argue that there is a distinction between “language policy formulation as a function of a SGB” or “language policy as a power of the SGB”. Malherbe (2010:614) argues that language policy formulation forms part of the “competencies” of an SGB, which means that an SGB will have the rule of law on their side, at least academically and theoretically, that language policy formulation will not be part of section 20 functions and section 21 additional functions (Malherbe,

2010). Does this mean that an HOD could not revoke “competencies” by using sections 22 and 25 of SASA? (RSA, 1996a). The Constitutional Court (*Head of Department: Mpumalanga Department of Education and Another v Hoërskool Ermelo and Another*, 2009) did not provide any information on the functions of the SGB.

However, the Supreme Court of Appeal (SCA) (*Minister of Education (Western Cape) v Mikro Primary School Governing Body*, 2005) argued that, although the SGB is entrusted with the power to formulate a school’s language policy, it does not mean that it is not their function. This would mean that the SCA treats a “function” the same as a “power” of an SGB, which is not even distinguished by the Constitution (RSA, 1996b) when defining an ‘organ of state’. According to this, the SGB would be an ‘organ of state’, but it was proclaimed by the SCA (*Minister of Education (Western Cape) v Mikro Primary School Governing Body*, 2005) that an SGB is not an organ of state because it is not under national or provincial executive control. What does ‘executive control’ mean? If an SGB is not an ‘organ of state’ fulfilling its task of formulating language policy, would it be separate from government and stand independent (almost as a company) from any government structures? This would mean that the HOD cannot withdraw any function or power of the SGB. And, if language policy formulation by schools is a power, may the HOD still withdraw that power because SASA states that the HOD may only withdraw a function and not a power? (RSA, 1996a).

One policy that gives the SGB an elementary guideline to formulate language policy is the Norms and Standards Regarding Language Policy Published in Terms of Section 6(1) of the South African Schools Act (DBE, 1997b:2). It states the following:

Subject to any law dealing with language in education and the Constitutional rights of learners, in determining the language policy of the school, the governing body must stipulate how the school will promote multilingualism through using more than one language of learning and teaching, and/or by offering additional languages as fully-fledged subjects, and/or applying special immersion or language maintenance programmes, or through other means approved by the head of the provincial education department.

It is clear that the Norms and Standards give a guideline for the SGB to formulate language policy. This is an essentialist notion because an SGB needs, in all practicality, to indicate how it will promote multilingualism through language maintenance programmes and what language subjects it will teach. The policy presumes that the SGB will formulate policy and therefore promote democratic school governance. Because the norms and standards are part of the research findings in Chapter 5, I will discuss the document in Chapters 5 and 6.

According to Woolman and Fleisch (2009, cited in Smit, 2011: 405), the power to formulate and determine language policy in public schools ultimately rests with the HOD. On the other hand, Malherbe (2010, in Smit, 2011:405) and Colditz and Deacon

(2010, in Smit, 2011:405) argue that the power to set language policy rests with the SGB. Smit (2011) however argues for both sides: he says that although a SGB has the power to set language policy, it may by virtue thereof contest the reasonableness of the HOD, but the HOD has to responsibility to ensure that no learner is excluded due to the language policy of a school. Smit (2011: 432; *Head of Department: Mpumalanga Department of Education and Another v Hoërskool Ermelo and Another*, 2009) continues, if the Constitutional Court took all the facts and factors at hand, it would have shown that the HOD was unreasonable and unconstitutional. There is merit in both arguments.

Colditz and Deacon (2010:138) argue that the HOD and therefore the state (DBE) does not have the power within statute to formulate language policy; according to SASA, only the SGB has the power to formulate language policy. The authors maintain that the HOD does not have the statutory power to change a single-medium school to a double-medium or parallel-medium school (Colditz & Deacon, 2010:138). The question here concerns sustainability: it would have severe financial implications if a school decides to move to parallel medium because it would need to appoint more staff and buy more text books (Colditz & Deacon, 2010:137). Therefore, schools need to first assess the physical infrastructure before they change their language status (Colditz & Deacon, 2010:137). Furthermore, Colditz and Deacon (2010:138) argue that parents need to be consulted and involved in the decision-making of the SGB regarding language policy formulation. For practical reasons, the SGB must follow the Norms and Standards (DoE, 1997b:2) and sections 28(2) and 29(2) of the Constitution (RSA, 1996b). Colditz and Deacon (2010) also mention that the responsibility to supply schools with different languages is part of the responsibilities of the state and therefore, learners could not argue that a single medium school's language policy does not correspond with their mother-tongue, forcing the SGB to change their language policy because it does not fit every learner's preferred language of choice. I will elaborate on this argument raised by the SCA in the second Mikro-case (*Minister of Education (Western Cape) v Mikro Primary School Governing Body*, 2005)

Woolman and Fleisch (2009:80) argue, however, that under certain circumstances, the HOD may withdraw the function of the SGB to formulate policy. They use the following example: If an Afrikaans single-medium school decides to have an exclusive Afrikaans language policy that keeps out learners who do not have ready access to adequate education in their preferred language of instruction, keeping these learners out will be based on linguistic and maybe racial discrimination – not even an SGB and a principal may keep these learners out (Woolman & Fleisch, 2009:80). This is where the HOD will intervene and withdraw the function of the SGB to formulate the language policy of a public school. Woolman and Fleisch (2009:80) argue further that the SCA in the second Mikro-case (*Minister of Education (Western Cape) v Mikro Primary School Governing Body*, 2005) shows that the space for exclusion on the basis of language and culture is very small, and that an SGB can “with some force” argue that the parents of learners and the state have no power to demand that a single-medium

school convert to a parallel-medium or double-medium school (Woolman & Fleisch, 2009:80).

Firstly, SGBs in the known case law have only argued in court for legality (rule of law through upholding legislation) or a procedurally fairness, where they rather need to focus on the reasonable actions of the HOD and the reasonableness of the language policy for quality education (Smit, 2011:405). There is another problem that surfaced here: have the HOD's actions in the past been democratic? And against what backdrop can one measure the democratic nature of the HOD's action to intervene in school governance and language policy formulation? SGBs are a seedbed for democratic participation, hence withdrawing the parents' power to govern, they (and other SGB members) will be disenfranchised, which usually leads to an unmotivated and unsupportive school community (Smit, 2011:406). Secondly, if language policy is a power or competency, as suggested by Malherbe (2010), then would it be correct to argue that the HOD may not withdraw that 'power' because the HOD can only withdraw a 'function'?

Lastly, Smit and Oostehuizen (2011:69) argue that a way to improve school governance is, *inter alia*, through the rule of law. These authors suggest that the "democratic principle of the rule of law" can resolve the anarchical conditions in dysfunctional schools (Smit & Oostehuizen, 2011:69). By contrast, the law and courts cannot solve deep-lying issues of culture and virtues. However, law and the courts could force co-operation: force is the opposite of openness and mutual respect, and does not fit with deliberative democracy and the virtues thereof. Smit and Oostehuizen (2011:69) supplement this view with the introduction of deliberation and participation: parties need to deliberate, otherwise co-operative governance cannot be achieved. I agree with the solution they have proposed here, but their reading of deliberation is too narrow: consensus does not need to be reached for a decision to be made (Smit & Oostehuizen, 2011:69). Rather, parties must strive for common values and a common value system to solve a common problem.

Research done by Serfontein and De Waal (2013:62) shows that legal remedies (courts and the law) are "effective" to solve the tensions between the HOD and the SGB with regard to language policy. Their research shows that participants thought the courts acted with the necessary seriousness in each school's case (Serfontein & De Waal, 2011:62). The participants had confidence in the rule of law and the courts and trusted the legal system (Serfontein & De Waal, 2011:62). I agree with these authors that legal remedies are a solution in the short run: these tensions calls for remedies that foster "loyalty towards the school" (Serfontein & De Waal, 2011:62).

An SGB has the potential to further the democracy of South Africa through fulfilling all its functions according to the Constitution (RSA, 1996b), NEPA (RSA, 1996c), SASA (RSA, 1996a) and other provincial legislation and policies. South Africa is a constitutional democracy, which means that the rule of law is extremely important to promote democratic citizenship and social cohesion. By upholding constitutional provisions and other statutory provisions, e.g. SASA (RSA, 1996a), SGBs embrace

their potential as a “fourth sphere of government” (Woolman & Fleisch, 2008:55). Due to this institutional arrangement of school governance, each function falls within a bigger and more complex context. Language policy formulation as a function of an SGB in South Africa does not fall outside of the political, ideological, societal and historical contexts of the country.

New legislation, like the Basic Education Laws Amendment Bill of 2017 (DBE, 2017a) seeks to impugn democratic school governance and alter the power of the SGB to formulate language policy by first submitting it to the HOD for approval. The HOD may approve a language policy formulated by the SGB, or may send it back with recommendations. The HOD must take certain aspects into consideration when the formulation of the language policy is co-signed; the SGB must also review this language policy every three years. More importantly, the Amendment Bill grants the HOD the power to direct the SGB to adopt more than one LoLT. Furthermore, the Amendment Bill states the following (DBEa, 2017:5):

(7) The Head of Department when consider the language policy or any amendment thereof for approval, must be satisfied that the policy or the amendment thereof takes into account the language needs, in general, of the broader community in which the public school is located, and must take into account the following factors, but not limited to:

(a) the best interests of the child, with emphasis on equality, as provided for in section 9 of the Constitution, and equity; the dwindling number of learners who speak the language of learning and teaching at the public school;

(b) the need for effective utilisation of resources; and the language needs, in general, of the broader community in which the public school is located. The Head of Department must inform the governing body of his or her decision and must make his or her decision known to the community in a suitable manner.

(c) the need for effective use of classroom space and resources of the public school.

...

(9) Notwithstanding the provisions of subsection (2) the Head of Department may direct a public school to adopt more than one language of instruction, where it is practicable to do so.

The Amendment Bill (DBE, 2017b:3) lastly attempts as a legalistic method to rectify the verdicts of the following cases, like:

1. *Laerskool Middelburg en 'n ander v Departementshoof, Mpumalanga Departement van Onderwys en andere*, 2002 (4) SA 160 (T)

2. *Governing Body, Mikro Primary School and Another v Minister of Education, Western Cape and Others*, 2005 (3) SA 504 (C)
3. *Minister of Education (Western Cape) v Mikro Primary School Governing Body* (140/2005) [2005] ZASCA 66
4. *High School Ermelo and Another v Head of Department Mpumalanga Department of Education and Others* (3062/2007) [2007] ZAGPHC 232 (17 October 2007)
5. *Head of Department : Mpumalanga Department of Education and Another v Hoërskool Ermelo and Another* (CCT40/09) [2009] ZACC 32; 2010 (2) SA 415 (CC) ; 2010 (3) BCLR 177 (CC) (14 October 2009)
6. *Hoërskool Ermelo and Another v Head of Department of Education: Mpumalanga and Others* (219/2008) [2009] ZASCA 22; 2009 (3) SA 422 (SCA) ; [2009] 3 All SA 386 (SCA) (27 March 2009)
7. *Governing Body, Hoërskool Overvaal v Head of Department of Education Gauteng Province* 2018 JDR 0005 (GP)

The Amendment Bill thus seeks (DBE, 2017b: 3):

This amendment is necessitated by, amongst others, the need for fair and equitable administrative processes as provided for in the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000), and the need for effective utilisation of classroom space and resources.

In pursuing administrative justice, the HOD will do the following (DBE, 2017a:5-6):

The Head of Department must inform the governing body of the public school of his or her intention so to act and his or her reasons therefor, grant the governing body a reasonable opportunity to make representations, conduct a public hearing to enable the community to make representations, and give due consideration to the representations received.

One therefore can conclude that the Amendment Bill seeks to enhance the power of the HOD and diminish the power of the SGB with regard to language policy formulation as a power of democratic school governance. The Amendment Bill (DBE, 2017a) also seeks to prevent court cases finding in the favour of an SGB through promoting administrative justice. This is an attempt by the DBE to ensure power in school governance and to override the democratic nature on which SASA was initially built. It will also cause a power imbalance due to the fact that school governance is vested in an SGB, and language policy formulation is a power of an SGB. Lastly, it will affect the relationship between the SGB and the HOD and lead to conflict, which is not beneficial for the teaching and learning situation and will affect the quality of education.

The Amendment Draft Bill (DBE, 2017a) made headlines in the media. According to Mabuza (2017), the DBE is looking to decrease the power of parents in governing a public school. FEDSAS has put pressure on the potential implementation of the Bill, and argue that the bill will inherently break down important decision-making within the SGB (Ntuli, 2017). For Mabuza (2017), the bill restricts the SGB from admitting

learners by returning the power to set language policy to the hands of the HOD. Ntuli (2017) says most schools do not have functioning SGBs, which led to the formulation of this amendment draft bill, but all stakeholders need to work together to find the best way to solve school governance issues. Deacon, the deputy CEO of FEDSAS, says this bill moves education away from the public sector to state education (Mabuza, 2017).

According to Ntuli (2017), some parents believe that the bill will not pass in its current form. With regard to language policy, Vee Gani, a parent in the Kwa-Zulu Natal province of South Africa, argued that to offer education in two languages that are the language subjects of the school will place pressure on the school, because some texts are not available in certain languages (Ntuli, 2017). The amendment draft bill is the result of deep-lying tension between the SGB and the HOD or DBE, which even led teacher unions to appose the draft bill (Ntuli, 2017). Theron Moodley of the National Professional Teachers' Organisation of South Africa (Naptosa) argues that the draft bill is "dictatorial and undemocratic", and that the DBE has not found creative ways to address the underlying tension between the HOD and SGB (Ntuli, 2017). According to Deacon, the DBE did not make use of the correct and decent deliberative channels to propose the draft bill (Johannes, 2018). There also was no direct input and face-to-face meetings to discuss the draft bill, but rather just reactions to the proposed amendments (Johannes, 2018). The draft bill also goes against the bona fide relationship that exist between the state, learners, parents and educators (Johannes, 2018). The focus of this section was to provide a discussion of language policy formulation as a power of the SGB. The next section focuses on case law and the verdict of courts with regard to school governance and language policy formulation in public schools.

3.9 The interplay between language policy formulation and governance in public schools in South Africa

The following passages contains a discussion of relevant case law, as indicated earlier in the Chapter. The reading of the case law does not serve the purpose of a summary of what happened, but it is a reading of the sources that discuss school governance and language policy formulation. The situations in these cases foster the need for a less aggressive way of settling cases regarding language policy formulation by the SGB. The case law that I discuss shows the difference between ideological positions and the court's perspective on language policy (Ngcobo, 2012:185).

In *Matukane and others v Laerskool Potgietersrus* (1996) 1 All SA 468 (T), the High Court (HC) found that the school's language policy racially discriminated against some learners because they refused to admit black learners for the "protection of the Afrikaans culture", which was a smokescreen for racial segregation (*Matukane and others v Laerskool Potgietersrus*, 1996: 224 - 225). The court thus found that the

“protection of the Afrikaans-culture” is a smokescreen for racial segregation (*Matukane and others v Laerskool Potgietersrus*, 1996: 225). The Interim Constitution in section 247(2) stated that the state will not interfere with an SGB’s powers and functions, unless there is an agreement resulting from a negotiation has been reached in good faith, with a SGB and reasonable notice of proposed alteration has been communicated (RSA, 1993). The regional director and circuit inspector intervened without prior consultation with the relevant parties (*Matukane and others v Laerskool Potgietersrus*, 1996:226). Woolman and Fleisch (2008) argue that, had the formal Constitution been fully implemented, the outcome would have been the same.

On the one hand, *Laerskool Middelburg en ‘n ander v Departmentschoof: Mpumalanga Department van Onderwys en andere* (2002) 4 All SA 745 (T) underscores the fundamental right of section 28(2) of the Constitution to outweigh the right of a SGB to set its own language policy, and the unfair administrative practices of the HOD and MEC actions (*Laerskool Middelburg en ‘n ander v Departmentschoof: Mpumalanga Department van Onderwys en andere*, 2002:173). The court determined that the school’s language policy was strictly according to SASA section 6(1) (*Laerskool Middelburg en ‘n ander v Departmentschoof: Mpumalanga Department van Onderwys en andere*, 2002:161). However, the Mpumalanga DoE still withdrew this power of the SGB. The court found that the HOD did not, in its administrative capacity, have the power to change the language status (medium of instruction) of the school (*Laerskool Middelburg en ‘n ander v Departmentschoof: Mpumalanga Department van Onderwys en andere*, 2002:171, 172 and 176). According to the HOD, section 6(1) of SASA is the only legally binding policy that could open a new language track at the school (*Laerskool Middelburg en ‘n ander v Departmentschoof: Mpumalanga Department van Onderwys en andere*, 2002:171, 172 and 176).

In *Governing Body of Mikro Primary School and Another v Western Cape Minister of Education and Others* (332/05) [2005] ZAWCHC 14; 2005 (3) SA 504 (C) [2005] 2 All SA 37 (C) (18 February 2005), the court stressed the unlawfulness of the HOD’s directive that was sent to the principal with a sanction of disciplinary action if English-speaking learners would not be admitted to an Afrikaans single-medium school. Justice Thring set aside the abovementioned directive (*Governing Body of Mikro Primary School and Another v Western Cape Minister of Education and Others*, 2005:528) because, according to him, the directive was unlawful and based on an “error of law” in terms of the Promotion of Administrative Justice Act (Act 3 of 2000 section 6(2)(d)) (RSA, 2000:7) – for three reasons. Firstly, the directive impugns the professional management of the principal; WCED officials cannot override the power of the principal’s orders during a school day (RSA, 1996a:23 *Governing Body of Mikro Primary School and Another v Western Cape Minister of Education and Others*, 2005:523). Secondly, the directive was “procedurally unfair” because it did not allow the applicants to submit any further information with regard to the appeal against the directive (*Governing Body of Mikro Primary School and Another v Western Cape Minister of Education and Others*, 2005:521–522). Thirdly, the respondents demanded

that the principal of Mikro Primary School must act counter to the school's language policy, which had been properly constructed according to section 6(2) of SASA (*Governing Body of Mikro Primary School and Another v Western Cape Minister of Education and Others*, 2005:506). The correct remedy of the HOD would have been to follow section 22 of SASA (RSA, 1996a:30).

In *Minister of Education (Western Cape) v Mikro Primary School Governing Body* (140/2005) [2005] ZASCA 66, the Supreme Court of Appeal upheld the High Court's order of *Governing Body, Mikro Primary School and Another v Minister of Education, Western Cape and Others*, the Supreme Court rejected the findings in *Laerskool Middelburg en 'n ander v Departementshoof: Mpumalanga Department van Onderwys en andere* (2002) 4 All SA 745 (T), which stated that the Norms and Standards for language policy in South African public schools are the only legitimate source for changing a school's language status (*Minister of Education (Western Cape) v Mikro Primary School Governing Body*, 2005: paragraph 33). It does not follow that the setting of the norms and standards gives the HOD the right to influence a public school's language policy (*Minister of Education (Western Cape) v Mikro Primary School Governing Body*, 2005: paragraph 33). Section 6(1) does not empower the HOD or any other party to set the language policy of a school (*Minister of Education (Western Cape) v Mikro Primary School Governing Body*, 2005: paragraph 33). According to section 6(2), only the SGB of a public school has the sole authority to set a language policy (RSA, 1996a:11; *Minister of Education (Western Cape) v Mikro Primary School Governing Body*, 2005: paragraph 33). This, however, must in all cases comply with section 29(2) of the Constitution. The Supreme Court of Appeal made particularly interesting findings that are discussed accordingly. According to the SCA, section 29(2) of the Constitution does not imply that everybody has a right to be instructed "at each and every educational institution" in the language of his/her choice where it is reasonable practicable, but rather that everybody has the right to education in his/her language of choice where it is reasonable practicable (*Minister of Education (Western Cape) v Mikro Primary School Governing Body*, 2005: paragraph 31 and 34). It follows that the learners did not have the constitutional right to receive education in English at Mikro Primary School (*Minister of Education (Western Cape) v Mikro Primary School Governing Body*, 2005: paragraph 31 and 34). This, according to the court, was "a right against the state" (*Minister of Education (Western Cape) v Mikro Primary School Governing Body*, 2005: paragraph 31 and 34). The state was asked if it had scrutinised every "reasonable educational alternative including single-medium schools" (*Minister of Education (Western Cape) v Mikro Primary School Governing Body*, 2005: paragraph 31). The onus fell on the State's capacity to supply more educational alternatives.

In *Seodin Primary School and Others v MEC of Education Northern Cape and Others* (2) (77/04/01) [2005] ZANCHC 6; 2006 (4) BCLR 542 (NC), the MEC instructed that Seodin Primary School, along with a few other schools, amend their language policy and change to dual-medium schools (*Seodin Primary School and Others v MEC of*

Education Northern Cape and Others, 2005: paragraph 8(c) of Annexure JCT 11). The MEC gave the SGBs time to make representations according to section 22(2)(b) of SASA (Republic of South Africa, 1996a:31; *Seodin Primary School and Others v MEC of Education Northern Cape and Others*, 2005: paragraph 12). Therefore, the SGB of Seodin Primary was informed a reasonable number of months prior to the admission of 200 learners from another school (*Seodin Primary School and Others v MEC of Education Northern Cape and Others*, 2005: Annexure JCT 18 paragraph 12.1). What compromises the applicants' arguments is that the Northern Cape School Education Act, section 16(1), permits the SGB to set the language policy of a public school "after consultation" with the DoE, subject to the Constitution, SASA and the approval of the MEC (*Seodin Primary School and Others v MEC of Education Northern Cape and Others*, 2005: paragraph 28). Bearing the abovementioned in mind, the court argued that none of the applicant schools and their SGBs had an approved language policy (*Seodin Primary School and Others v MEC of Education Northern Cape and Others*, 2005: paragraph 29). There also was no evidence that the MEC had in possession any proposed or purported language policy of any of the applicant schools and/or their SGB (*Seodin Primary School and Others v MEC of Education Northern Cape and Others*, 2005: paragraph 29). This case shows that the MEC was reasonable with regard to section 22(2) – and had given enough time to make representations. The verdict of the case was in line with the Middelburg case (*Laerskool Middelburg en 'n ander v Departementshoof: Mpumalanga Department van Onderwys en andere*, 2002), which argued that a school-based policy like the language policy of the school must take the best interests of the learners into consideration, and that the learners that were admitted there had the right to receive education in their language of choice.

In *High School Ermelo and Another v Head of Department Mpumalanga Department of Education and Others* (3062/2007) [2007] ZAGPHC 232 (17 October 2007), the court upheld the HOD's decision to withdraw the function to set a language policy without prior consultation (*High School Ermelo and Another v Head of Department Mpumalanga Department of Education and Others*, 2007: paragraph 37). As this was a case of urgency, the DoE and the HOD did not need to consult and converse with the SGBs according to section 22(3) (*High School Ermelo and Another v Head of Department Mpumalanga Department of Education and Others*, 2007: paragraph 37). Concerning the validity of the interim committee, the court found that their appointment could only be set aside if given the same circumstances any reasonable parties of people would come to different actions (*High School Ermelo and Another v Head of Department Mpumalanga Department of Education and Others*, 2007: paragraph 46). In *Hoërskool Ermelo and Another v Head of Department of Education: Mpumalanga and Others* (219/2008) [2009] ZASCA 22; 2009 (3) SA 422 (SCA); [2009] 3 All SA 386 (SCA) (27 March 2009), the SCA noted that this case was not about language policy in schools, but more in the line of "principle of legality and the proper use of administrative power" (*Hoërskool Ermelo and Another v Head of Department of Education: Mpumalanga and Others*, 2009: paragraph 3). The SCA found that the HOD's action was in accordance with section 22(3), but the applicability of the facts

was not considered (*Hoërskool Ermelo and Another v Head of Department of Education: Mpumalanga and Others*, 2009: paragraph 20). For the SCA, section 22 of SASA followed after section 21 of SASA – section 21 of SASA deals with allocated functions that could otherwise be undertaken by the DoE (*Hoërskool Ermelo and Another v Head of Department of Education: Mpumalanga and Others*, 2009: paragraph 22). On the same note, because section 22 of SASA follows directly after section 21, it logically meant that section 22 is only applicable to section 21 functions (*Hoërskool Ermelo and Another v Head of Department of Education: Mpumalanga and Others*, 2009: paragraph 22). If the section 21 functions are withdrawn, they fall on the DBE and not, as section 25 stipulates, on an appointed committee (*Hoërskool Ermelo and Another v Head of Department of Education: Mpumalanga and Others*, 2009: paragraph 25). The SCA set aside the finding in the second Mikro case (*Minister of Education (Western Cape) v Mikro Primary School Governing Body*, 2005), that the directive issued by the DoE to change the language policy so that learners could receive education in a different language was unlawful, which meant, following the unlawfulness, that the HOD has no way of remedying a situation in this line (*Hoërskool Ermelo and Another v Head of Department of Education: Mpumalanga and Others*, 2009: paragraph 23).

The facts of the case do not support the instalment of a committee to take over the functions of the SGB (*Hoërskool Ermelo and Another v Head of Department of Education: Mpumalanga and Others*, 2009: paragraph 26). The correct reading of this, firstly, would be that the SGB ceased to fulfil its function in the worst case; secondly, to withdraw the function; and then thirdly, to appoint an interim committee to fulfil the withdrawn function. Therefore, it would be first section 22 of SASA, followed by section 25, and not the other way around (*Hoërskool Ermelo and Another v Head of Department of Education: Mpumalanga and Others*, 2009: paragraph 27). The SGB did not cease to fulfil its function, because this is a function that did not take place daily, monthly or even yearly, but it is a once-off function until it is amended by the SGB (*Hoërskool Ermelo and Another v Head of Department of Education: Mpumalanga and Others*, 2009: paragraph 28). In this case, the SGB did not fail to fulfil its function to set language policy (*Hoërskool Ermelo and Another v Head of Department of Education: Mpumalanga and Others*, 2009: paragraph 28). The SCA furthermore criticised reading sections 22 and 25 together, as it boils down to a fallacy: section 25 of ambiguous in the sense that, according to subsection (3), the HOD must see that a governing body is elected after the maximum period of one year; they could change the language policy again. Secondly, section 25 strips away the opportunity to consult and represent an altered version of a language policy according to section 22 (3-5) (*Hoërskool Ermelo and Another v Head of Department of Education: Mpumalanga and Others*, 2009: paragraph 29).

Lastly, die SCA found that the HOD appointed the interim committee before he had revoked the SGB function and power to set the language policy of the school (*Hoërskool Ermelo and Another v Head of Department of Education: Mpumalanga and Others*, 2009: paragraph 31). The matter of “urgency” was also under scrutiny: it

seemed that the interim committee did not evaluate all the information before making an “urgent” decision (*Hoërskool Ermelo and Another v Head of Department of Education: Mpumalanga and Others*, 2009: paragraph 31). The withdrawal of the SGB’s function was unlawful; the appointment of the interim committee was unlawful; and therefore the decision of the interim committee also was unlawful (*Hoërskool Ermelo and Another v Head of Department of Education: Mpumalanga and Others*, 2009: paragraph 33). It is for these reasons that the SCA set aside the judgement of the HC.

In *Head of Department: Mpumalanga Department of Education and Another v Hoërskool Ermelo and Another* (CCT40/09) [2009] ZACC 32; 2010 (2) SA 415 (CC) ; 2010 (3) BCLR 177 (CC) (14 October 2009), DJC Moseneke held that SASA gives the HOD the power to withdraw the function of the school governing body to determine a school’s language policy on reasonable grounds (*Head of Department: Mpumalanga Department of Education and Another v Hoërskool Ermelo and Another*, 2009: paragraph 63). Once the function is withdrawn, the onus rest upon the HOD to suggest a “specified remedial purpose” (*Head of Department: Mpumalanga Department of Education and Another v Hoërskool Ermelo and Another*, 2009: paragraph 88). The court also held that it finds it unnecessary to determine whether or not the HOD’s actions were reasonable, because his use of power according to section 22 of SASA was contaminated by the appointment of an interim committee (section 25 of SASA) (*Head of Department: Mpumalanga Department of Education and Another v Hoërskool Ermelo and Another*, 2009: paragraph 83). The unwillingness of the Constitutional Court to give judgement on the withdrawal of section 6(2) means that the power to determine language policy is returned to the SGB and the SCA judgement on this matter is still valid.

The Constitutional Court found that the SGB of Ermelo did in fact not cease to perform its functions according to SASA, or fail to perform one function (*Head of Department: Mpumalanga Department of Education and Another v Hoërskool Ermelo and Another*, 2009: paragraph 86). This meant that, in this specific case, the functions of the SGB could not be withdrawn in terms of section 22 because the SGB was competent to perform its functions duly (*Head of Department: Mpumalanga Department of Education and Another v Hoërskool Ermelo and Another*, 2009: paragraph 86). Hence, the HOD disregarded the principle of legality, and the language policy drawn up by the interim committee was also not valid (*Head of Department: Mpumalanga Department of Education and Another v Hoërskool Ermelo and Another*, 2009: paragraph 87). The examples of Middelburg, Mikro and Ermelo led Malherbe (2006:197) to argue that Afrikaans-only medium schools are targeted as if they are the biggest obstacle to a transformation agenda which is directly contrasted with constitutional language rights. To challenge this language policy, according to Malherbe (2006:197), is against mother-tongue education.

In *Governing Body, Hoërskool Overvaal v Head of Department of Education Gauteng Province 2018 JDR 0005 (GP)*, the MEC and the Head of Department acted outside

the constitutional principle of legality and therefore, regardless of the status of the capacity of school, acted unlawfully and the school's language and admission policy was not set aside under review (*Governing Body, Hoërskool Overvaal v Head of Department of Education Gauteng Province*, 2018:48). The court therefore set aside the instruction of the MEC and Head of Department (*Governing Body, Hoërskool Overvaal v Head of Department of Education Gauteng Province*, 2018:48). Broadly, Judge Prinsloo's judgement elaborated on the parameters of capacity and language policy and legality. I now turn to a discussion of language policy and legality.

The SGB of Hoërskool Overvaal submitted its language policy duly, as compelled to by section 18(A)(2) of the Gauteng Education Act (*Governing Body, Hoërskool Overvaal v Head of Department of Education Gauteng Province*, 2018:35). The MEC and the Head of Department, however, did not comply with the provisions of section 18(A)(2), which states that, when there is non-compliance regarding the language policy of a school, consultation with the SGB is deemed so that compliance can follow (*Governing Body, Hoërskool Overvaal v Head of Department of Education Gauteng Province*, 2018:35). No consultation with the SGB took place. The MEC and the Head of Department therefore failed to comply with the basic provisions of SASA 6(2). Judge Prinsloo added that the respondent's' actions were in contrast with the basic principle of legality (*Governing Body, Hoërskool Overvaal v Head of Department of Education Gauteng Province*, 2018:35). Section 18A did not even give the District Director the power to override a school's language policy (*Governing Body, Hoërskool Overvaal v Head of Department of Education Gauteng Province*, 2018:35). The Gauteng DoE cannot undo a school's language policy by instructing the principal to change the school's status to a parallel-medium school (*Governing Body, Hoërskool Overvaal v Head of Department of Education Gauteng Province*, 2018:35).

3.9 Chapter summary

In this chapter, I looked at 'language' as a concept and expanded on the theory of language planning and policy. I highlighted language issues from colonialism and Apartheid, and how they acted as linguistic imperialism (Alexander, 2004, 2007). Furthermore, I showed that South Africa has 11 official languages, but that this does not guarantee the acknowledgement of all the official languages. Linguistic imperialism and issues of language can come over as so perverse that they strip away the identity of the speaker. In the light of this, South Africa's language policy initiatives nationally and in education have certain implementation problems. The Constitution's provision for 11 official languages does not necessarily mean that all the languages are on an equal footing. I provided an in-depth analysis of language-in-education policies, starting from the LiEP (DoE, 1997a:1) to curriculum policies. I also highlighted challenges in this regard. I further emphasised the point of language policy as a function/power of the SGB. Lastly, I provided a glimpse of certain case law that

connects with school governance and language policy formulation in public schools. The following chapter considers the research methodology and research methods

CHAPTER 4

RESEARCH METHODOLOGY AND METHODS

4.1 Introduction

This chapter presents the research paradigm, design, methodology and methods, which sought to address the following main research question:

Do governance and language policy in South African public schools provide an opportunity for deliberative democracy?

From the main research question, the following sub-research questions were drawn:

1. Why should parents, as members of the SGB, and other members of the SGB have the right to determine a school's language policy?
2. How do democratic school governance and language policy formulation in public schools in South Africa intersect?
3. What are the inherent tensions arising from the role of parents and SGBs in relation to determining the language policy?
4. On what basis does the HOD contest the language policy of the school, as adopted by the SGB?
5. How can deliberative democracy assist in mediating the tension between the state (HOD) and the SGB in terms of its language policy?

Moreover, the chapter provides insights into the research context and sampling technique, as well as the ethical clearance process followed, and issues of trustworthiness, reliability and validity.

4.2 Research paradigm

Different views exist about what exactly is meant by the term paradigm or at least research paradigm as a concept (Kuhn, 1962; Durrheim and TerreBlanche, 1999). The term paradigm refers to a research culture with its own set of beliefs, values, and assumptions that are consistent with a range of researchers when approaching research (Kuhn, 1977). A paradigm therefore refers to a general worldview that is interdependent with a certain way of thinking (Olsen, Lodwick and Dunlop, 1992: 16). Gephart (1999) classifies research paradigms into three distinct philosophical frameworks, namely positivism, interpretivism and postmodernism.

The paradigm for this particular study, especially because it is based on the polite experience of the SGB members, will be mainly be interpretivist. Interpretivism is the

belief that reality consists only of subjective experiences and where researchers reveal intersubjective epistemology and ontology which in turn gives rise to the creation of a reality that is also socially constructed (Gephart, 1999). Interpretivism is closely intertwined with observation and interpretation: any type of observation is used to gather information, while interpretations project meaning on certain phenomena and attempt to make sense of it through the application of certain abstract concepts (Deetz, 1996: 191 - 207). The interpretive paradigm consists of numerous philosophical perspectives, viz. phenomenology and hermeneutical phenomenology (Burrell & Morgan, 1979).

A phenomenological inquiry forms part of the interpretive paradigm. The core of the interpretive paradigm is to understand the subjective reality of human experience as the topic of research (Guba & Lincoln, 1989; Langdridge 2007:4). Given the nature of interpretation, the interpretive paradigm believes that reality is socially constructed (Bogdan & Biklen, 1998). Collis and Hussey (2009:56-57) argue that the goal of interpretivist research is to understand and to interpret mundane and everyday events (ideas) that are embedded in social experiences and systems, as well as the meaning that people project onto the phenomena. Schwandt (2007:314-317) states that meaning could be discovered through language, and not only through quantitative research methods. The research paradigm used for this study is interpretive due to the fact that the researcher wants to understand how participants view “school governance” and “language policy”. The policy analysis employed in this thesis also formed part of the interpretive research paradigm which would be illuminated in the following sections.

4.3 Research methodology

Harding (1987:2) notes that research methodology refers to the theory of epistemology or the framework of interpretation that systematically directs and guides research. Similarly, Schwandt (2007:195) says that research methodology is a theoretical framework and a guideline for how an inquiry should commence. On the same note, research methodology is a process that follows procedural and strategic steps to gather and analyse data in a research project (Polit & Hungler, 1999:648). Methodology also includes the underlying frameworks or theories and guidelines that direct the chosen methods of the research (Holloway, 2005:293).

For this study I decided to adopt phenomenological inquiry in order to address the main and sub-research questions. Phenomenology is the study of human consciousness: how conscious and intentional understandings and interpretations of phenomena create an essential truth (Smith, 2016). Phenomenology is therefore interwoven with the subjective nature of reality: it deals with the views, convictions and values of people (Smith, 2016). As a research methodology, phenomenology emphasises the perception of individuals' lived spaces in the world and the meaning

thereof, i.e. “lived experiences” (Creswell, 1998:51; Langdridge, 2007:4). The human belief system does not only direct our thinking and actions, but also how the world is researched and how knowledge systems are created (Blumberg *et al.*, 2011:18).

A phenomenological methodology entails understanding and interpreting beings and phenomena, while phenomenological hermeneutics is rather based upon the notion of interpreting the human condition or the individual being in the world (Lavery, 2003:24). On a basic level, the distinction between these methodologies is rooted in a different mode of analysis or, put differently, a different exploration of the lived experience (Lavery, 2003:24). Although hermeneutical philosophy argues that fore-structures are an important part of the human condition, I rather chose phenomenology as part of an interpretive research methodology, because I am less interested in these fore-structures of interpretation, i.e. predisposition to interpretation, but rather am rather interested in interpretations and understandings of phenomena. I do not say that these fore-structures are unimportant; I am merely stating that these fore-structures will not be the essence of the research analysis.

I am particularly interested in the lived experience or interpretations of social phenomena, such as the “language policy” and “school governance” of participants who are serving as members on the SGB. Each view would therefore display a unique interpretation of the phenomena “school governance” and “language policy”. This also corresponds with the overarching idea of the phenomenological “epoche” (Van Niekerk & Rossouw, 2006:12). According to Van Niekerk and Rossouw (2006:12), Husserl argued that, in the phenomenological “epoche”, one takes a distance from the validity of the natural world (physical world) and “brackets” a certain aspect that lies beyond human consciousness, to be left with consciousness alone. In this case, I bracket the “governance” and “language policy” of a school as the phenomena, and what is left are the conscious meaningful acts that constitute the participant’s views of each school’s governance and language policy.

Even though these phenomena are socially and humanly produced, they enrich the process of interpretation. Furthermore, in a phenomenological inquiry, the researcher sets aside prior knowledge to grasp the essential meaning of beings and lived experiences; this implies the researcher must “cleanse” himself/herself of any preconceived actions and personal biases to accurately describe the participants’ interpretations of phenomena (Natanson, 1973). This is functional and strategic for the current research study because language and language policy in South Africa in general, and in South African schools in particular, are sensitive subjects. Of course, I also recognise that it is not always possible for a researcher to be wholly detached or neutral in relation to research. The mere fact that I have decided to conduct this research study confirms that I have an interest in the subject matter. A phenomenological inquiry, however, allows the researcher to present the data as each participant views the phenomena, and not from the point of view of the researcher (Groenewald, 2004). The aim was here is to return to the embodied meanings from

newly constructed perspectives (Finlay, 2009). Phenomenology is basically rooted in the description, analysis and interpretation of lived experience (McIntosh & Wright, 2019:8). The following section analyses the research methods and shows that these methods interlock with an interpretive paradigm, i.e. phenomenological inquiry.

4.4 Research design

Building on the interpretivist paradigm and phenomenological methodology, it is clear that the research design would be embedded in qualitative research strategy. Preliminary thoughts on qualitative research is to understand participants and their views (Merriam, 2009:3). In the same light, Creswell (2003) argues that the qualitative research approach is used for knowledge generation with regard to the multi facet meanings of individual's views or the meanings that is socially and historically created.

Furthermore, qualitative research is research that cannot be accessed through statistics (Labaree, 2009). It primarily seeks to capture participants' perspectives and experiences of a certain subjective reality: participants interpret their own experience of the world and the world (Labaree, 2009). Qualitative research, in its simplest form, deals with the "qualities" of those being researched (Thomas, 2010: 302). Qualitative research is naturalistic: it aims to study the everyday life of people, groups and communities within their natural space (Thomas, 2010: 302). According to Thomas, it is useful to tackle this type of research within an educational system (Thomas, 2010). It is precisely on the above explanation that qualitative research is used for this study.

The research methods that flow out of an interpretive paradigm, phenomenological methodology and qualitative research design, is e-mail interviews and policy analysis. At its core, e-mail interviews are a form of these frameworks because they capture what the participant views. One can easily dismiss policy analysis as a phenomenological endeavour, but as I will argue in the following subsections, the policy analysis employed in this thesis could easily be reconciled with phenomenological methodology. The reason therefore is, it captures how participants view a certain policy construct

4.5 Research methods

The previous section provided the leading principle that guided this research study. The following section deals with how data is constructed and collected in a phenomenological inquiry. A research method or technique refers to the methods used by the researcher in research operation, i.e. through what means data is captured (Kothari, 2004:7-8). Methods vary in terms of their functions, i.e. for collection, statistical endeavours and means to evaluate the research obtained (Kothari, 2004:8). Since I chose a phenomenological inquiry as my research methodology, it lays the

foundation for deeper qualitative methods of data analysis. Following qualitative research methods, I chose e-mail interviews and policy analysis. I discuss both these research methods and indicate my intention for the choice.

4.5.1 E-mail interviews

Bevan (2014:137) shows that a phenomenological inquiry fits well with other qualitative methods, such as interviews. According to Giorgi (1997:24, cited in Bevan, 2014:137), interviews will lead to questions that are generally broad and open ended so that the participant has enough time and opportunity to express his/her views. According to Redlich-Amirav and Higginbottom (2014:1), new qualitative research technologies have evolved over the past few decades and have given rise to new technologies within communication, e.g. e-mail interviews. E-mail interviews are a growing type of qualitative interviews. The requirement for the qualitative nature of e-mail interviews depends on whether data is elicited and managed according to the tenets of the chosen qualitative methodology (Fritz & Vandermause, 2018:1648).

Interviewing is one of the most frequently used method in qualitative studies (May, 1991). The value of interviews is the fact that interviewees can speak in their own voice and provide their own perceptions and feelings (Berg, 2007:96). However, e-mail interviews differ from face-to-face interviews in that they are a form of written communication and not oral communication (Hamilton & Bowers, 2006:829). E-mail interviews are not simply yes-no answers to questions or even short-type answers (Hamilton & Bowers, 2006:831). Asynchronous, in-depth interviewing conducted online via e-mail is semi-structured in nature, involves multiple e-mail exchanges over an extended period of time, and cannot be confused with e-mail surveys, which happen once off (Meho, 2006:1284). Therefore, e-mail interviews share the same characteristics as semi-structured interviews and also have distinct advantages.

Semi-structured interviews have the advantages of structured and unstructured interviews (Thomas, 2010:315). A semi-structured interview is more flexible, and it allows depth to be achieved “by providing the opportunity on the part of the interviewer to probe and expand the interviewee’s responses (Rubin & Rubin, 2005:88). There are numerous advantages of semi-structured e-mail interviews, which range from convenience, cost-effectiveness, longer physical distance between participants, saying things that could not be said face-to-face and working with a set of interviews at the same time, to overcoming interviewer effects, clear, concise rich data, depth of responses increase due to participant’s ability to respond at a later time, when thoughts are well formed and high quality discriminative data which emerges when participants have time to carefully craft responses (Fritz & Vandermause, 2018:1642; Hunt & McHale, 2007:1416-1417; Meho, 2006). However, there also are disadvantages, that range from ethical issues, time of interview, loss of focus and missing non-verbal cues to the impersonality of the interview (Hunt & McHale,

2007:1416-1417). Conducting a semi-structured e-mail interview for this purpose is unique: it can be difficult to balance research content and casual life conversation from participants (Fritz & Vandermause, 2018:1644).

Phenomenology directs these type of questions that are asked in an interview, and these characteristics are unchangeable when the format of the interview is e-mail (Hamilton & Bowers, 2006:827). These questions have cues like “how do you view?” This provides a possible indication that e-mail interviews are compatible with phenomenology and therefore with qualitative methods of data construction. Participants still had the opportunity to revise their responses; however, this would be time consuming, whereas participants could immediately change their view in a physical semi-structured interview. It seemed that participants were determined with their first response though. Although participants had the opportunity to change their view, they did not alter their responses.

I used this framework to conduct nine e-mail interviews with an educator, parent and principal of each school. The e-mail interviews were all semi-structured in nature. The interviews had predetermined questions that were exchanged via e-mail. These e-mail interviews functioned exactly like semi-structured interviews, except that they were online. E-mail interviews fit the research methodology, i.e. the interpretive paradigm, because I was interested in the interpretations of selected members of the SGBs.

I chose e-mail interviews because, in the light of the current state of affairs (2018/2019/2020), school governance and language policy in public schools are sensitive issues in South Africa – especially language and language policy. I had to state clearly that the interview did not seek to gather information about their perspectives and sentiments on language per se. In e-mail interviews, participants have a degree of distance and the researcher does not have the opportunity to influence a subject as sensitive as language policy in South African public schools. For this reason, e-mail interviews gave the participants the necessary confidence to answer the questions I posed.

4.5.2 Policy analysis

Brooks (1989:16) indicates that the term “policy” denotes the identification of a problem or situation and what policy actors can or cannot do in reaction to the problem. For Bates and Eldredge (1980:12), on the other hand, policy is a statement that guides the process of decision-making, which the responsible policy actors need to consider before acting. What we could take from these definitions is that the term “policy” denotes the isolation of a problem, which goes together with a possible solution to that problem. This means that “policy” does not always refer to a “document” as such, but is a much broader term that directs decision-making.

In the light of the definition of the term “policy”, the phenomenon of “policy analysis” refers to the nature, intentions and effects of social problems and how to solve these social problems on an institutional level (Nagel, 1995:181). This definition makes it possible to evaluate policy systematically on the basis that it reassesses the intention of policy inputs and outcomes. Policy analysis is a complex endeavour, and an evaluation of the specific stages of policymaking is necessary when it is used as a research method. Policy analysis is an analysis of the following stages of policymaking: agenda setting, policy formulation, policy implementation and policy evaluation (Howlett & Ramesh, 2003).

I chose to evaluate how participants experience the formulation of their school’s language policy against the backdrop of the Norms and Standards Regarding Language Policy Published in Terms of Section 6(1) of the South African Schools Act (DoE, 1997b:2). A policy analysis, such as an evaluation, calls for a subject of analysis. The different instantiations of the abovementioned norms were the subject of analysis. Each view is a unique and individual response to these norms. Because phenomenology is a study of phenomena to arrive at the essence of a phenomenon, I argue that these norms are the blueprint or the essence of every school’s language policy. These norms seek to guide SGBs to formulate language policy through the following (DoE, 1997b:2):

Subject to any law dealing with language in education and the Constitutional rights of learners, in determining the language policy of the school, the governing body must stipulate how the school will promote multilingualism through using more than one language of learning and teaching, and/or by offering additional languages as fully-fledged subjects, and/or applying special immersion or language maintenance programmes, or through other means approved by the head of the provincial education department.

I “bracket” these Norms as they are originally written in the policy document (DoE, 1997b:2) to arrive at each participant’s view or perspective on/of how their schools’ language policy manifests the Norms, i.e. the essence of their experience of the Norms in relationship with their schools’ language policy formulation. Because I argue that this would be the essence of language policy formulation in the participant schools, I seek to evaluate parents, educators and principals experiences, as members of an SGB, with regard to how the Norms manifests, in their experience of their schools’ language policy formulation. Therefore, I will not look at each school’s language policy, but rather at each participant’s unique view and manifestation of the Norms in their experience of their schools’ language policy formulation. According to Van Niekerk, Van der Walddt and Jonker (2001:98), policy evaluation can be viewed as a continuing process and assessment of outcomes. It is also important, however, that the evaluation of a policy introduces and adopts a new policy which does not always happen at the end of policy timeline (Bouser, McGregor & Oster, 1996:51). Gerston (1997, cited in Khan & Rahman, 2017:174) says that policy evaluation assesses the

effectiveness of a policy with regard to its intentions and results. Rossi, Freeman and Lipsey (1998, cited in Khan & Rahman, 2017:175) identify five stages of policy evaluation. For the sake of this thesis, I choose “assessment of program theory”, which is the same as evaluation of policy formulation (Rossi, Freeman and Lipsey, 1998, cited in Khan & Rahman, 2017:175). Policy evaluation with regard to policy formulation is therefore based on an analysis of the intention of the policy and the possible implementation paths of that intention.

Pressman and Wildavsky (1973, cited in Khan & Rahman, 2017:175) argue that this type of policy evaluation does not necessarily look at faulty logic, but at logic as such, that lies at the core of the policy. The failure of policy formulation stems from “inadequate focus” and “unrealistic assumptions”: assumptions and expectations are the guiding principal of policy implementation in order to achieve policy goals and objectives and, in turn, facilitate evaluation (Khan & Rahman, 2017:175). Therefore, evaluating the formulation of language-in-education policies is to analyse the design or the underlying framework of a specific policy. I will elaborate on this by referring to two traditions in education policy analysis, viz. the positivist Westphalian tradition and the critical Westphalian tradition. The positivist Westphalian tradition is a policy analysis doctrine that refers to the study of policy intention and implementation (Regmi, 2017:5). The critical Westphalian tradition of policy analysis is the study of policy with regard to the input of the state, in this case the provincial DoE, which is the main body to impose a certain policy ideology on the masses (Regmi, 2017:6).

I was interested in how the participants thought their school promoted multilingualism through more than one LoLT, their school’s language subjects and language maintenance programmes. Every public school should have a language policy. However, a school language policy does not contain individual members’ views of these aspects and is fixed within a document. In this thesis, the term language is used to reflect a discourse that forms around something that it speaks of, which then shows a dynamic and meaning-making process which influences policy formulation. Bernstein (1976:167-169, cited in Dryzek, 1982:322) to argue that the interpretive research methodology, i.e. phenomenology, rather reconstructs life situations and describes situations rather than evaluate them. However, Fischer (1980:141, cited in Dryzek, 1982:322) goes further to draw an overlap between interpretive research methodology and policy analysis inasmuch as an interpretive research plays an “ancillary” (necessary support) role in policy research by providing an understanding of what the social reality looks like to the people who are affected by the policy. This could create a possibility from which evaluation could stem. Lester and Stewart (2000, cited in Khan & Rahman, 2017:174) argue that the central notion of policy evaluation rests on the activities and how they influence society.

Dryzek (1982:322) adds that interpretive methodologies of policy analysis could provide a description of the feasibility of a certain policy situation. Describing a specific policy situation, one is already in a mode of analysis or evaluation: you are evaluating policy through the distinction of what is being described and what is not being

described. Tierney and Clemens (2011) provide evidence that policy could be analysed in a qualitative fashion. Neale (2016, cited in McIntosh and Wright, 2019: 4) and Wright (2016, cited in McIntosh and Wright, 2019: 4) confirm that the term “lived experience” has been used in social policy to encapsulate subjective experiences of empirical inquiry. McIntosh and Wright (2019:6) argue that a social policy can be enriched by including the notion of “lived experience”. “Lived experiences” could methodologically be associated with a degree of empathy that fosters a deep involvement in individuals’ lives and concerns that are affected by policy formulations and implementations (McIntosh & Wright, 2019:20). A policy process that is built upon “lived experiences” will include a variety of policy actors, like policymakers, empowered groups and oppressed groups (McIntosh & Wright, 2019:20).

Language policy analysis of any sort has to interconnect with the main paradigm of language planning and policy (LPP) (Cooper, 1989; Fishman, 1972), which will reflect a different view of a socio-political problem, e.g. the promotion of multilingualism. This could be seen as a socio-political problem in as far as South Africa constitutionally acknowledge 11 official languages, but in practice does not deliver on this ideal. I do not focus on what is written in the language policy, but investigate what transcends these phenomena as they manifest as a socio-political issue (as stated above) and the experience thereof. Policies are implemented in contexts that create problems and which in its turn can only be solved within that context (Ball, 1993:13). However, Ball (1993:12) adds that policies are textual interventions in practice, which implies that policies can change practice. We cannot predict the outcome of a policy by analysing the stakeholders. However, this study uses the perceptions of some policy actors, namely parents, educators and principals. Policies do not tell you what to do, but open opportunities by narrowing and changing the options or responses available (Ball, 1993:12). Textual interventions like policies change contexts dramatically, but this does not mean that one must ignore the things that stay the same, nor the way change is different in different settings, and the policy authors’ intentions when policies are formulated (Ball, 1993:13).

Naidoo (2005:28) offers the following example in this regard. Espoused theories with regard to school governance are the intentions and functions of the policy documents or what actors assert are the objectives of a policy. In this light, an objective of a policy could completely ignore the actual policy practices. The practical example Naidoo (2005:128) uses is that it is often cited that the intention with the creation of SGBs was to promote democratic participation, but in practice they are designed to support the healthy functioning of school organisation. In the realm of politics, policies shift and change their meaning (Ball, 1993:11). However, the state’s agenda and problems change with each new government, which leads to different policy initiatives (Ball, 1993:11). Policies have their own momentum in the state, which means they are reworked and reinterpreted over time (Ball, 1993:11). Policies enter into power relations rather than changing them: the impact of policies is rather determined by the substance of “social disputes and conflicts” through which the individuals are empowered and disempowered (Ball, 1993:13). Policy texts and documents are

encoded in a certain way and decoded in a different way (Ball, 1993:11). A policy is always in a state of flux or in a state of becoming, which indicates an ad hoc negotiation within the policy formulation process (Ball, 1993:11). Policies have interpretational and representational history: each policy creates a different context for individuals (Ball, 1993:13). This section has highlighted the research methods that were used to construct the data. The following section will place more focus on the nature of the sample that was chosen for the study.

4.6 Sampling techniques and selection

This section focuses on the nature of the sampling techniques employed during the sample collection. Polit and Hungler (1999:37) describe a population as the total subjects, objects and participants with the same specifications and characteristics. The size of a population is expressed by the symbol N . The sample also is the smallest unit of analysis that is chosen from the population (Frey *et al.*, 2000:125). The sample of a research study is used to gain specific information from a specific population (Frey, *et al.*, 2000:125). When qualitative research is conducted, as in interviews, a sample is “drawn” from a given population (Latham, 2007:1). Any unit of analysis that forms a part of the sample must represent a characteristic of that population (Latham, 2007:1). A sample is expressed with the symbol n (Latham, 2007:1).

The underlying sample theory leads to effective sampling, and attempts to reach a degree of accuracy (Latham, 2007:2). The sampling technique of this study was non-probability, purposive (judgemental) sampling. Non-probability sampling refers to the probability that all the characteristics of the participants are unknown (McMillan, 1996:91). All known characteristic of the sample would be that they are all school governors, i.e. they are educators, parents or a principal; the only known correlation between participants in the sample is that they are all members of an SGB. The perceptions of the participants, which I focused on, were totally unknown before the interviews and policy analysis. It is common that the sample and the population have a characteristic in common, but there is no need to generalise the findings (McMillan, 1996:91). With *purposive sampling*, the researcher chooses specific elements from the population that suits the research subject the best (McMillan, 1996:92). The researcher makes a judgement that is based on his/her knowledge of the population and what aspects of the sample will be used for research purposes (McMillan, 1996:92). McMillan (1996:93) states that qualitative research is often correlated with *purposive sampling*. I chose purposive sampling because I decided to look only at the perceptions of educators, parents and the principal, and not those of non-teaching staff members of an SGB.

This study used nine participants from three SGBs of the chosen schools, which means that three participants are representative of each school. The population for the three schools is equal to the total number of parents, educators and principals that

are members of the SGB, i.e. $N = 26$. As mentioned earlier, I conducted e-mail interviews with three members of each governing body, which is effectively one educator, one parent and the principal of each school. This means my sample size is $n = 9$. If my projections are correct, my sample would be 35% of the population. The size of my sample jeopardises the ability to generalise, as stated earlier. However, it is difficult to generalise qualitative data and perceptions, i.e. the value of my study does not depend on the sample size measured against the population or the generalisability.

Purposive sampling indicates that there is a reason or goal behind the choice of sample. Also, in purposive sampling, argues Merriam (2009), one must indicate what the selection criteria are essential to choose the school and the members of the SGB. In criterion-based selection, the researcher considers certain attributes which is essential to his/her study and then find a unit matching the list (Merriam, 2009: 77). The following criterion was used to determine the selection for the sample:

1. Province in South Africa

The school had to be situated public school in the Western Cape of South Africa (WCED) which had an SGB according to SASA (RSA, 1996a). The provincial location for the schools in the sample were due to the researchers preference and

2. Language-of-teaching-and-learning (LoLT)

The public schools in the Western Cape needed to be Afrikaans-medium for the sample selection. This was because I took what Malherbe (2006:197) argued as a determining factor. Malherbe (2006:197) argued that Afrikaans-medium schools are targeted by the DBE (and therefore HOD) as the greatest obstacle towards achieving social transformation. Second, Afrikaans is the language that is most spoken in the Western Cape which would render this criterium in agreement with the status quo (Statistics South Africa, 2011).

3. Specific members of the SGB

I have chosen a parent, teacher and principal of each school to portray a diversity of insights into language policy formulation and school governance. As I highlighted in Chapter 2, the views of parents are important because they represent the learner. The choice of a teacher is important because they have subject specific knowledge about language policy formulation. Last, principals are seen as the head of the SMT and represents the HOD in an SGB meeting (RSA, 1996a).

4.7 Research context

For this study I chose three public primary schools in the Western Cape in South Africa. The reason behind the choice of the three schools is that they have the same

LoLT, which is Afrikaans: Afrikaans is the most spoken language in the Western Cape, with almost 2.5 million speakers (Statistics South Africa, 2011). School A and School B fall in the same quintile, but School C is one quintile below Schools A and B. The quintile system in South Africa is the funding system that governs the amount of spending per learner in each quintile. A quintile is a standard and provides a predetermined formula to secure spending per learner, and is a pro-poor mechanism that determines the amount of funding for an individual school (South Africa, 1998a, cited in Ndhlovu, 2012: 61). Public schools in South Africa are divided into five quintiles (Ndhlovu, 2012). The sample schools were not chosen due to the quintile or education district. The sample schools rather share a province and also provide a snapshot of the linguistic reality in the Western Cape as a whole: as I mentioned, Afrikaans is the most spoken language in the Western Cape and forms of Afrikaans dialects. These three schools serve different groups of Afrikaans-speaking people.

Quintile 1 is a group of schools that cater for the poorest 20% (RSA, 1998). Quintile 2 is the next 20% (RSA, 1998). This goes on until one reaches quintiles 4 and 5, which cater for the least poor learners in the country. Furthermore, to indicate at what level the Western Cape functions with regard to the allocation of fees: 31.7% of all schools in the Western Cape are quintile 5 schools followed by 28% of all Western Cape schools which are quintile 4 (WCED, 2013; RSA, 2020). The Western Cape also has: 8.6% quintile 1 and 13.3% quintile 2 schools (WCED, 2013). Quintile 1, 2 and 3 schools in South Africa are no-fee schools (60% of the learners form public schools nationally) (RSA, 2020), whilst quintile 4 and 5 schools are fee-paying schools (WCED, 2013; RSA, 2020). The difference between the spending per learner from the DBE for quintiles 1 to 5 for 2020 is: The DoE pays R1 466 per learner for quintile 1 to 3, R735 for quintile 4 and R254 for quintile 5 (which the National Government contests, suggesting that R174 per learner is adequate in a quintile 5 school) (WCED, 2013; RSA, 2020).

It was difficult to find quintile 1 and 2 schools that were willing to participate in this research study because of poor parental involvement in the SGB, which, in turn, has a direct impact on the functionality of the SGB. According to Ndhlovu (2012:66), quintile 1 schools receive 30% of overall funding, whilst quintile 5 schools receive 5% of the funding from the Gross Domestic Product (RSA, 1998, cited in Ndhlovu, 2012: 66). It may be so that the Western Cape has few poor schools in comparison with other provinces, but this does not detract from the fact that the differences between a quintile 1 and quintile 5 primary school are immense. Differences in this case would also include disparities in relation to parental involvement and infrastructure. The following table reflects certain information regarding the schools in my sample.

School	Admin staff	Deputies	Educators	Learners	Quintile	School fees	SGB educators
School A	4	2	37	985	5	R 12 650 per annum	11
School B	4	2	52	983	5	R 177 226 per annum	33
School C	1	1	17	500	4	R 600 per annum	3

School A had a learner-teacher ratio of 1:27, which means it was well under the required WCED ratio of 37:1 for primary schools (Gina, 2018). It is a historically advantaged school. Although the school has the most learners, the learner-teacher and learner-classroom ratios did not reveal any potential problems. This school has 34 classrooms, which adds up to 29 learners in a classroom. I observed the facilities of the school, and could deduce that it was a safe environment where teaching and learning could be effective. It was a Section 21 school with a functioning SGB. The SGB consisted of nine people, with five parents, two educators, the principal and a member of the non-teaching staff. The school is set in a middle-class income area and the town itself has a decent infrastructure. The school is also set in the Northern Suburbs of Cape Town, which means it forms part of an interconnected infrastructure and metropole. The reason for the choice of School A is that it sketches an image of an urban school that has its own language and language policy situation.

School B is located in Stellenbosch in the Western Cape of South Africa and is a historically advantaged school. The learner-teacher ratio for this primary school is 18:1, which is ideal. It is a historically advantaged school. This school was also the most expensive. The school has 37 classrooms, which means that the learner-classroom ratio is 27:1. This school is also a Section 21 school with an SGB of fifteen governors. The school is set in an upper middle-class area with expanded facilities, such as specialist classrooms, computer labs and a library. School B enjoys high levels of parental involvement. The reason for the choice of School B is due to the fact that it is suburban.

School C is located in what would have been known as a “Coloured Area” in Stellenbosch in the Western Cape in the Apartheid era, and is a historically disadvantaged school. This school is set in a community in which the housing is dense and houses are close to each other. As I will discuss later, one teacher of this school noted that parental involvement was absent. Although the learner-teacher ratio was 29:1, which is under the WCED norm, this does not reflect the status quo at this school. Educator C said that the school had asked the WCED if it could change to quantile 1, but they were still in the process. This means that they received minimal funds from the WCED and their school fees are R 600 a year. School C has 29 classrooms, which means that the learner-classroom ratio is 17:1. Although this is favourable, it does not

mean that the learners receive quality education. Houses in the area are dilapidated, which means that it seems as if people live in poverty.

4.8 Research participants

To protect each participant's and school's identity, I gave them a code which made naming possible. This code protects the participants' identity. The code was chosen randomly to eliminate the danger of the participant's identity being exposed (Burgess, 1989:6; Ramrathan, Le Grange & Shawa *et al.*, 2016:444-445). For example, there were three schools: School A, B and C; three parent-governors: Parent A, B and C; and three educator-governors: Educator A, B and C. Lastly, there were three principals: Principal A, B and C. The following table gives more information about how many years each participant had served on the SGB:

Participants	Years served on the SGB
Parent A	2
Educator A	8
Principal A	4
Parent B	3
Educator B	6
Principal B	22
Parent C	2
Educator C	6
Principal C	6 months (new principal)

Parent A is an operational manager and the SGB used this parent as a strategic planner. Strategic planning for a school is important for determining the future of the school. This parent works in the formal sector and has financial and other skills to help govern the school. Parent B works closely with farmers and distributors in the wine industry, which indicates he has trade knowledge and human connections in his everyday work. His portfolio in the SGB is to foster involvement between parents and educators. His capabilities and skills could be used to benefit the SGB's functionality. Parent C works in financing and could use his professional skills as a treasurer in the SGB.

Educator A has been at School A since 1993, which meant that she had been at the school for 26 years. Educator A is also currently a deputy principal. Educator B is also a deputy principal and has been a teacher at School B since 1998, hence 21 years – 14 years of which he has been a department head and six years as deputy principal. Educator C has been at School C since 2009 and had served on the SGB from 2013. Principal A had been a principal at School A for four years. Principal B had been a

principal at School B for 22 years, while Principal C was newly elected and had only been at the schools for six months.

At this stage, it is necessary for me to share a number of the challenges that I experienced in relation to establishing a research sample. These challenges provide insight into the sensitivities surrounding both SGBs and language policy. I sent approximately 200 e-mails to prospective schools and their principals. The reason for these e-mails was twofold: I sent an e-mail to all the principals (firstly to their secretaries) to ask permission to conduct research at the school and, if they agreed, I sent e-mails to the principals and all the parents and educators to find people willing to be interviewed. The initial e-mails contained an endorsement letter from my supervisor, the approval letter from the WCED, an approval letter from the Research Ethics Committee of Stellenbosch University, as well as a few questions that I planned to ask them during the e-mail interviews. I also included a brief description of my study. In the end, only ten schools replied, of which only three schools agreed to participate.

The choice of schools was influenced mainly by the following two aspects. Firstly, there were no school that gave me a transparent reason why they did not want to participate in the research. This left me with some core assumptions, but nothing substantive. Secondly, as time moved on, I did not have the luxury of choosing schools and had to use the schools that were willing to participate. In the end, I managed to construct a reasonable sample, which partly depicted the educational reality of South Africa.

On the other hand, due to the sensitivity of my research subject, I understood the reluctance of schools to participate. This was confirmed by the principal of a quintile 5 school, who indicated that the SGB did not want to participate because of the sensitivity of language, and also did not want to spoil the relationship with the provincial HOD. This was because the school had in the past been implicated in the media. A principal of another quintile 5 school also stated in an e-mail that he did not want to put the members of the SGB in harm's way, and that he would be willing to answer the questions, but not the members of the SGB.

4.9 Data analysis

Data analysis can be seen as the creation of meaning of data that was gathered by the researcher through employing the research methods according to Thomas *et al.* (2005, cited in Perry, 2010:49). According to Patton (2002), qualitative research is based on three phases. This thesis had also used these phases to analyse the compiled data using a phenomenological methodology (interpretative paradigm) and qualitative research design. Data was compiled and protected, and the researcher had also become acquainted with the data: this phase is called the *preparatory phase* (2002). E-mail interviews were conducted according to a "question-answer" method which was automatically saved on the e-mail server. During this phase, information

about policies that concerned the phenomena of “school governance” and “Language policy” were compiled. Thereafter, I transcribed their views directly onto the laptop in which I saved it in a confidential folder. I got acquainted with the data as I transcribed the e-mail interviews.

After this phase, the researcher engaged into the *descriptive phase* (Patton, 2002). According to Patton (2002: 50) this phase involved the classification and coding of data. During this phase themes are allocated to the aggregated data for further study (Gibson & Brown, 2009:127, cited in Perry, 2010:52). A policy construct such as, The Norms and Standards (DoE, 1997b:2) were chosen as a theme to capture the participants view of language policy formulation that is based on The Norms and Standards (DoE, 1997b:2). The search for themes was done through a close and in-depth reading of the data. Commonalities started to stand out which were sectioned off through a thematic approach as indicated above. These actions paved the way for the interpretation phase. The following phase, the *interpretative phase*, was entered through the merging of data in a holistic way. The *interpretative phase* is characterized by the interpretation of the selected themes. Interpretation was based on using each participant’s view of “school governance”, “language policy” and the chosen policy construct. Using each participant’s view of the Norms and Standards (DoE, 1996b: 2), I returned to their own views. To put it differently, participants views were used and reused to analysed their views.

These three phases together form what Maykut and Morehouse (1994: 134) call the *constant comparative method*: it is an inductive categorical coding that is accompanied by a comparison of units of meaning. Units of meaning refer to the smallest piece of information that comes within the framework of qualitative research (Maykut and Morehouse, 1994: 134). As the process of data analysis deepens, new units of meanings are found and compared, effectively leading to the creation of new categories or overarching themes (Maykut and Morehouse, 1994: 134). If there are no similar units of meaning, a new category or theme is formed (Maykut and Morehouse, 1994: 134). Categories and themes are subject to constant change and change: predetermined themes can change as guidance changes the data or units of meaning.

The researcher develops a relative intuition as the analysis deepens and changes: the premonition is the criterion that contributes to the categorization of units of meaning into a theme (Maykut and Morehouse, 1994: 134). The preceding intuition will necessarily lead to rules of inclusion: it is an outlined “reason” why certain units of meaning fit into a certain theme (Maykut and Morehouse, 1994: 135). Data analysis is not a linear process; it can be seen as a collaborative process whereby data collection, data verification and data analysis are placed within a continuum. Data is reinterpreted and re-categorized and mutually and interchangeably influenced.

The data analysis of this study is embedded in the constant comparative method. The transcribed e-mail interviews and policy analysis are divided into meaningful units and each one is given a different theme. Subsequently, units of meaning that match are

grouped together and categorized (in this study) into themes. Thereafter, each theme receives a specific heading. Certain units of meaning were initially categorized into “different” themes: therefore, the categorization of units of meaning changes on an ongoing basis until rules for inclusion are developed. In this data analysis, information will be constantly compared to ensure that the “constant” that results from this process forms the new research. Building on the aforementioned, the following themes were identified during the e-mail interviews:

5. Parental involvement in language policy
6. Democratic school governance and language policy
7. Role of and intervention by the HOD
8. School governance and deliberative democracy

4.10 Trustworthiness, validity and reliability

Trustworthiness in qualitative research is summarised as the self-confidence a researcher has in his/her findings and conclusions (Maykut & Morehouse, 1994:145). The trustworthiness of a research project or method is interwoven with the transparency of the study: an increase in the transparency of a study broadly implies that more people will understand the study (Maykut & Morehouse, 1994:145). *Trustworthiness* is also closely related to *triangulation*: the more research instruments are used, the more accurate the conclusions of the study will be (Bush, 2002:68). To ensure trustworthiness, I used two research methods. To ensure transparency, I introduce my research findings and discuss the findings before I analyse the data. This will provide the reader with the full extent of my data.

Reliability, for Bell (2002, cited in Bush, 2002:60), refers to getting “similar results under constant conditions on all occasions”. Fowler (2002, cited in Bush, 2002:61) explains that, for reliable interviews, “all interviewees are asked the same question in the same way”. Reliability goes hand in hand with structured instruments, therefore reliability will be ensured by semi-structured interviews (Bush, 2002:62). The e-mail interviews can be regarded as reliable because I asked each participant the same question. With regard to policy analysis, the choice of a framework to analyse policy will increase the reliability of the research method because the framework is a constant.

The validity of a research method depends on how accurately the method describes the phenomenon that is being researched (Bush, 2002:65). There are two types of validity: internal and external validity (Bush, 2002:66-67). Internal validity “relates to the extent that research findings accurately represent the phenomenon under investigation” (Bush, 2002:66). E-mail interviews helped me to understand the SGB members’ views of school governance and the language policy to determine the. The

framework of Ball (1993) and Regmi (2017) gave me the means to understand language policies in the chosen schools relative to the given framework. External validity denotes the process of generalising the research findings to the population (Bush, 2002:67). It would be difficult to generalise the findings in absolute terms because each participant viewed the language policy and governance of the public schools differently. It would be difficult to establish the same results when analysing different schools' language policies, because every school has a unique language policy.

4.11 Ethical considerations

Educational research has its own set of ethical considerations based on the social sciences. Ethical issues that usually arise when conducting qualitative interviews are: research and power relations, informed consent and issues with data dissemination (Burgess, 1989:5-6; Ramrathan *et al.*, 2016:444-445).

Since I conducted e-mail interviews, there were no visible manifestations of a relationship between the researcher (interviewer) and the interviewee. I had no prior contact with these schools and the participants, which means there was no relationship whatsoever between the researcher and the participant. There also were no instances of principals or chairpersons who used their office to skew the research enterprise. Collaboration led to successful interviews (Burgess, 1989:6). Participants could amend their first responses by logical and rational explanation (Mero-Jaffe, 2011:237). In e-mail interviews it is easy to amend what has been typed before it is sent to the recipient. Informed consent implies that the participants voluntarily agree to participate in the interview, i.e. the researcher does not influence the potential participant to participate (Burgess, 1989:6). Participants could withdraw at any stage of the interview. Ethical clearance states clearly that the researcher did change any of the participants' views and responses (Mero-Jaffe, 2011:238).

I had to receive permission from different parties to start with this research project. To start with, I sent an e-mail to the principal, as discussed earlier. In this e-mail I asked him/her for written consent to conduct research at the school. Secondly, I applied for permission to the WCED (Addendum B) to conduct research at the schools. Once I received permission from the WCED (Addendum B), I applied to the Stellenbosch University Research Ethics Committee (Addendum A), which gave approval. I then sent a consent form to all the participants in the sample saying that their participation was voluntary and they would remain anonymous.

4.12 Chapter summary

This chapter described the research methodology, methods and sampling technique. I explained why I decided to adopt a phenomenological inquiry, and to use e-mail interviews and policy analysis. The chapter also provided insights into the research

contexts and the research participants. I shared some of the key similarities and differences between the three schools. I also introduced the research participants by providing some biographical data. Chapter 4 served as the introduction to how I conducted my research. Chapter 5 introduces the research findings and data.

CHAPTER 5

RESEARCH FINDINGS AND DISCUSSION

5.1 Introduction

As explained previously, the primary interest of this research was to understand how selective members of an SGB interpret the phenomena of governance and language policy in public schools. In this chapter, I present the findings that were constructed from these research methods – that is, I used e-mail interviews and the perspectives of the participants to gain more insight into how they think the SGB formulates their school's language policy according to the Norms and Standards Regarding Language Policy Published in Terms of Section 6(1) of the South African Schools Act (DoE, 1997b:2). In addressing the primary research question, attention was also paid to the following sub-questions:

1. Why should parents, as members of the SGB, have the right to determine a school's language policy?
2. What is democratic school governance with regard to language policy formulation?
3. Why should the HOD intervene in the democratic governance of schools with regard to language policy?
4. On what basis does the HOD contest the language policy, as adopted by the SGB?
5. How can deliberative democracy assist in mediating the tension between the state (HOD) and the SGB in terms of its language policy?

In answering these sub-questions, the following themes were identified:

1. Parental involvement in language policy
2. Democratic school governance and language policy
3. Role of and intervention by the HOD
4. School governance and deliberative democracy

As I discussed in Chapter 4, data was constructed via e-mail interviews and a policy analysis based on an evaluation of the formulation of school language policy. Specifically, as is shown next, I conducted e-mail interviews with one parent on the SGB, one educator and the principal at the three sample schools. To reiterate, all these schools and participants are kept strictly anonymous and confidential. As such, the schools and the participants are identified as follows: School A, B and C, Parent A, B and C, Educator A, B and C, and Principal A, B and C. I captured the data in terms of themes, which are based on the aforementioned sub-research questions, ultimately feeding into the main research question.

5.2. Parental involvement in language policy

Parents, educators and principals were asked why they thought parents should be included in the language policy formulation process of the schools. Parent A noted that

the parents serving on the SGB are active members of the school entity and has a direct stake in the education of their children and the community which also are a part of. The SGB is chosen by the parent community and must therefore be included in the process.

Parent A also mentioned that parents must express their dissatisfaction through written notices that contain their wishes and must affiliate themselves with groups that specialise in these issues. Parent B stated that parents are an important link in the ‘heartbeat’ of the school. They are involved, support fundraising projects and understand the dynamics in which the school operates. Similarly, Parent C noted that “parents represent the best interest of the children”.

From these responses, it becomes evident that the parents view their involvement as both necessary and important. They also see themselves as best placed to understand the ethos and dynamics of their respective schools and, as such, should be involved in the operations of the school. Parent C commented that the parents have knowledge about the community of which the school forms part. It came to my attention that Parent A, B and C viewed their own role or the parents’ role in language policy formulation as active participation in the education of their children by supporting the school. Parent C and Parent B also emphasised the grass-root knowledge of the dynamics that parents have when governing with regard to language policy formulation. In the same light, Parent C highlighted that parents carried the best interests of the learners at heart when formulating the language policy.

Likewise, educators were asked why they thought they should be including parents in the language policy formulation process of the schools. Educator A argued that the parents have power because their “children are at that school who can choose the medium of instruction.” Also, “the SGB are a group of parents that represent the rest of the school’s parents and formulate the school’s language policy on behalf of all the parents of the school community”.

Educator B commented that the “SGB is parents of the school”. Accordingly, “they need to be aware of all the aspects that need to be covered.” Educator C, on the other hand, replied that parents and therefore the SGB cannot be the only parties that formulate language policies in schools. There must be co-operation between each member of the SGB, the HOD and the parents so that no party abuses its power. The educators argued that the reason for this is because parents are not sufficiently informed to make informed decisions about matters such as the language policy.

In response to the same question, Principals A, B and C said that parents can help solve the tension between the SGB and the HOD with regard to language policy through discussion and deliberation. Principal A responded that the SGB is a democratically chosen entity that “represents all of the parents of the school”. Principal A continued that an SGB is a juristic person that holds the power to formulate the language policy of the school. Furthermore, he argued that the SGB ought to consist of expert people who represent the total interests of the school community and want the best possible education for their children.

According to Principal B, parents are in a partnership with the staff with regard to the education of the learners. The school’s leadership will therefore formulate the school’s language policy, which is approved before it is used. Principal C argued that:

It is important that the role players [parents inter alia] of the school should give input to the language policy and that can eliminate many potential problems because learners have the right to receive education in their mother tongue, but the language policy also has to provide elements of diversity and inclusion for other language groups rather than excluding other groups.

5.3 Democratic school governance and language policy

The parents were asked how they viewed democratic school governance with regard to language policy. Parents A, B and C connected democratic school governance with the SGB. Parent A wrote that democratic school governance with regard to language policy is “a system where decisions are made by school management, SGB and parents through active participation”. Parent B mentioned that democratic school governance such as language policy formulation is “the process whereby parents of the school vote for the leaders of the school and where these leaders manage the voice of the community where the school finds itself”.

Parent C stated that democratic school governance with regard to language policy formulation is “when the SGB has the same power as the department”. On this note, Parents A and C mentioned that school governance had to be embedded in a system of institutional arrangements like laws and frameworks. Parent A noted that school governance with regard to language policy needs to be embedded in “frameworks and the SASA”. Parent C also noted that management and governance with regard to language policy need to be “according to the law of the country within the framework of the department”. School governance in terms of language policy formulation must, as Parent A stated, “take into account minority groups, which is carried by the voice of the community”. Parent B mentioned that school governance with regard to language policy needs to “benefit the child’s education”.

In turn, Educator A shared that democratic school governance with regard to language policy means that “all parties involved need to play a role”. Educator A added that “the

SGB (parents), educators and the department will co-operate to govern a school”. Educator B commented that the “school is managed by die principal, SGB, SMT and educators”. Educator B gave democratic governance another dimension by stating that “everybody that governs has the opportunity to take ownership for their decisions and provisions”. In response to the previous question, on why parents should be involved in the formulation of a school’s language policy, Educator C said governance needs to be a co-operative endeavour and that everybody involved must be included in the decision-making process concerning language policy. Furthermore, Educator C argued that democratic school governance implied that decision-making takes place through a process of “compartmentation”, meaning that every party, such as the SGB and the greater community, is included in decision-making.

Principals were asked what democratic school governance is with regard to language policy. Principal A replied that it is the power of the SGB to govern according to democratic principles, which permit the SGB under law to govern the school. Principal B argued that democratic school governance with regard to language policy is when the different role players make a decision together that is carried out by the principal. For Principal C, democratic school governance with regard to language policy happens when all the interested groups inside the SGB claim their right to govern a school. These rights include participation in meetings, decision-making, etcetera.

5.4 Role of and intervention by the HOD

The third question centred on what the nature of the role of the provincial head of the department (HOD) of education (in this case, the Western Cape) should be – specifically, whether the HOD should intervene in the democratic governance of schools with regard to language policy. This question has been included in the light of the ongoing legal contestation between SGBs and HODs on the issue of language, not only in the Western Cape, but also in other provinces in South Africa. It was therefore important to get a clear idea of how SGBs, parents, educators and principals view the role and potential intervention of the HOD.

Parents A and B agreed that the intervention by the HOD in democratic school governance with regard to language policy is wrong for substantive reasons. Parent A stated that “the HOD does not always know the context and uses a ‘one size fits all’ approach when problems are beyond their capabilities or power”. Parent B had the opinion that the HOD must not “scratch where it does not itch”, meaning that the HOD does not need to intervene where there is no problem. This also means that the intervention by the Department of Basic Education (DBE) could be justified only in times of a crisis, and implies that the DBE must intervene when there is malpractice or malgovernance, i.e. language policy that excludes learners in terms of race. Parent B maintained that intervention by the HOD concerning language policy is not necessary if the school “runs smoothly”. If the “school, staff, children and the

community are happy”, the HOD does not need to intervene. The “department must first find out what and how things are at every school before they intervene”. However, Parent C commented that “the HOD must always be in control”. Parent C argued that SGB members are chosen every third year and this renewal of members offer limited tension.

In response to the same question, Educator A stated that the WCED (provincial DBE) has a supervisory capacity towards public schools. Additionally, if a school is mismanaged, then the Provincial Department of Basic Education, under the leadership of the HOD, may intervene. Furthermore, Educator A added that an HOD has overall responsibility for the admission to schools to run fair and justly.

Educator B reasoned that, if irregularities take place, the WCED must act and intervene. Educator C continued with this notion and said that the HOD needs to intervene in school governance with regard to language policy. The same educator reasoned that the HOD makes sure that everybody is empowered, which would not be so otherwise, as they would be disempowered because they are illiterate. Educator C also believed that, when language policy is used to exclude parties, the HOD may intervene in the governance of the school with regard to language policy. Unlike the views expressed by the educators, Principals A, B and C agreed that the intervention by the HOD in democratic school governance with regard to language policy could not be justified. Principal A thought the HOD should not intervene because SASA and the Constitution provide the SGB with certain powers to govern the school so as to assist the principal with management endeavours. Lastly, the “SGB serves the broader community and ought to act in the best interest of the school community”.

Principal C commented that the contribution of the HOD is minimal because he/she does not have prior knowledge of the school management structures:

No, under no circumstances, unless it is contrary to the democratic rights of interest groups or individuals. When school policy is in conflict with legislation and regulations and is contrary to the rights of groups or individuals, it is the duty of the head of education to interfere in order to stop and rectify this disadvantage. A language policy is one of the policies where discrimination can be applied in a subtle way in order to keep other groups outside ... If a school's language policy states, for example, that the language of instruction is Afrikaans and then applied to keeping black learners (who can speak Afrikaans) outside is a violation of the rights of black learners and the situation must be addressed by the education department.

As an extension of the previous question regarding the role of the HOD in relation to a school's language policy, the research participants were asked on which basis they thought the HOD would contest the language policy as adopted by the SGB. In response, Parent A stated that tension arose when “the ruling party changed their policies and laws, which gave the DBE the power to intervene in democratic school

governance with regard to language policy if the school's total learners decrease and there exists then a mismatch of medium of instruction.”. Parent B stated that the tension that arose from parents' roles in language policy formulation were “when the school acted unfair and unreasonable if they did not consider the mother tongue of the community when choosing the medium of instruction”. This means that the “feeder zone” of a school must be a key determinant when language policy is formulated. Parent C commented that tension could arise when “a language policy influences a child negatively”.

From the abovementioned one possibly could argue that tension arises when the language policy is perceived to be unfair and unreasonable. Parent B stated the latter directly. Parent A, on the other hand, stated that the tension arose when policies and laws contradicted the choice of medium of instruction, i.e. the total number of learners of the school decreases when there is a mismatch between the language policy and the language practices of the school. Parent C additionally stated that tensions arose when children were negatively influenced by a certain language policy. For Parent C, tension also arises when parents are not fully informed, therefore “workshops” need to be held to educate parents. If every new SGB member changes the language policy every three years, “it will impact the child negatively”. Educator A reasoned that the Department of Education wanted to exert power over the formulation of the language policy of public schools, at all costs. This is because there are a surplus of learners that still need to be accommodated in schools. However, the same educator added that it was “well within the powers of the SGB to choose [a language policy] when a mandate is received from the parents”. Educator A argued that if the language policy of a school is formulated according to the Constitution, then the department needs to “settle”.

Educator B reasoned that the language policy must comply with the standards constructed by the WCED, and listed the CAPS document as a minimum requisite for language policy in public schools. Therefore, Educator B thought that the language policy needs to comply with the standard of the CAPS document, otherwise the HOD will intervene in democratic school governance with regard to language policy. Educator B also mentioned that an SGB has the right to a formulate language policy according to SASA and to teach in this language. According to the same educator, there would not be any intervention if the language policy was according to the Constitution. Educator C argued that the HOD would intervene if “the community does not want to change the language policy even if the number of learners with a different mother tongue increased”.

Echoing the views of the parents and educators, Principal A replied that the HOD of the provincial Department of Basic Education may only intervene in democratic school governance with regard to language policy by placing pressure on an SGB. According to him, the “nearest school principle” will entail this kind of pressure, which implies that the HOD may allocate or place a learner in the school nearest to his primary home, despite the medium of instruction. He argued that the learner could not be withheld

from his/her basic human right of education, even though the school had a different language policy. Similarly, Principal B argued that, if “the school has not reached full capacity and there is a need for English learners when these learners were not placed at another school”, the HOD may intervene in the school with regard to language policy. Principal C commented that the intervention in democratic school governance with regard to language policy could only be justified when the language policy was in contrast with the Constitution and SASA and other applicable laws and regulations.

5.5 School governance and deliberative democracy

Parents were asked if deliberative democracy could possibly assist to mediate the tension between the HOD and the SGB. Parents A, B and C confirmed that a form of deliberation was necessary to bridge the tension with the HOD. Parent A commented that a possibility for deliberation to mediate tension between the HOD and the SGB is “possible” and that “dialogue have always been used to solve problems”. Furthermore, Parent A argued that deliberative democracy will lead to “positive outcomes if there are clear guidelines and processes to better the outcomes”.

Parent B argued that “open communication” and respect for both parties’ views are of the utmost importance. The actions of the SGB and HOD need to be “fair and just”. With “good relationships, transparency, honesty, mutual respect and inclusive participation”, a “mean” could be reached. Furthermore, any problems and issues must, according to Parent B, be discussed and solved, otherwise they become “a stone in the shoe”. Parent C also argued that deliberation was a good solution. It followed that every person should respect the other’s views and opinions. Parent C maintained that there must be an equal chance for everybody to raise an opinion and state their point of view.

Educators A, B and C agreed that deliberative democracy could lead to mediate the SGB’s relationship with the HOD. Therefore, deliberation was important for the SGB to “persuade the department it has sufficient reasons to prove its decision in terms of the mandate it received from the parents”. Educator A agreed that deliberative democracy has a mediational purpose, as it will not be necessary for the SGB and HOD to deliberate if the language policy of the school is according to the Constitution and carries the parents’ mandate. Educator A replied that the SGB could communicate and argue with the Department if the SGB needed to change the language policy of the school. Lastly, Educator A commented that democratic deliberation would lead to all parties being informed, which would lead to better decision-making. Educator B said that deliberative democracy was always a way to mediate the tension between the HOD and the SGB with regard to language policy. Every party can voice their opinion. The same educator also mentioned that a mediator could be hired to act as a neutral intermediary.

Educator C reasoned that deliberative democracy and deliberation will lead to a situation that does not need to be resolved in the courts. According to the same

educator, “a court case does not benefit education and then a spectacle occurs”. Furthermore, education authorities are not always informed of the community’s needs, which could lead to power imbalances and ill-representation of an SGB’s voice. Deliberative democracy will lead to the empowerment of the parent community. The same educator reasoned that the education department needs more information about the community, and they can only get this information through communication and deliberative democracy.

In response to the same question regarding deliberative democracy, principals were asked if deliberative democracy could possibly assist in mediating the tension between the HOD and the SGB. Principals A, B and C replied that deliberation or a form of discussion was the best way to mediate this tension with regard to language policy. Principal A argued that conflict on this level needed to be resolved through “transparent and reasonable discussion”, and added that there must be a degree of mutual respect for each other’s roles and responsibilities. According to the same principal, there must be a “cooperation arrangement in terms of what is the best interest of the child”. Learners must not be used as a “political instrument”. This principal added: “deliberation can only work up to a point, then law must play a determinative role to prevent tension or conflict.” Therefore, “if the concerned parties have the same goal, i.e. quality education for the child, then a deliberative democracy would be successful”.

Principal B argued that healthy arguments and regular communication with the Department of Basic Education are necessary. Both of these parties must bind themselves to the rules and regulations. Furthermore, both these parties need to co-operate to find resolutions to ensure decisions are not one sided. Tension is usually caused when a school feels threatened, which could lead to harming the children of the school. A school that appears in the media could be stigmatised, along with its learners. It would be in the best interests of the learner to settle tension out of court. Both parties must attempt to understand the other’s point of view and must use the opportunity to deliberate. When one understands how a party arrived at his/her point of view, one can attempt to convince him/her about one’s point of view. Lastly, one must arrive at a “win-win situation”, and no information must be withheld from any party, which means that all the parties must be honest.

Principal C argued that the best way to resolve the conflict between the SGB and the HOD with regard to language policy is discussion and willingness to be open to the views and ideas of the other. The same principal replied that a healthy solution to the tension between the SGB and HOD would be to “give-and-take which is a win-win situation”. The current education environment necessitated parties to accommodate other parties without harming the rights of any party. Sometimes it is necessary to amend certain policies to resolve such conflict, but the problem lies with the parties involved to manage these changes.

Principal C further commented that the reasons why deliberation and deliberative can work are valuable, and it is not necessary to waste money on court cases. Discussions

and consultations are a more cost-effective way to resolve education problems. Lastly, Principal C commented that any democracy needs to protect minority rights. This is part of the reason why the South African democracy fails. According to Principal C, no language can be threatened by other language users. “We create tension ourselves because we struggle to find resolutions for situations with minority groups like the language in education or medium of instruction.”

5.6 Summary of interview data

The parents understood that they had an active role to play in the language policy process, because they had been elected by the community, have specialised knowledge about the governing of schools in terms of language policy formulation, and represent the best interests of the learners. The parents argued that the SGB must govern the school with regard to language policy, as outlined by laws such as SASA. The interviews showed that the majority of the parents thought that, in principle, the HOD should not intervene in school governance with regard to language. They further maintained that the HOD’s intervention could only be justified when there was evidence of unfair practices or attempts at learner exclusion. All the parents expressed the view that deliberative democracy could assist in mediating the tension between the HOD and an SGB with regard to language policy in public schools.

Educators A and B agreed that the parent component of the SGB represents the whole parent community and must be aware of problems in the school. However, Educator C indicated that parties other than parents need to be included in the language policy formulation of a school. All the educators in the sample agreed that democratic school governance with regard to language policy is an inclusive process in which all parties need to be included. The educators agreed that the intervention of the HOD in democratic school governance with regard to language policy formulation can only be justified if there are signs of mismanagement. The educators believed that deliberative democracy could assist in mediating the SGB’s relationship with the HOD. Principals A, B and C argued that parents can help solve the tension between the SGB and the HOD with regard to the language policy and that they are key to co-operative school governance. Principals A, B and C commented that democratic school governance is vested in an SGB. They also believed that the intervention of the HOD in school governance with regard to language policy could not be justified if their governance was according to SASA. Principals A, B and C had different arguments on the grounds for the intervention of the HOD in democratic school governance with regard to language policy. They said that deliberation and deliberative democracy would assist in helping to mediate the tension between the HOD and the SGB with regard to language policy.

5.7 Policy analysis

As stated in Chapter 4, the policy analysis employed in this study focuses on an evaluation of the intention of language policy formulation. I will attempt to map the intentions of the SGB language policy through the participants' experiences of how the SGB formulates language policy according to the following extract from the Norms and Standards (DoE, 1997b:2). This extract is important because it states how an SGB will protect a learner's language and constitutional rights through the promotion of multilingualism:

Subject to any law dealing with language in education and the Constitutional rights of learners, in determining the language policy of the school, the governing body must stipulate how the school will promote multilingualism through using more than one language of learning and teaching, and/or by offering additional languages as fully-fledged subjects, and/or applying special immersion or language maintenance programmes, or through other means approved by the head of the provincial education department.

The Norms and Standards (DoE, 1997b:2) is a compulsory and national guideline for SGBs to formulate their language policy. This then forms the essence of school language policy formulation in South Africa. I am not solely interested in how SGBs formulate their language policy. I am interested in how the participants think SGBs plan to formulate their language policy through promoting multilingualism, setting language programmes and choosing their language subjects. To iterate, I did not use any sample school's language policy as such because I was not interested in the content of the policy itself. This means the policy analysis used in this thesis is informed by a phenomenological inquiry, because I wanted to understand the participants' experience ("lived experience") of language policy formulation by their school and what they thought their SGB does to promote multilingualism, language programmes and language subjects in their language policy.

Before I engage in the responses to these elements, it is important to mention that the participants' different perspectives are seen as part of the policy analysis, which forms an evaluation or interpretation of how the SGB formulates the respective school-based language policies based on the Norms and Standards (DoE, 1997b:2). It is therefore clear that these perspectives of the participants do not necessarily yield the school's language policy as such, as it is written in the document itself. It merely yields how the participants think their SGB formulates language policy based on the Norms and Standards (DoE, 1997b:2).

The Norms and Standards (DoE, 1997b:2) contain traces of national language policy (even though they were written much later) and legislation such as SASA section 6, but in particular section 6 (1-2) (RSA, 1996a:11). As section 6(1) of SASA states:

Subject to the *Constitution* and *this Act*, the *Minister* may, by notice in the Government Gazette, after consultation with the *Council of Education Ministers*, determine norms and standards for language policy in *public schools*.

It is therefore embedded in law that the national Minister of Education may formulate norms for language policy for public schools, and it is compulsory for schools to use these norms as a guideline for their language policy. I derived three questions that I asked each participant to gain information about how these participants viewed their school's language policy as a instantiation of the Norms and Standards Regarding Language Policy Published in Terms of Section 6(1) of the South African Schools Act (DoE, 1997b:2). These three questions are the following:

1. What are the guiding principles of the language policy in your school?
2. How do you (SGB) seek to enhance multilingualism, if at all the case?
3. What language subjects do you offer at your school?

The responses to the three questions above would give me access to information about the participants' perspectives on the instantiation of the norms in their unique language policy circumstance, which could then be analysed against the backdrop of a phenomenological framework. As stated in Chapter 4, I looked at the underlying framework or logic of each participant's response. The following data contains participant's views/thoughts of the Norms and Standards as it forms their perception of their respective language policy (DoE, 1997b:2), which could then be analysed according to the policy analysis framework I discussed in Chapter 4.

School A is an Afrikaans medium primary school and caters to a large Afrikaans community. Principal A stated that, while there are single cases where English mother-tongue learners are admitted, in each case the learner's parents chose for their child to be taught in Afrikaans. Given that it is compulsory for a school to have language subjects, the Home Language subject at this school is Afrikaans and the Second Additional Language (second language) is English. One of the ways in which School A seeks to promote multilingualism is through the appointment of an additional teacher, who teaches English at a Home Language level for those children who take this option. Another way is through additional isiXhosa classes for grades 4 to 7 (this is not a compulsory language subject). According to the IAL (DBE, 2013), isiXhosa, or any other African language for that matter, currently is a compulsory language subject in Grades 1 to 3.

Furthermore, the participants from this school were asked what they thought the principles of their language policy were and how the SGB sought to promote multilingualism. Parent A believed that the school's language policy formulation "must be a process where parents, school management and an SGB works together. The language policy must also be aligned with the country's Constitution". For Parent A, collaboration and co-operation were key principles of their language policy formulation. If role players co-operate to find a compromise between language differences, it could promote language diversity and multilingualism.

Educator A mentioned that their language policy is "according to the Constitution", and quoted that according to the Constitution, "every individual has the right to be educated in the language he/she chooses". It is therefore "the parents and the learner's right to give the SGB a mandate with the language of their choice to be inscribed in the language policy of the school". The same educator added that the demographics of learners played a big role when the language policy was formulated. Educator A emphasised that, according to her, the principles of the language policy embraced the notion of individual rights as set out in the Constitution. Because the Constitution protects multilingualism by acknowledging 11 official languages, the faith in and implementation in terms of the Constitution would lead to promotion of multilingualism. Reasonable practice will therefore be integral.

Principal A from School A replied that the language policy of the school embraced the language composition of the learner corps of the school. Therefore, Principal A reasoned that, if the majority of learners have Afrikaans as mother tongue, the school will be classified as an Afrikaans-medium school. Principal A emphasised that the "SGB of a school has the power to formulate [the] language policy of that school". If the language composition of the school community changes, then an inquiry can be done to change the language policy in consultation with the provincial DBE. Principal A focused more on language policy as a function/power of the SGB and the adaptability of the SGB when the language composition of the learner corps of the school changes. Principal A added that a learner must respect the values, traditions, culture and conventions at this Afrikaans-medium institution, and what this Afrikaans-medium institution has to offer. He also stated that the LoLT for this school is Afrikaans, except when language subjects such as English and isiXhosa are being taught.

According to Principal B, the school has 30 learners who are not mother-tongue Afrikaans speakers. The school is set in an Afrikaans community which is very close to a bilingual university. School B does not teach English as a Home Language and, besides the compulsory isiXhosa that is taught in Grades 1 to 3, the school does not teach isiXhosa in Grades 4 to 7. Principal B replied that the school previously offered these subjects, but stopped doing so due to a lack of interest. School B also had language subjects (HL, FAL and SAL) as stipulated in the LiEP (DoE, 1997a), CAPS (DBE, 2011a, 2011b) and IIAL (DBE, 2013) documents. This means that Afrikaans

was their LoLT and their Home Language subject, whereas English was their First Additional Language subject and isiXhosa their Grade 1 to 3 SAL. In addition, Parent B, Educator B and Principal B had the following to say about the language policy at School B.

Parent B categorised School B as a quintile 5 school with a middle-class income base parent corps, which noticed that language policy needs to be formulated along the lines of the community's language preferences.

Majority of the children in the school and in the feeder zone must receive preference. But despite of the medium of instruction, i.e. Afrikaans and English, there must be an additional African language which is spoken in the nearby environment, i.e. isiXhosa. And vice versa if possible.

Parent B also emphasised the community's language use and preferences as a determinant to formulate language policy. It is also noteworthy that Parent B viewed the inclusion of an African language as part of the language policy. Lastly, Parent B stated that the language policy needs to hinge on the importance of communication with each other, and rests on the firm belief that communication between the learner and the teacher is of great importance for a productive learning and teaching environment. It is not in the best interest of the learner to be taught in a language in which he/she does not understand the concepts that go with that language. Learners who are more fluent in the LoLT of School B will not be adversely affected by the implementation of the language policy, and vice versa. The principle of the language policy must not only be based on reasonable practice and the learner's right to receive education in the language of his or her choice, but also should not discriminate against any learner on the basis of their language aptitude. For Educator B, the language policy of the school needs to "correspond with what the WCED and the National Education Department expects from them". The language policy formulation process in public schools needs to happen with "cooperation with the subjects heads, SMT and the SGB". According to Educator B, the language policy of the school furthers the notion that School B is equipped to meet the needs of an Afrikaans-speaking learner. Therefore, the needs assessment for language in education is based on this notion. According to this language policy, Principal B needs to keep record of any request to receive tuition in another language than the LoLT.

Principal B commented that "95% of the learners in School B are Afrikaans". It then logically follows that the language policy is formulated according to the learners' mother tongue. The language policy of School B therefore indicates that the school operates in Afrikaans. Principal B also admitted that the language policy of School B was "according to FEDSAS, but the final product is their own". According Principal B, FEDSAS helped them to construct a language policy. The speech community of School B is mainly Afrikaans, which justifies an Afrikaans-only language policy. There are a lack of English-medium schools in that area. School B has not, up to the time of

this study, been under any pressure from the HOD to change its language policy. Principal B said that each prospective learner has the right to education in his/her language of choice, but will also be co-dependent on the reasonable practicality of that language as the LoLT. Parents are the legal guardians and have the right to choose the language in which their child will be educated. The language policy of School B is, as mentioned, dedicated to teaching English as a language subject to promote multilingualism. School B and its SGB will go as far as possible to promote isiXhosa as another language subject that will provide the learners with basic use of the language. Lastly, School B will also go as far as possible to buy textbooks in English and isiXhosa to promote the use of these languages.

School C has Mandarin as a third language or SAL, but this is optional and is provided as an extramural subject. The speech community of School C is mainly Afrikaans and there are a lack of schools with an English-only or dual-medium language policy. School C also has language subjects as required by the LiEP (DoE, 1997a), CAPS (DBE 2011a, 2011b) and IIAL (DBE, 2013). This means that Afrikaans was their LoLT and their Home Language subject, whereas English was their First Additional Language and isiXhosa their Grade 1 to 3 SAL. Therefore, School C promotes multilingualism through English as an FAL and Mandarin as an SAL.

According to Educator C, the HOD had proposed a shift to a dual-medium language policy due to the inflow of black learners. School C rather decided to keep its current LoLT. Parent C also emphasised the community participation as a principal of their language policy. For parent C, the formulation of the language policy needs to be associated with the uniqueness of the respective school community. Educator C reasoned that “the problem with language policy formulation originates with the SGB”. However, Educator C added that “if this power is used according to the SASA and Constitution there would be no problem”. The medium of instruction must also “correspond with the language use in the community”. Principal C argued that the language policy of a public school must be formulated according to the Constitution, SASA, the Western Cape Schools Act and other regulations. Accordingly, the SGB is responsible for the medium of instruction and thus for the formulation and the revision of the school’s language policy. For Principal C, the policy needs to be communicated to the school community (learners, parents and staff) and inputs need to be gathered from the school community to formulate language policy.

5.8 Chapter summary

In this chapter I presented the core research finding of this study. E-mail interviews with parents, educators and principals were undertaken to capture their views on the phenomena of language policy and governance in public schools. The two research methods sought to capture the perspectives of the two phenomena. How participants view the language policy in public schools does not necessarily mean that this is their SGB's policy stance. However, this also does not mean their written language policy is nullified. It only indicates that a language policy has more elements to analyse. In the next chapter I will analyse these findings using the existing literature captured in Chapters 2, 3 and 4. Multilingualism is promoted by the Constitution through the acknowledgement of 11 official languages (RSA, 1996b:4) and needs to be incorporated in language school's language policies (DoE, 1997b:2). This logically necessitates that any school language policy, or other policy for that matter, must adhere to the Constitution as stated in section 2 (RSA, 1996b:3).

CHAPTER SIX

RESEARCH ANALYSIS

6.1 Introduction

This chapter presents the reader with an analysis of the findings that were introduced in Chapter 5. This analysis is guided by the central focus of the study, which is the interpretation of language policy and governance at three primary schools in the Western Cape. The findings will furthermore be analysed in accordance with the research methodology (Chapter 4) and in relation to the literature study (Chapters 2 and 3). In analysing the data, attention will be focused on the following primary themes, as captured in the main and sub-research questions:

1. Parental involvement and language policy formulation
2. Democratic school governance and language policy
3. The intervention of the HOD
4. The assistance of deliberative democracy to mediate the tension between the HOD and the SGB.

In this chapter, I draw upon a phenomenological paradigm in order to analyse the data in relation to the literature review (as discussed in Chapter 2), and the language policy (as discussed in Chapter 3). Thereafter, I pay due attention to the main research question, namely: Does governance and language policy in South African public schools provide an opportunity for deliberative democracy?

6.2 Parental involvement in language policy formulation

In Chapter 2, I highlighted the central importance of parents in relation to school governance, and their role in advancing a democratic agenda. One of these roles, which is the focus of this research, is the design and implementation of a school's language policy. The particular significance of employing a phenomenological inquiry in this study highlights how parents, educators and principals interpret and conceptualise parental involvement in language policy formulation and implementation in public schools. Phenomenology allows the researcher to tap into the essence of parents', educators' and principals' experience of parental involvement with regard to language policy formulation in the three sample schools.

As mentioned in Chapter 4, School A and B are HAS, which continue to have the financial resources to employ additional staff and expand resources. It was also evident that these two schools enjoyed support from local businesses, which allowed the school to offer bursaries and to extend their marketing appeal. SGB parents at

Schools A and B had post-matric qualifications, and are employed in the formal sector. This allows them to bring a particular skills set to their function and role in the SGB. School C, however, is historically disadvantaged and continues to carry the burden of economic inequity, with many parents not having the capacity to contribute to their children's learning, or to participate in the governance of the school. All the parents on the SGB had e-mail addresses, although I found that they did not respond to my initial e-mail in which I introduced my research.

Educator C reported that there was a lack of involvement by parents, which made it difficult to get a real sense of the parents' understanding and experience of the school, specifically in relation to the issue of language. Educator C confirmed that School C faced poverty and parents were less likely to participate in language policy formulation as a power of democratic school governance. While the three SGBs were required to implement the SA Schools Act (no. 84 of 1996) in the same way, and bring the same levels of expertise and competence to the functioning of the SGB, it was clear from the outset that the SGBs were not on an equal footing. The levels of knowledge and expertise in the SGBs of Schools A and B were different to those of School C. Hence, the experiences of these SGBs in terms of governance, and in terms of language policy formulation, were also different.

SGB parents had to make sense of their own views of their involvement in formulating language policy according to the Norms and Standards Regarding Language Policy Published in Terms of Section 6(1) of the South African Schools Act (DoE, 1997b:2) and the implementation thereof. The following stood out. Firstly, parents on the SGB indicated that their involvement in language formulation as an element of the larger project of school governance was important and necessary. This means that it is important and necessary to be an active member of the school entity, and any entity in South Africa for that matter. In this light, parent A said being an active member was meaningless if it did not contribute to the larger context of democratic participation. In other words, it would be counterproductive if active participation was not embedded in the democratic practices of a larger South African democracy. The inclusion of parents in decision-making and governance, as highlighted in Chapter 2, shows that they fulfil their functions better (Harber, 2004; Moggach, 2006:17, cited in Mncube, 2009). In the above statement, fulfilling their functions "better" would mean that they will govern a school according to the provisions of SASA.

However, if parents do not have the knowledge and skills to govern a school, or are uneducated overall, it is difficult for the SGB to fulfil its function. A new SGB had been elected at School C and it was the first time for some parents to govern a school. The interviews revealed uncertainties about their roles and functions, which, in turn, added to the role of the principal. Parent C stated that the parents in the SGB represented the best interest of the learners, but this was unattainable if parent-governors were unprepared to provide for this best interest. With the issue of language policy, the role of SGBs is especially important. Unless SGBs have a clear sense of who the school's

learners and communities are, and what their language needs are, the SGB cannot serve the best interest of learners.

Secondly, parents concentrated on the best interest of the learners when language policy was formulated and implemented, as experienced by Parent C. The emphasis on the best interest of the learner, argue Mncube *et al.* (2011:216), is that the involvement of parents could lead to better educational attainment, meaning that the parents of learners who are involved attain better results in their school life. This will directly lead to the benefit of the learner. The best interest of the child or learner can be traced back to section 28(2) as a constitutional provision in the Constitution (RSA, 1996b:11), which, of course, raises important questions about what can be considered as the best interest of learners. One could thus ask: What is the best interest of the learners at Schools A, B and C, and of learners in general? How far does the concept of the “best interest” of a learner in terms of language policy reach? Every learner in general has different language needs, and this is not just limited to the learners of that particular school. The best interest of the learners with regard to their language needs articulates that learners deserve mother-tongue education. Governors, therefore, need to work together to ensure that this right is untarnished by not discriminating against certain racial and minority groups, as is prohibited by section 6(3) of SASA (RSA, 1996a:11), which states that the language policy of public schools must not discriminate racially.

The Middelburg (*Laerskool Middelburg en ‘n ander v Departementshoof: Mpumalanga Department van Onderwys en andere*, 2002) and Seodin cases (*Seodin Primary School and Others v MEC of Education Northern Cape and Others*, 2005) showed us how important section 28(2) of the Constitution (RSA, 1996b:11) is when evaluating school governance in terms of language policy formulation. These two cases also highlighted that, when an SGB formulates its language policy according to the Norms and Standards (DoE, 1997b:2) and SASA (RSA, 1996a:11), every learner’s language needs must be taken into consideration, and not only the learners in the school. What is meant by this is that the language policy formulation and implementation cannot be used to exclude learners who are not in the school. It became clear that parents serving on these SGBs are in a perfect position to tap into the school and community’s language needs.

Following the above, Parents A, B and C maintained that they had the required knowledge and experience of their respective communities to make informed decisions about the language policy of their respective schools. They contended that the language policy of their respective schools meets the language needs of their communities and reflected the developing interests of their community. One cannot err the parents in their understanding of their role and functioning in relation to language policy formulation. They understand their mandate only as it relates to their specific schools – which is what SASA (RSA, 1996a) advocates. However, problems arise when their particular interpretations of the language policy are in fact not inclusive of all speech communities within their respective schools. Parent C, for

example, indicated that there was a general apathy among parents, which made it difficult for the SGB to have a real sense of the various language needs of the communities within the school. Likewise, Parents A and B had particular communities (and not all) in mind when they formulated the school's language policy. It is important therefore to consider these experiences against the backdrop of language diversity in South Africa. Specifically, do SGBs take into account the language diversity that exists in their schools? Do they have a sense of promoting multilingualism, or are they only interested in serving the immediate needs of a specific community? The issue surrounding parental involvement in language policy formulation relates to their ability to help (aid) language policy formulation and, in doing so, reflects the basic interests of their community. It thus became clear that parents see their own involvement as a bottom-up approach to language policy and planning, which now includes a variety of stakeholders. When a policy process is as inclusive as this, an SGB is one step closer to matching their language policy with the multilingual South Africa.

The formulation and implementation of a language policy requires specific expertise. None of the SGB parents interviewed revealed a clear sense of understanding language policy formulation, and certainly not in relation to a diverse and multilingual society. Parents, such as those on the SGBs of Schools A and B, might have particular skills and knowledge to govern a school, but they lack the expert skills to conceive and implement what the language policy requires. Because the education of parents on the SGB is insufficient (Mabasa & Themane, 2002; Van Wyk, 2004; Xaba, 2011), there is a possibility that parents could make use of the expertise of other parents. It is for this reason that Principal A thinks that the SGB ought to consist of expert people who have the total interest of the school community at heart and who represents the best possible education for their children.

Research shows that the education of parents on the SGB is directly proportional to the output of school governance (Mabasa & Themane, 2002; Van Wyk, 2004; Xaba, 2011), which shows that the SGBs of Schools A and B have an unfair advantage in school governance. The intention of this theme was partly to gain more information on how parental involvement could influence the act of language policy formulation and implementation. The lack of parent education in school governance could have an adverse effect on language policy formulation and implementation. The education of parents is not the only factor that influences school language policy formulation and implementation. The nature of the representation of parents will also have an effect on language policy formulation and implementation. In other words, if the language policy takes into account the needs or best interest of all its learners and communities, then the SGB has to engage with all of these speech communities.

It is important, therefore, to pose the following questions: do parents on the SGB represent all parents of the school community, or do they only represent the dominant culture and a certain parent corps? This precipitates directly to the meaning of a "school community". It seems as if the system created by SASA – a system in which school governance is vested in an SGB – is inherently flawed because of unequal

social capital. In this system, an SGB represents the entire school community; however, this is not achievable in practice. In this sense, “school community” does not include all parents and learners, but only includes those who are directly represented by the parents. Therefore, what is not clear from Parents A, B or C, however, is whether there is any sense of more than one community within their respective schools. So, while their experience might be that they are indeed acting in the best interest of the learners by virtue of taking into account the needs of their community, there does not seem to be a sense or recognition of the possibilities of other communities that, in fact, might have a different view the school’s language policy. Parents with different agendas could lead to factions within the SGB, which could lead to parents only representing a fraction of the school community. Parent-governors can only formulate language policy in terms of their own children’s interests as opposed to those interests of every learner in the school or the wider school community. The implication is that there is always a party that is excluded when language policy is formulated, and it is mostly at the expense of the learners.

Thirdly, another key finding with regard to parental involvement in relation to language policy formulation and implementation, as highlighted by Educator A, is that freedom of choice, and the power to live out one’s rights within the school context and the broader context of language policy-making, is important. Following the Constitution (RSA, 1996b), as well as the SA Schools Act (RSA, 1996a), parents have the right and freedom to insert their own perspective when the SGB is formulating language policy, as well as in their overall task of governing a school. Educator B prominently experienced that an SGB is a group of parents who seek to represent the entirety of the parent corps of the school. Educator B based his view on the ambitious SASA, which seeks to promote and represent every learner and parent of the school.

Yet this does not always happen as planned: not all parents are represented by the SGB, as I showed in the second point above. In many instances, parents who represent the dominant group in a school are the ones, who serve on SGBs. Section 23(9) of SASA (RSA, 1996b:32) states that the number of parent members of the SGB must be one more than the combined total of all the other members who are non-parent members. This is a legal commitment to parent representation in the SGB. SASA binds itself institutionally to promote parent representation on the logic that parent members of the SGB represent the entire parent corps. But increasing the number of parents on the SGB does not correlate directly with representativeness of the entire parent corps.

In other words, if an SGB consist of 12 people for a school of 1 200 learners – the principal, two educators, two non-teaching staff and six parents – it is highly unlikely that six parents will represent all of the approximately 2 000 parent voices. Moreover, the nomination and election process is such that, unless parents desire to see changes in a school – whether these pertain to language, or becoming more diverse – the same people, with the same interests will be elected onto SGBs. Minority groups, for obvious reasons, do not have the critical mass to vote for their own representatives, should

they so desire. This means that, while some parents, and hence some SGBs, are able to exercise their freedom and their choice in terms of language, other parents do not have this privilege. As a result, some parents have more freedom and choice than others.

Fourthly, the institutional arrangements for the involvement of parents in school governance are found in the First (DoE, 1995), and Second (DoE, 1996) White Papers on Education, as well as SASA (RSA, 1996a). In the light of these policies, certain parents understood their involvement in formulating the language policy as a form of co-operative governance, viz. SASA's "cooperative design" (Joubert & Van Rooyen, 2011:302) and the partnership governance of State and SGB (RSA, 1996a:1). The parents interpret these policies as a form of co-operation among parents, and the school, and between the school and the state.

Participation, as pointed out by Diamond and Morlino (2004), is of course a key factor in the creation of a democratic environment. Partnership and co-operation can lead to parents discussing their language policy interests with each other in an environment based on good faith. It is not clear whether every parent-governor is educated about language policy matters, and parents could be led emotionally when they must formulate a language policy. Partnership government is also an important key to the task of language policy formulation in public schools. The involvement of parents in the language formulation process could be strengthened through this possibility, because parties will work together to achieve a common goal or offer different and creative solutions to a common problem.

6.3 Democratic school governance and language policy

In Chapter 2, I showed that language policy formulation and implementation in public schools is not only a function, but also places the SGB in a position of power. In the ensuing section, a phenomenological inquiry aided me to understand if parents, educators and principals view language policy formulation and implementation as a function/power of democratic school governance, and also if they understand their role in this specific kind of school governance as it is stipulated in SASA.

In this regard, and firstly, Parent C commented that language policy formulation and implementation as power/function of democratic school governance, is when the SGB has the same power as the WCED or any other provincial DBE. This response problematises language policy as a function/power of the SGB. Although Parent C was the only participant who responded in this manner, it still raises questions about the stance of the SGB and DBE towards language policy in public schools, and who the stakeholders are who should formulate language policy. This comment suggests that the SGB and DBE need to have the same power when formulating language policy, i.e. should have a power balance. However, it is unclear from this comment

what is meant by “power”, but one can discern that the power to govern a school and formulate language policy must be a collaborative effort.

SASA states in section 16(1) and 6(2) (RSA, 1996a:11-32) that the governing of a school is solely vested in an SGB, and that the SGB may formulate language policy respectively. These two subsections of SASA never mention that the power to govern a school and to formulate language policy must be shared or distributed equally between government and the SGB. In Chapter 2, I mentioned that SASA decentralises school governance and seeks to create governance based on citizen participation, partnerships with the state, parents, learners and school staff, and community, and to devolve power to the individual school (Naidoo, 2005:29). It then follows that SGBs are democratic bodies due to the fact that members are elected, consist of a diversity of members, and comprise small-scale community participation. If the SGBs are naturally democratic entities, it also follows that any attempt to limit or equal their power to a second party could be labelled as undemocratic behaviour. In the light of the responses, it became clear that the participants valued democratic school governance and language policy formulation as a power/function of the SGB. There are certainly cases in which some members of the SGBs do not govern democratically and the HOD and other government parties have to take over that function or power. However, in Schools A, B and C, it seems from the responses of the participants that these members have insight into school governance and language policy formulation that correspond with the Constitution (RSA, 1996b) and SASA (RSA, 1996a).

To bind the notion of power to language policy formulation indicates, at least in theory, that an HOD and therefore the DBE cannot withdraw a power of an SGB, but only a function. In Chapter 2, I distinguished what could be seen as “powers” or “functions” of the SGB. To define language policy formulation as a power does not mean it is not a function, but to define language policy formulation in public schools as a function does not necessarily mean it is a power. It has been argued by Malherbe (2010) that the reason why language policy formulation is a power and not a function is the provision made in section 6 of SASA, and that it does not fall under the functions in section 20 or 21. However, in the second Mikro case (*Minister of Education (Western Cape) v Mikro Primary School Governing Body*, 2005), the SCA argued that, although language policy formulation does not fall under section 21 and, for that matter, under section 20 functions:

That [there is] no basis for construing ‘function’ as restricted to functions allocated to the governing body in terms of s 21 was to be found in the Act. The word ‘function’ in s 22(1) referred to any of the functions allocated to a governing body in terms of the Act. It followed that any such function might, in terms of s 22, be withdrawn. There could be no doubt that governing bodies were entrusted with the *power* to determine a language and admission policy, but that did not detract from the fact that it was their *function* to determine these policies (*Minister of Education (Western Cape) v Mikro Primary School Governing Body*, 2005: paragraph 38).

How is this then important for SGBs to fulfil their powers/functions democratically? One could easily ask: would democratic school governance be influenced by language policy being a power or a function? It is unclear from all the participants whether democratic school governance would be influenced if language policy formulation is seen as a power or a function. In addition, the participants' views on democratic school governance and language policy formulation rather indicates that language policy formulation must be seen as part of the project of democratic school governance.

Second, as Parent A pointed out, democratic school governance in terms of language policy formulation and implementation is a form of joint and active decision-making by many stakeholders. Diverse stakeholders, such as the SMT, SGB and parents on the SGB, can deliberate and make decisions that influence the school's language policy. This brings us to the question of inclusivity. Who must be included in school governance in relation to language policy formulation? All stakeholders have to participate in order to democratise the education system along managerial lines (DoE, 1995, 1996). Woolman and Fleisch (2008:50) argue that SGBs have an inclusive and participatory role, which fits into a larger project of participatory and direct democracy. But how can all parties participate, as commented by Educator A? Moreover, who/what decides which party or stakeholder must be part of school governance to formulate and implement language policy? The answer to these questions stems from section 23 of SASA (RSA, 1996b:29). This section explains who can be considered as members of the SGB.

Are the members of the SGB the only stakeholders who may participate in policymaking and the implementation of language policy? If one takes the provisions in SASA (RSA, 1996a) into account, governance is only vested in the SGB, which means the members of the SGB as a collective unit. This concept of inclusion is not based on the inclusion of the entire parent community. Although Educator A commented that all parties need to be involved, in reality this does not happen. I could not detect any communication with the larger parent community at Schools A, B or C. School C reported having problems with parental involvement that has an effect on language policy formulation and implementation, as well as other policies. Decision-making is seemingly limited to the members of the SGB, and not to the entire school community of the three schools. It is unclear how all parents can be involved in school governance and language policy formulation. The research participants did not indicate any collaboration with the rest of the parent community to formulate and implement language policy in these schools.

Third, Parent B noted that democratic school governance hinges on the election of the SGB. This is noteworthy because every parent, educator and principal has the right and opportunity to participate in the election of members of an SGB. Therefore, the school community decides who the best candidate is to perform the functions of a member of the SGB. The entire school community except the learners can participate to elect the best possible representative. This representative stands in a relation of trust towards the parent community when policy is formulated and implemented. As

discussed in the previous theme, parents are required to have a particular skills set by virtue of the roles and responsibilities of serving on the SGB. It is unclear on which basis parents are nominated – that is, whether the prerequisite knowledge is taken into account. In other words, it is unclear whether parents are adequately aware of what is required of them on the SGB, and the enormous responsibility and power that the SGB has in terms of policy formulation. It is also unclear whether notions of inclusive responsibility are taken into account so that all communities of learners are represented on the SGB.

Fourth, democratic school governance stems from provisions made in SASA and other applicable laws and policies, as mentioned by Parents A and C. In this case, I refer to how laws and other policies are set up. The policies and laws I am about to mention guide language policy formulation and implementation in public schools. These documents are the Constitution (RSA, 1996b), SASA (RSA, 1996a), NEPA (RSA, 1996c), LiEP (DoE, 1997a), C2005 (DoE, 1997c), Norms and Standards (DoE, 1997b) and NCS (DBE, 2002) and CAPS (DBE, 2011a, 2011b). It was clear that Parents A, B and C had knowledge of the Constitution and SASA. It was for this reason that they believed that school governance could only be democratic when this governance was according to these policies, but specifically SASA section 6(2) (RSA, 1996a:11), and then of course according to the Constitution, section 29(2) (RSA, 1996b:11). In Chapter 2 and 3 I discussed these policies and laws with regard to language policy in public schools.

6.4 Role and intervention of the HOD

In Chapter 2, I discussed that democratic school governance is vested in an SGB, which has certain functions and powers. One of these powers in public schools is language policy formulation. I also referred to what the powers of a provincial HOD are, and what his/her role is towards school policies. It is unlikely, however, that any of the participants would have had any direct contact with the HOD. HODs do not engage with schools in a direct fashion. Instead, communication and engagement (in terms of leadership, management and governance) occur via hierarchical structures of district-based circuit managers, who are situated within the pillars of institution, management and governance (IMG). Principals, therefore, engage with circuit managers, who engage with the head of IMG, who reports to the director of the District Office, who, in turn, reports to the respective provincial HOD. Given the numerous legal cases that have thus far centred on language policy issues in South African public schools – for e.g.:

1. *Laerskool Middelburg en 'n ander v Departementshoof, Mpumalanga Departement van Onderwys en andere*, 2002 (4) SA 160 (T)

2. *Governing Body, Mikro Primary School and Another v Minister of Education, Western Cape and Others*, 2005 (3) SA 504 (C)
3. *Minister of Education (Western Cape) v Mikro Primary School Governing Body* (140/2005) [2005] ZASCA 66
4. *High School Ermelo and Another v Head of Department Mpumalanga Department of Education and Others* (3062/2007) [2007] ZAGPHC 232 (17 October 2007)
5. *Head of Department : Mpumalanga Department of Education and Another v Hoërskool Ermelo and Another* (CCT40/09) [2009] ZACC 32; 2010 (2) SA 415 (CC) ; 2010 (3) BCLR 177 (CC) (14 October 2009)
6. *Hoërskool Ermelo and Another v Head of Department of Education: Mpumalanga and Others* (219/2008) [2009] ZASCA 22; 2009 (3) SA 422 (SCA) ; [2009] 3 All SA 386 (SCA) (27 March 2009)
7. *Governing Body, Hoërskool Overvaal v Head of Department of Education Gauteng Province* 2018 JDR 0005 (GP)

I was, however, interested in gaining insights into how the research participants understood the role and responsibility of the HOD in relation to the stipulations of SASA, with a specific focus on the design and implementation of a school's language policy. In Chapter 2, I stated that the HOD has a role with regard to school governance and language policy formulation. According to SASA section 2(2) (RSA, 1996a:6), the powers of the HOD and MEC are the following:

... A Member of the Executive Council and a Head of Department must exercise any power conferred upon them by or under *this Act*, after taking full account of the applicable policy determined in terms of the National Education Policy Act, 1996 (Act No. 27 of 1996).

As a starting point, the power of the HOD (or State) is limited by this section of SASA, while an SGB is empowered by SASA sections 20, 21, 6, 8, 9 (RSA, 1996a). This statement is corroborated by the wording of section 2(2), which explicitly mentions that an HOD must take into account the policy of the school that the SGB has formulated before making decisions: it is for this reason that section 16(1) of SASA (RSA, 1996a:23) empowers the SGB to govern a school and formulate school policies such as the language policy, admission policy and religious policy (RSA, 1996a). This applies if the SGB has the capacity to govern a school and fulfilling its functions/powers/responsibilities as it is stipulated in SASA (RSA, 1996a). As I mentioned in Chapter 2, there are many challenges that cause an SGB to be dysfunctional, viz. parental education (Mabasa & Themane, 2002:112; Van Wyk, 2004:53; Xaba, 2011: 201) and the power relations of stakeholders (Heystek, 2004:309). One cannot say which party has the most power; according to Joubert and Van Rooyen (2011:302), SASA is designed co-operatively, embodying a "compromise" between a "centralized and decentralized system". Smit (2011:403) agrees with this notion by emphasising the partnership between the state and school

governance. The concept of in “partnership with the State” occurs in the preamble to SASA (RSA, 1996a:1). It is now clear that there is no monopoly of power in school governance with regard to language policy.

As stated in Chapter 2, the intervention envisioned by the HOD may only take place according to sections 22 and 25 of SASA (RSA, 1996a:31-35). It is important to note that these two sections limit the power of the HOD because he/she is not supposed to intervene outside these sections. Broadly speaking, section 22 states that an HOD may withdraw any function of the SGB under certain circumstances, with necessary and prior communication (RSA, 1996a:31). Section 25 states that, when an SGB has failed to fulfil any function that is delegated to it by SASA, the HOD may appoint sufficient persons to fulfil such functions for no longer than three months (RSA, 1996a:35). However, past actions, such as those implemented by the HOD against schools, such as the Middelburg case (*Laerskool Middelburg en 'n ander v Departementshoof, Mpumalanga Departement van Onderwys en andere*, 2002:171, 172 and 176), the second Mikro case (*Minister of Education (Western Cape) v Mikro Primary School Governing Body*, 2005: paragraph 66) and Overvaal (*Governing Body, Hoërskool Overvaal v Head of Department of Education Gauteng Province*, 2018:48), show how the provincial DBE has acted outside of the parameters of SASA. I further look at the perspectives of research participants to illuminate the role of the HOD with regard to language policy formulation.

Parents A and B are in agreement that precautions can avoid the intervention of the HOD in school governance and language policy formulation. Firstly, according to Parent A, because an HOD is in an administrative and political post, he/she does not have the necessary contextual knowledge to formulate language policy. Contextual knowledge is necessary to formulate a language policy that best suits the learners and school community. This specific form of knowledge includes the language needs of the learners, the teaching and learning space, parents education and preferences, as well as the skill level of the educators. An SGB is better positioned socially to formulate language policy than the HOD. One therefore can infer that an SGB has particular knowledge of, and insights into, its school community, which the HOD would not necessarily have. In this regard, Parent B argued that the HOD must do a situation analysis before he/she could even think of intervening in school governance and language policy formulation. This situation analysis would supply the District Office with information about the context of a potential problem, on which they could then report back to the HOD.

Parent B emphasised that, if an SGB “runs smoothly”, there is no reason for the HOD to intervene. He added that, if stakeholders are “happy”, the HOD need not intervene. In this case it is difficult to determine what is meant by “smoothly” or “happy”, as these are subjective notions. It is also unclear if one could interpret this as an SGB fulfilling its functions according to SASA (RSA, 1996a). However, the word “smoothly” with regard to the mechanics of an SGB and language policy formulation could denote a capable and functional SGB. According to Parents A and B, it seems logical to assert

that the current functionality of the SGB entails behaviour that would not attract intervention by the HOD. This functionality would then refer to the SGB fulfilling its functions and responsibilities according to SASA (RSA, 1996a).

Secondly, Parent B, on the other hand, focused on the role of the HOD. According to him, the HOD may only intervene in times of crisis, which means that there have to be significant and physical signs of ill-governance. Participants identified “time of crises” with regard to language policy and school governance as language policy that discriminates against learners, an admission policy that excludes learners in terms of language and race, the disempowerment of learners and members of the SGB, mismanagement, irregularities (in terms of finance), democratic rights, disobeying law and policies. The role of the HOD will then be to follow sections 22 and 25 according to SASA (RSA, 1996a:1-35). In the light of the role and function of the HOD, Parent C from School C argued that the HOD should always be in control. Furthermore, if there are power imbalances between the SGB and the HOD, the notion of co-operative governance would not be furthered. I hereby argue the HOD could possibly serve as a leader for governance in South African schools. This could only happen if the two parties respect each other, which would form part of sound communication and deliberation.

Co-operative governance implies that there is a sound relationship between the DBE and the SGB, in which the DBE respect the rights of the SGB as contained in SASA (RSA, 1996a), and vice versa. Respect does not mean that the HOD never intervenes per se: respect only refers to the way in which he/she intervenes. It rather means that the HOD has a set of functions and responsibilities that are applicable to all the schools and SGBs across the province, which in this case is the Western Cape. It is thus the responsibility of the HOD to intervene in the governance of public schools (i.e. withdraw a function) not if he/she sees it fit, but rather on “reasonable grounds”, and when the HOD has “informed” the SGB of his/her intention and reasons for the withdrawal (RSA, 1996a:31). To “inform” an SGB does not correspond with the notion of deliberative democracy, because there is no form of argumentation about the dispute, which indicates that deliberation ought to be from two sides and not only from the side of the HOD. Additionally, the fact that section 22 allows an SGB to make representations with reasonable opportunity cannot be a cornerstone of a deliberative democracy (RSA, 1996a: 1-35). Deliberation is a free and open act, and an SGB must be given the opportunity to freely deliberate and argue for its point of view during this process, and not afterwards. It seems as though the SGB must do something under enormous pressure, which will take wilfulness and consent out of consideration.

The past shows us that the notion of respect is also too narrow to define the relationship between the SGB and the provincial HOB from the point of view of the SGB. This also brings into question the nature of the intervention by the provincial HOD and the role it plays in school governance. If we look at case law, and perhaps the second Mikro case (*Minister of Education (Western Cape) v Mikro Primary School Governing Body*, 2005), Middelburg (*Laerskool Middelburg en ‘n ander v*

Departementshoof, Mpumalanga Departement van Onderwys en andere, 2002), Ermelo (*Hoërskool Ermelo and Another v Head of Department of Education: Mpumalanga and Others*, 2009) and Overvaal (*Governing Body, Hoërskool Overvaal v Head of Department of Education Gauteng Province*, 2018) -cases, it seems as if the HOD uses section 29(2) of the Constitution (RSA, 1996b) as a smokescreen for political influence. An HOD is appointed by a provincial government, which is ruled by a certain party: due to party affiliation, an HOD is expected to have certain virtues and act in a certain way, which could be in contrast to any law and statute and to the benefit of the political party. Political influence thus has the power to curb and destroy democratic school governance as it is vested in the SGB with regard to language policy.

It is for the above reason that the rule of law is of the utmost importance when the role and function of the HOD within school governance is considered. It came to my attention that the participants valued the Constitution and SASA (RSA, 1996a), which could lead to mutual respect. However, the past has shown us that the relationship between the HOD and his/her team and the SGB may vary. On the one hand, the SGB has the right to govern a school. Although this is a right, it is limited by sections 22 and 25 of the Constitution (RSA, 1996b). In the cases of Middelburg (*Laerskool Middelburg en 'n ander v Departementshoof, Mpumalanga Departement van Onderwys en andere*, 2002), the first Mikro case (*Governing Body, Mikro Primary School and Another v Minister of Education, Western Cape and Others*, 2005), the second Mikro case (*Minister of Education (Western Cape) v Mikro Primary School Governing Body*, 2005), second Ermelo case (*Head of Department : Mpumalanga Department of Education and Another v Hoërskool Ermelo and Another*, 2009) and Overvaal case (*Governing Body, Hoërskool Overvaal v Head of Department of Education Gauteng Province*, 2018), the HOD and his/her team abused his/her right to withdraw the function to formulate language policy and employed sufficient people to take over this function. This function could only be withdrawn if the SGB failed to fulfil the function, which in this case did not happen. It is thus too narrow to link respect to the intervention by the HOD. The HOD can respect the SGB and still intervene, because it is his/her right. Disrespect for the relationship, or just for the SGB in general, is rather something that comes forth when an HOD allows political influence to determine his/her course of action. Further disrespect would be that this influence could harm the functionality of the SGB with regard to language policy development.

Thirdly, the number of years a member has served on the school's SGB does not translate directly into better functionality of the SGB when it formulate a language policy. Language policy formulation with regard to the Norms and Standards (DoE, 1997b:2) requires a deep and intense analysis of the language situation in a school. Language policy formulation is directly related to the "nearest school principle", as noted by Principal A, which means that a language policy ought to answer to the language needs of the community. According to Principal A, the role of the HOD will be to allocate learners to schools despite the medium of instruction. Educator C agreed with this. He believed that an HOD could empower learners if, as noted by

Parent C, the child is influenced negatively. It is thus clear that Parent C thinks the HOD must have the best interest of the learners at heart, as in terms of section 28(2) of the Constitution (RSA, 1996b:11). The principle of legality and the concept rule of law does not provide the full answer. Because an HOD does not deal with every school in his constituency or province, it is debateable how he/she regards the best interests of every learner in the province. However, as I showed in Chapter 3, the best interest of the learners with regard to language policy formulation could be a smokescreen for political influence, meaning that they could, possibly, use the wellbeing of the learners for personal gain. Therefore, when it comes to the empowerment of learners, the HOD ought to have the best interest of the learners at heart, but this is impossible. When the HOD promotes the interest of a school, there are always schools that are left behind. So an HOD should empower the learners by revoking the SGB's function and employing people to fulfil that function if the SGB neglects the interest of the learner corps of the school.

Fourthly, as Parent C noted, the HOD and the DBE must hold workshops to educate governors with regard to language policy formulation. The provincial DBE has induction training for newly elected members of the SGB. Furthermore, sporadic training sessions are provided during the year to which SGBs are invited. FEDSAS also supplies SGBs with training that has the potential to better the functionality of the SGB. FEDSAS is an active entity that wishes to promote quality school governance. It is unclear if the training received from it is enough to guide language policy formulation. Parent C noted that it is necessary for the provincial DBE to hold "workshops". The reason why this is important is for communication and deliberation between the provincial DBE and SGBs. In these training sessions, the DBE could communicate and deliberate with the SGBs on what they expect from the SGBs, and vice versa.

6.5 School governance and deliberative democracy

Deliberative democracy is a direct form of democracy in which there is an emphasis on deliberation/argumentation, which has a profound impact on decision-making (Gutmann & Thompson, 2004). This theme emerged through asking participants how deliberative democracy could assist SGBs in mediating the tension between SGBs and the HOD office with regard to school governance and language policy formulation. Issues with school governance and language policy in schools refer to problems relating to the autonomy of SGBs and interference in democratic school governance. Participants started with what they defined as deliberative democracy. All the participants defined deliberative democracy as "communication", which indicates a more inclusive act than deliberation. However, the participants differed on how they understood "communication". To start with, I used Rostbøll's (2001:166) definition of deliberative democracy, which argues that deliberative democracy is a form of direct

democracy and its legitimacy lies in public deliberation. To further deliberative democracy as a concept, I argued that deliberation is the rational justification of argumentation (Gutmann & Thompson, 2004:3; Smith, 2011). Young (2001) furthers this notion by arguing that communication rather than argumentation or deliberation needs to be at the core of deliberative democracy. The reason she gives is that argumentation could be mutually exclusive (Young, 2001:56). The responses of the participants showed an openness to dialogue in which one can talk freely about differences and exchange thoughts and insights about educational matters: in this case it would be language policy formulation. Language policy formulation could only be democratic if there were collaborative decision-making that sprouts from a form of deliberation. This is what SASA envisions to do (RSA, 1996a). In the light of this information it is too narrow to view language policy formulation as exclusively the responsibility of the SGB. It suggests that there must be co-operation and collaboration to formulate language policy in public schools.

A communicative democracy is an expansion of the logic of a deliberative democracy (Young, 2001). Participants were able to identify communication as a free and equal act through which they can talk about their differences in an open fashion. Deliberation is sometimes seen as an exclusive form of interaction: in the communicative model, every voice is included because argumentation implies a certain form of interaction that could exclude those who do not want to argue about certain aspects. When one is communicating to solve conflict or tension, one asks the other why he/she holds a specific view. In the light of this, it seems that communication is unhindered because the other always asks why a person holds a certain point of view, and the process is reciprocal.

Deliberation presumes something that is to be argued. If deliberative democracy is to solve language policy-formulation issues, deliberation as such must also be valued. Deliberation must be both constitutive and have a mediating ability leading to virtuous actions. This, in essence, correlates with the distinction Rostbøll (2001:169) makes between procedural and substantive deliberative democracies. As Parent A noted, deliberation solves problems, and questions the moral foundation of communication or deliberation. Deliberative democracy therefore will lead to positive outcomes as a language policy is deliberated. For positive outcomes in language policy to be reached, parties need to have mutual respect. It is unclear what Parent B meant with mutual respect. Mutual respect, in this response, can imply that one listen to the other about two things, namely language inputs and how multilingualism needs to be promoted at the domestic and community level.

Secondly, deliberation is used as a medium to transmit virtues like “good relationships, transparency, honesty, mutual respect and inclusive participation”, according to Parent B. Parent C also mentioned an equal opportunity to deliberate and communicate with each other. It is unclear if these parents implied a predestined consensus which is in all honesty not necessary for deliberation but could benefit decision making. In this case, the transmission of common virtues leads to a new

concept of consensus i.e. dissensus, which does not necessary imply the “best argument”. If parties argue from the same virtues, they would want the same or the best for a school and its learners. If there is a common problem such as who ought to set language policy in schools, the parties need to consider this problem from the common virtues, as argued by Parent B. If these virtues are respected, the parties would attempt to solve the common problem. Educator A argued that the Constitution (RSA, 1996b) must be the grounding principle for deliberation as a value-orientated endeavour. The Constitution (RSA, 1996b) focuses on the following virtues:

The Republic of South Africa is one, sovereign, democratic state founded on the following values:

- (a) Human dignity, the achievement of equality and the advancement of human rights and freedoms.*
- (b) Non-racialism and non-sexism.*
- (c) Supremacy of the constitution and the rule of law.*
- (d) Universal adult suffrage, a national common voters roll, regular elections and a multi-party system of democratic government, to ensure accountability, responsiveness and openness (RSA, 1996b:3).*

If these virtues are to be respected, one would not only mediate language policy problems easier, it would foster virtues that welcomes continues unconstrained deliberative action. This does not always have to mean that a problem is solved as such or decision is made, but to communicate and deliberate freely, in advance of a problem, could already imply a problem that is solved. Therefore, it came to the fore that virtues such as respect would lead to a better situation in which deliberate action could flourish. Thirdly, Educator C made an interesting point when he argued that deliberative democracy would aid SGBs and the office of the HOD to not view court proceedings as an option initially. It is true that a court could give a fresh and legitimate perspective to issues pertaining to language policy formulation and school governance. However, I agree with this educator that court cases in which schools are involved make a spectacle of the education sector. It could lead to a public that is ill-informed and that thrives on sensation, and who do not share values that would increase the capability of a deliberative democracy. Deliberation and communication are then proposed by Educator C and other participants as means to transcend issues that arise in language policy formulation and school governance. To begin with issues of language policy formulation and school governance per se, would not even be a “problem” if there was a culture of deliberative action. In this case, like I mentioned before, deliberative democracy would lead to common virtues which does not necessarily lead to consensus i.e. where there is agreement, but could in all awe lead to dissensus which would promote debate and further deliberation.

According to the aforementioned perspective, this tension was created by new legislation that seemed to limit the powers of an SGB, and the fact that SGBs needed

to go to court before they were forced to do what the educational authorities wanted them to do (Clase *et al.*, 2007:249). The Basic Education Laws Amendment Bill (DBE, 2017) is new legislation that seeks to curb the power of SGBs. This could have adverse effects on the relationship between an HOD and an SGB and cause further tension. Another important factor highlighted by Le Roux and Coetzee (2001:42, cited in Clase *et al.*, 2007:250), is the expectation that the DBE creates when it introduces a policy the actual implementation thereof. Karlsson (1998:45, cited in Clase *et al.*, 2007:250) says that there are no formal mechanisms through which to build the relationships as SASA (RSA, 1996a) seeks to promote.

Another benefit of deliberation rather than a court case, for example, is the cost-effectiveness of deliberation. The absence of deliberative democracy will lead to a court case, which according to Educator B does not benefit education and causes a spectacle. The media could portray a false image of what happens in schools, or a false image of the relationship between an SGB and the HOD. The HOD of the provincial DoE does not have contextual knowledge about the school and could only receive more information if he/she participates in deliberation. Principal C also iterated that discussions and consultations may have fruitful outcomes if minority groups are included. The inclusion of minority groups will lead to a democratic situation.

Using phenomenological inquiry, deliberation means that every participant comes to the discussion with his/her own language, beliefs and experience. This influences deliberation because everybody has a different value and virtue structure that guides their experiences and points of view. This means every participant experiences language and language policy differently. Each participant is embedded in a system of intentionality and a horizon of experience that is the context of their view (Van Niekerk & Rossouw, 2006:19). Context helps to understand why certain people have the views they have about language. It is in the light of the above discussion that I deduce that deliberation will bring these creative views about language policy together. Deliberative democracy cannot only assist the SGBs relationship with the HOD but can foster a deliberative culture where deliberation and debate is welcome. However, the scope of the research only allows me to report what the SGB and the participants can do from their side to improve their relationship with regard to language policy and school governance.

During the interviews with the participants it became clear that they respected deliberative democracy as a solution to the tension that could possibly exist between the HOD and an SGB with regard to language policy. Participants interpreted deliberation as a form of communication. Communication refers to something more than rational argumentation of points of view. In the past, tension between the HOD and SGB usually occurred when a party felt threatened. This may lead to situations that could harm the learners and members of the SGB. The tension between SGBs and the HOD with regard to language policy is superficial, because it is created by individuals when they struggle to find common ground with minority groups. In this case, common ground would be a common goal or common problem. A common

problem would imply that parties have the opportunity to work together to solve that problem. But parties need to have a willingness to solve conflict: they must be willing to set aside differences to be better off than an alternative (Warntjen, 2010:667). This is not to say that this one party will hold a “better argument” than the other, or the “better argument” would be the objective goal of all conflict.

Bohman (1996, cited in Pellizzoni, 2001:75) asserts that deliberation could be a solution to deep-lying problems. Secondly, the participants believed that deliberation as a form of communication and discussion was healthy: healthy deliberation will then lead to a future where there are no hidden agendas, meaning they will always know where they “stand with each other”. Participants showed a commitment to deliberative democracy, even if there was no problem that needed to be resolved. In this regard, Principal B noted that regular communication with the HOD or provincial DoE is a form of a healthy relationship. So, too, Principal A made it clear that co-operation would necessarily lead to the best interests of the learner. Therefore, participants viewed communication (as a two-way street) as important to foster good relationship between the DoE (HOD) and an SGB. The participants’ responses articulated the inherent and bona fide nature of deliberative democracy: through their responses, the participants implied that, if they kept their word and accepted the responsibility, the bona fide nature of deliberative democracy would prevail. Because I used e-mail interviews, the participants had the opportunity to reassess their responses: this gave open responses that are practical examples of their commitment to deliberative democracy. One therefore could argue that the participants valued a shared and common virtue such as “openness”.

The question led to the acknowledgement of the same problem, i.e. tension between an SGB and the HOD with regard to language policy. Responses showed that “openness”, “willingness” and “respect” to work towards a contextual agreement belonged to a deeper appreciation of an understanding and acceptance of multiple arguments. As Parent B stated, “open communication” and respect for each other’s views are important to reach an agreement with regard to language policy in public schools. In this regard, every school is in a unique situation and relationship with the provincial DoE and therefore HOD: a contextual agreement will then suffice (Pellizzoni, 2001:80). The body of court cases with regard to language policy and school governance will only serve as a guideline to help the SGB in its pursuit of deliberative democracy in this sample. Deliberative democracy will aid SGBs to reach agreement, which will require common virtues to solve common problems with regard to school governance and language policy. Yet again, court cases in the past showed both the SGBs’ and HOD’ inability to consider common problems from a common value structure.

Educator A mentioned that deliberation can lead to more informed and “better” decision-making. Deliberation is beneficial for various reasons, viz. it could be used as both a means to an end and an end in itself. This, as mentioned above, implies a “consensus” that is needed, otherwise a decision cannot be made. The conceptual

framework of Chapter 2 revealed an analysis of the term “consensus”: it suggests a contextual agreement. For informed and “better” decision-making, Educator A suggests that one has to consider contextual reasons and justifications that would be would lead to a ‘relative’ consensus which support unique school-based contexts.

“Reasonable discussion” will lead to fruitful insights regarding the relationship between the HOD and the SGB. Therefore, the participants view that deliberative democracy is a solution to this type of tension. Parent A emphasised that “dialogue” is a solution to tension: in this way, deliberation is a means to foster reciprocity. Deliberative democracy leads to shared virtues, such as respect, good relationships and transparency, honesty and inclusive participation, but it must be grounded in “rules and regulation”, i.e. the rules of engagement. Therefore, as Pellizzoni (2001:80) argues, deliberation is the transference of common values and virtues. Mutual goals could also lead to consensus. Deliberation will empower parents and the SGB to equalise power imbalances, where parents – as representatives of the SGB – will have the same bargaining power as the HOD.

Educators collectively emphasised the “persuasion” of a party, which implies that the “better argument” will lead to better decision-making, as noted by Risse (2000, cited in Warntjen, 2010: 670). This persuasion works via an understanding of each other’s points of view, which creates a “win-win” situation. One can only convince another person once they understand your point of view. In this case, the HOD and the SGB need to deliberate if, as Educator A noted, virtues are to be upheld according to the Constitution (RSA,1996b). A third-party mediator could possibly be an answer to conflict, but as Educator C noted, deliberation will necessarily lead to a situation in which parties do not need to go to court, even though Gale (1999: 397, cited in Ncgobo, 2012:185) states that judges become co-writers and even produce new formulations of language policy through “inter-discursive struggle”.

Principals A, B and C experienced parental involvement as a solution to tensions that may arise between an HOD and SGB by using deliberation and discussion. I will highlight the importance of deliberative democracy in the next few themes, but preliminary thoughts on deliberation provide an opportunity for growth in a relationship or partnership. The involvement of parents in the language formulation process could be strengthened with this possibility, because parties will work together to achieve a common goal or give different and creative solutions to a common problem. An example of a common problem could be the relationship between the HOD and the SGB, and a possible way to resolve that problem would be to create opportunities to deliberate and to discuss issues relating to language policy formulation in public schools.

In this discussion it becomes clear that deliberative democracy is valued for the unrestrained debate it fosters. A tension between a HOD and an SGB are only evident because a deliberative culture is absent. This directly leads to respect. If these parties do not respect each other, it would be difficult to deliberate and debate in the first place. The essence here is not to search for consensus, but more a situation where parties

could deliberate freely with mutual respect and other virtues. Participants mainly saw deliberative democracy as a “means” to resolve of “mediate” conflict which is problematic for the task of deliberation and deliberative democracy. Deliberative democracy is inherently good i.e. it could lead to the good life. Therefore, deliberation can be seen “means” to resolve conflict or tension but is not limited to it. Parties must rather strive for active engagement with one another than to depend on their individual rights as an SGB and HOD as such, evoking legalistic action. Although, SASA provides a framework for the rights and responsibilities of an SGB and HOD in particular, this does not make them less equal within a debate. Every deliberative action rests on equality and involves active participation and engagement. Parties could have different views which will inevitably lead to dissensus, but would cultivate further debate. Therefore, the term “consensus” is not the idea behind deliberative democracy. Rather, an SGB and the HOD must focus on active engagement and seeking to “find each other” on an agreement that is based on disagreement.

6.6 Policy analysis

As mentioned in Chapter 4, I use a phenomenological inquiry to understand “governance” and “language policy”, i.e. to bracket these phenomena and focus on the participants’ experiences of language policy in the three sample schools. Bernstein (1976, cited in Dryzek, 1982:322) argue that a phenomenological inquiry could be reconciled with a policy analysis by reconstructing lived spaces and describing phenomena. Neale (2016, cited in McIntosh & Wright, 2019:4) and Wright (2016, cited in McIntosh & Wright, 2019:4) confirm that the concept “lived experience” has been used in social policy to encapsulate subjective experiences in empirical inquiry. The intended policies I look at in this policy analysis starts with the Norms and Standards (DoE, 1997b:2), and then spills over to the use of section 6 of SASA (RSA, 1996a:11) and ultimately the Constitution (RSA, 1996b:4).

I chose the Norms and Standards (DoE, 1997b:2) as the policy to analyse because it is the only policy document that offers information on how an SGB must formulate language policy in schools. It mentions that, when SGBs formulate language policy, they first need to give adherence to the Constitution (RSA, 1996b:14-15), and then describe how they intend to promote multilingualism with the language policy, what language subjects they will have, and what language programmes they will be using (DoE, 1996b:2). I ventured further to ask how each participant views the Norms and Standards (DoE, 1997b:2) as an instantiation of the language policy of their own school. This includes the perspectives of the participants and how they think their school language policy will promote multilingualism. Each participant from the same school will have a different perspective, because this perspective is not localised within the actual language policy of the school. Therefore, I did not view the language policies of the schools because I was interested in how each participant thought their language

policy would promote multilingualism. As articulated in Chapters 4 and 5, the Norms and Standards (DoE, 1997b:2) provide an overarching horizon and principles on which each participant's experience of their language policy rests. The Norms and Standards in relation to a school's language policy aided me in capturing creative insights into how the participants perceive these norms.

A description of phenomena already evaluates what it describes. When one is describing a phenomenon, one is already evaluating what the phenomenon appears to be within consciousness and what that phenomena are excludes when essential and positive meaning is created. Thus, when a phenomenological inquiry is employed, one is looking at how "language policy" and "school governance" manifest in policy practice – specifically as implemented by SGBs. Phenomenological inquiry can evaluate a policy by analysing the thought or consciousness behind that policy. This will then seek to find the thought and architecture behind a language policy, i.e. the policy intention.

The intention of the Norms and Standards (DoE, 1997b:2) is to provide an outline of what is expected nationally from SGBs with regard to language policy. In essentialist terms, the intention of this policy is based on the need for the SGB to provide sufficient proof of how it will promote multilingualism. To start with, South Africa has a Constitutional commitment towards multilingualism in education. This is proven by section 29(2) of the Constitution (RSA, 1996b:15). If every learner in this country has the right to be educated in his/her language of choice, and the LoLT of every public school in South Africa must be an official language, according to the LiEP (DoE, 1997a:1), the expectation of members of society would be to receive this education. However, if one looks at case law regarding school governance and language policy in public schools, it seems as if this is not the case. Judging from the amount of case law that exists in South Africa with regard to language policy, it seems as if South Africa has a deeply divided society when it comes to the acknowledgement of official languages.

The norms also suggest that SGBs must state how they intend to promote multilingualism in their language policy more clearly. The fact that the Norms and Standards (DoE, 1997b:2) only state that an SGB must indicate how it intends to promote multilingualism and does not provide methods to do it, is a problem. There are no visible guidelines on how SGBs must go about promoting multilingualism in their language policy. And even if it did, the policy also does not indicate what supplementary and advisory actors must be involved in formulating language policy in schools, e.g. PANSALB. One could definitely argue that an SGB does not necessarily have the same language skills and knowledge as a language advisory body. Therefore, SGBs are vulnerable in language policy formulation, and this creates opportunity for parties to misuse the governance of SGB with regard to language policy. It seems as if the norm is to settle disputes over issues of governance and language policy in public schools in the courts.

The Norms and Standards (DoE, 1997b:3) seeks to endanger the democratic fibre of an SGB:

(2) Where there are less than 40 requests in Grades 1 to 6, or less than 35 requests in Grades 7 to 12 for instruction in a language in a given grade not already offered by a school in a particular school district, the head of the provincial department of education will determine how the needs of those learners will be met, taking into account [inter alia] –

...(e) the advice of the governing bodies and principals of the public schools concerned. [My own emphasis] (DoE, 1997b: 4)

This means that the DBE “will determine how [these] learners’ needs will be satisfied” and they will only “take into account” the mere “advice of the governing bodies”. This jeopardises the SGB’s right to set its own language policy (in terms of section 6(2) of SASA). Therefore, this extract poses a threat for the autonomy of the SGB to set language policy.

Additionally, the Norms indicate collaboration between the SGB and the provincial HOD and DBE:

the governing body of the school [**in consultation**] with the relevant provincial authority determines the language policy of the new school in accordance with the regulations promulgated in terms of section 6(1) of the South African Schools Act, 1996 (Own emphasis) (DoE, 1997b:5).

According to section 6(2) of SASA, the SGB of a public school has the authority to set a public school’s language policy, subject to the Constitution and any other provincial law. Section 6(1) of SASA states that the Minister of Education may determine norms and standards for language policy in public schools. The understanding of this section is that the norms and LiEP (DoE, 1997a) must be dependent on section 6 of SASA.

However, deliberative democracy might not only prevent parties from going to the courts, but could foster common virtues with regard to language policy formulation in the South African education sector. Common virtues will not only affect decision-making, but also change the outcome of certain policy disputes. A constitutional commitment to language policy formulation in public schools is an institutional step towards deliberative democracy. Given that the Constitution hinges on principles like human dignity, equality, freedom, non-sexism/non-racism, rule of law, openness, accountability and responsiveness (RSA, 1996b:3), it is compulsory for other policies to contain the same logic. Deliberative democracy promotes the same virtues. Therefore, a policy that rests upon the Constitution opens a new opportunity for deliberative democracy. The likelihood of incorporating deliberative practices in language policy formulation in South African public schools hinges on an analysis of LPP (language policy and planning) practices.

To promote multilingualism would then basically entail accommodating the language needs of the school’s speech community. Just like South Africa’s LPP endeavour

seems valorous, the Norms and Standards (DoE, 1997b:2) and the LiEP (DoE, 1997a) falls into the same category. At face value, it seems that the participants interpreted policy actors (those so set up education policies such as the DBE) as a determinant to language policy formulation in public schools. Principal A stated, as proclaimed by SASA, that an SGB has the power to formulate language policy in public schools: this assertion is in line with SASA sections 6(2) and (3) (RSA, 1996a:11). And according to these two subsections, the SGB is the most vital actor in the formulation of language policy in public schools.

One could reason that the SGB is then the most important actor in language policy formulation in a public school. Accordingly, Principal A clearly stated that the SGB has the “power” to formulate language policy: this is an introduction to the “language policy as a function vs. power” debate. The implication of his statement is as follows: if language policy is a power of the SGB (it is an original power, i.e. it receives its power to govern from SASA and it is not passed down from any other body or sphere of government), then by definition, and theoretically, the HOD cannot withdraw this power because sections 22 and 25 of SASA (RSA, 1996a: 30-33) state that the HOD can only withdraw a “function”. To summarise this point, if language policy formulation is an outflow of school governance, as is meant by section 16(1) of SASA (RSA, 1996a:22), then this is an original power and theoretically “absolute”. However, the words of the SCA in the second Mikro case (*Minister of Education (Western Cape) v Mikro Primary School Governing Body*, 2005: paragraph 38 and 39) are integral: “There could be no doubt that governing bodies were entrusted with the *power* to determine a language and admission policy, but that did not detract from the fact that it was their *function* to determine these policies”. This extract then confirms that an SGB’s power to formulate language policy is indeed “relative” and not absolute. This also does not mean the HOD can withdraw this function/power without any reason or proof that an SGB has failed to perform that function/power, but if there is sufficient proof of an SGB that uses its language policy to exclude certain race groups, it is in the rights of the HOD to withdraw that function/power according to SASA (RSA, 1996a). The HOD must also follow the right administrative process.

Participants also stated that the community needed to be involved in language policy formulation, i.e. the parents had to be involved. Although Ball (1993:12) clearly states that an analysis of policy stakeholders does not predict policy outcomes, in this case it shows us the importance of democratic policy formulation by including parents in the process. If multiple actors participate in language planning and policy, it leads to democratisation, with special reference to the process of LPP after Apartheid. The call of the Department of Arts and Culture (2003a:13) to private enterprises to participate in the language policy endeavour to ensure equitable language practices is an example of asking for co-operation from various stakeholders. Similarly, policy arrangements need to be communicated to various stakeholders to foster equal and democratic participation in order for them to manage policy inputs and their outcome.

The same response came from Educator A, who stated that the learners and parents must be included in the process of language policy formulation in schools. Educator B, on the other hand, stated that co-operation by “subject-heads, the SMT and the SGB” is deemed necessary for the formulation of language policy in schools. It is also noteworthy that collaboration is an ideal of deliberative democracy (Gutmann & Thompson, 2004). This educator (B) also noted that problems with language policy formulation start with the SGB, but if their power is exerted as stated in SASA section 6(3), it would not lead to tension between parties (RSA, 1996a:11). What is interesting about this educator (B) is, she also argued that the language policy process in schools needs to yield what the DBE expects of them (the SGBs). Analysing this statement according to the research I have done, it seems to be controversial.

The community, i.e. parents, interpret language policy formulation as an important factor of democratic participation. In the light of this, Parent A, Educator A and Principal C also mentioned that the language policy of a school must be according to the Constitution of South Africa (RSA, 1996a) and SASA. These participants, however, focused more on a language right paradigm (Hornberger & Vaish, 2008:312). Parent B highlighted the fact that the language policy needs to represent the language preferences of the majority of the school’s learners. This statement is important, because the reason why SGBs formulate their language policy according to their “feeder zone” is because it is a ‘reasonably practicable’ expectation for schools to educate the community in their mother tongue. Principal B also commented that mother-tongue education would be the reasonable choice when the majority of learners speak that language. Mother-tongue education has a series of advantages, which I stressed in Chapter 3.

As Educator A noted, the demography and geography of the schools and their learners play an important role in the pursuit of mother-tongue education for learners. However, Currie (1996, cited in Ngcobo, 2007:11) says that all the official languages enjoy “parity of esteem”, which means that practicality is put aside to ensure that no language is dominated by another. Therefore, in absolute terms, the “reasonable” practice will include a language policy in which one language does not dominate another. In Chapter 5, I mentioned that Schools A, B and C has a written language policy. The participants indicated that language policy formulation is not a function/power that is exercised every day or during every meeting of the year. Language policy as a theme on the agenda is only discussed when problems arise or when the HOD questions it. Only School A published its language policy publicly. Here I reread the responses of the participants about how language policy is formulated at the respective schools and how it deviated from the interpretation of what language policy ought to be. Nonetheless, there were elements that were of importance during this phase: the school’s LoLT (determines the HL subject) and FAL, SAL (language subjects and the speech community (i.e. language practices of the school community)). This gave me more insight into the underlying factors and elements of language policy formulation.

Schools A, B and C are Afrikaans-medium schools and are located in Afrikaans communities. It therefore is “reasonable” that Afrikaans is the LoLT. These policies are “textual interventions” (Ball, 1993:12) that create the context of which it speaks: the logical necessity would be that each school’s language policy attracts and includes Afrikaans-speaking learners, but also excludes English-speaking learners – at least in theory. Each school’s language policy promotes and requires a certain agency that creates a unique speech context. The language policy of each school is enforced by Afrikaans communities’ language practices, but the language practices also create the need for an Afrikaans LoLT. It is difficult to determine the degree of exclusion or even inclusion due to a certain language policy stance. A national road divides a township from the area in which School C is located. School C can easily experience an inflow of learners who do not speak Afrikaans.

School A, as Principal A noted, had a few cases of learners whose mother tongue was English, but it is important to emphasise that the parents of these children decided that their children must be educated in Afrikaans at this specific institution. This could be for practical reasons, such as School A being nearer their home than other schools. Secondly, the possibility exists that alternative English schools do not supply education of the same quality as School A. It must be said that this is mere speculation: school choice is a value-driven enterprise and contains value judgements. But, as I stated, there nevertheless are English alternatives. The fact that School A offers isiXhosa as an additional subject from Grade 4 to 7, and not only in Grade 1 to 3, as proposed by government, could have two reasons (as indicated in the third point). Thirdly, the reality of South Africa has changed dramatically, and it is epistemologically wise to teach learners isiXhosa to open a new world to them, and which makes them accessible to the other.

School B has a high school nearby that also has an Afrikaans-only LoLT. An analysis of the area indicates that there are only two high schools that cater for English-medium learners: a boys-only and girls-only school. One of these schools has already renovated the school building to admit more learners. This implies that the high school near School B might receive pressure from the HOD to change to a dual-medium LoLT. School C is based in an area where mostly Afrikaans-speaking coloured people reside (this is based on observation and a quick study of the immediate surroundings). According to Educator C, the provincial DoE (WCED) has recommended that School C change their language policy, although the SGB decided not to change their language policy. They also do not have many learners, viz. 500, which means this school is a small school. To change School C’s language policy to dual medium would imply that the school could experience a larger inflow of learners, which cannot be accommodated by the school buildings. Being a quintile 4 school, the school itself would probably have to pay for renovations, which would imply that school C needs to increase its school fees. Being in a poor area, people would not be able to pay more for school fees; Educator C stated that “there are some parents that does not even pay the school fees even though it is R 500 p.a.” Therefore, one could reason that,

should current socio-economic circumstances prevail, a dual-medium language policy for School C would not be likely.

The information above gave rise to the following line of argumentation. According to the participants, language policy is a power of the SGB, and the Minister may only determine norms and standards for language policy in public schools (RSA, 1996a:11). Therefore, the State or any provincial DoE cannot legally design or formulate the language policy of public schools. The State affects language policy in school via national and provincial policies, which may not be in contrast with SASA section 6 (RSA, 1996a:11). The national language policies that dictate the LoLT and language subjects in schools are the following: LiEP (DoE, 1997a), Curriculum 2005 (DoE, 1997c), NRCS (DBE, 2002) and CAPS (DBE, 2011) and IIAL (DBE, 2013). Each of these policies is a step towards improving the language situation of schools in South Africa. However, the agenda of the national DBE remains the same.

Schools A, B and C took these language policies into consideration when implementing their own school language policy. It is important to note that a close reading of these policies unveils the national DBE ideology and agenda. From Apartheid until now (2020), the new South African government and all other state departments needed a language policy that promotes multilingualism in the form of bilingualism. One therefore can deduce that the agenda of the national DBE is: multilingualism and democratic transformation (DoE, 1997a, 1997b, 1997c; DBE, 2002, 2009, 2011). Democratic transformation is also highlighted in the preamble of SASA (RSA, 1996a). It is debatable if some schools' language policy follow this pattern. Due to language diversity of learners in South Africa, there is often a mismatch between a school language policy and the speech community (Plüddemann, 2015). Therefore, Schools A, B, C would definitely be in sharp contrast with the abovementioned.

Schools A, B and C made an effort to promote language diversity and multilingualism. Firstly, the participating schools had an HL subject that was also their LoLT, viz. Afrikaans. Secondly, all the participant schools had an FAL subject, which was English. Thirdly, each participant school had isiXhosa as an SAL subject from grade 1 to 3. This is compulsory. Fourthly, all the participating schools made an extra effort to accommodate learners' language needs. Even though School A was an Afrikaans-medium primary school, it made arrangement to teach English as the HL level from Grades 4 to grade 7. It also had additional and non-compulsory isiXhosa classes for learners who were interested in learning an African language. School B also had isiXhosa as an extra subject but, due to a lack of interest, it had to drop the subject. School C offered Mandarin as an additional language subject. The importance of Mandarin as an extra subject is debatable for functionality.

6.7 Chapter summary

Through the discussion above, I have attempted to provide the reader with an analysis of what arose from the interviews and policy analysis. From the participants, it was clear that parental involvement in the language policy of a public school is necessary and important. The reasons for the need for parental involvement of school language policy ranged from the value that parents place on the best interest of the learner to the participation of parents in language policy formulation as a part of larger democratic school governance. However, School C struggled with overall parental involvement, and parental involvement in language policy formulation. Participants saw language policy as a function/power of democratic school governance. Largely, the participants saw the involvement and the intervention of the HOD in school governance as undemocratic. However, they deemed it necessary for the HOD to intervene when the SGB does not act within SASA and other policies like CAPS. Furthermore, the participants experienced deliberative democracy as a medium to solve the tension between the HOD and the SGB: they believed that open discussion would lead to better a understanding by both parties.

Concerning policy analysis, it seems that the Norms and Standards (DoE, 1997b:2) offer the SGB a sufficient indication of what has to be in their language policy: it gives the SGBs an indication of what to include when they formulate the school's language policy. The two aspects of how the SGB should formulate their language policy are embedded in the way the seek to promote multilingualism and what FAL subjects they teach to promote multilingualism. I asked how each participant would promote language policy to scrutinise how they would formulate language policy at their school. This is a fruitful way of determining how the participants saw language policy formulation at their schools.

CHAPTER 7

SYNOPSIS, RECOMMOMENDATIONS AND CONCLUSION

7.1 Introduction

This concluding chapter focuses on summarising the main findings and main discussion of the study – which were as follows:

The main research question was: Do governance and language policy in South African public schools provide an opportunity for deliberative democracy?

From the main research question, the following sub-research questions were derived:

1. Why should parents, as members of the SGB, and other members of the SGB have the right to determine a school's language policy?
2. How do democratic school governance and language policy formulation in public schools in South Africa intersect?
3. What are the inherent tensions arising from the role of parents and SGBs in relation to determining the language policy?
4. On what basis does the HOD contest the language policy adopted by the SGB?
5. How can deliberative democracy assist in mediating the tension between the state (HOD) and the SGB in terms of its language policy?

As stated in Chapters 2 and 3, school governance and language policy in South Africa and South African schools do not necessarily yield exactly what SASA (RSA, 1996a) wants and prefers. Schools are not on the same level with regard to the functionality of their SGBs, which indicates that there are many challenges that face them and the school as a fluid organism. My research was conducted at three public primary schools in the Western Cape in South Africa. These schools were chosen because they were Afrikaans-medium schools. The reason for selecting only Afrikaans-medium only was because Afrikaans is the most spoken language in the Western Cape (Statistics South Africa, 2011). However, the schools differed in terms of geographical area, socio-economic status and culture and race. It was therefore important to determine whether language policy and governance in public schools in South Africa would allow deliberative democracy for fruitful outcomes. The discussion that follows provides a synopsis of the main findings. Thereafter, the implications for SGBs and language policy with regard to the findings will be discussed. Lastly, recommendations for language policy and SGBs based on the findings will be provided.

7.2 Synopsis of main findings

To answer the main and sub-research questions, I conducted interviews and undertook a policy analysis. I found that language policy and governance in public schools allow for a deliberative democracy because for the following reasons. First, parent participants argued that their involvement is both necessary and important to the formulation of a school's language policy. They also see themselves as best placed to understand the ethos and dynamics of their respective schools and, as such, should be involved in the operations of the school. In this regard, Parent C commented that the parents on the SGB have knowledge about the community that is represented by these members in the formulation of language policy. Their grassroots knowledge about the community allow them to provide creative and unique inputs during the formulation of the language policy. It came to my attention that Parents A, B and C viewed their own role or parents' role in language policy formulation as active participation in the education of their children by supporting the school. Parent C correctly noticed that parents, as members of the SGB, have the opportunity to represent the best interest of the learners with regard to language policy formulation. Section 28(2) of the Constitution (RSA, 1996b:11) promotes the best interest of the child, which makes it imperative for the SGB to do the same. This view was shared by the educator, who submitted that parents must contribute to language policy formulation because they are the backbone of the SGB.

Second, Parents A, B and C connected democratic school governance with the SGB. This includes the notion that co-operation is the main theme of SASA and needs to be respected. Parent A noted that language policy formulation as a function of democratic school governance must be embedded in policy, frameworks and laws. In the light of this, certain parents understood their involvement in formulating the language policy as a form of co-operative governance, viz. SASA's "cooperative design" (Joubert & Van Rooyen, 2011:302), and the partnership governance of State and SGB (RSA, 1996a:1). Language policy should always lead to better educational attainment, and take minority groups into consideration, as section 6(3) of SASA (RSA, 1996a:11) prohibits any form of discrimination against racial groups. Principals A and C mentioned that democratic principles or democratic values are integral to language policy formulation. This implies that the functionality of the SGB hinges on democratic principles and values, and that governance as language policy formulation includes such notions to foster the co-operation of all parties.

Third, there was disagreement with regard to the role of the HOD in relation to the formulation and implementation of a school's language policy. On the one hand, some believed that the HOD should not intervene because the HOD does not have any contextual knowledge of specific schools. In other words, the HOD does not have a clear understanding of the communities within a school, and therefore is not in a position to make decisions regarding language policy. The principals also argued that the SGB serves and represents the community, and therefore were in agreement. On

the other hand, Parent B viewed the HOD's role in intervention as only necessary when there was a problem with governance and language policy in public schools. However, he did not elaborate on what he meant by a "problem". It follows that, as Parent B maintained, an HOD must first get hold of more information before he/she acts by intervening. The nature of the intervention revolves around sections 22 and 25 of SASA (see RSA, 1996a:31-35). From the perspectives of Educator B and Parent C, it is clear that the HOD may intervene when there are governance issues or conflict within the SGB.

Fourth, in the same light, it becomes clear that tensions between the HOD and the SGB arise when the national DBE change, or could change, policies, such as the Norms and Standards Regarding Language Policy Published in Terms of Section 6(1) of the South African Schools Act (DoE, 1997b:2), the LiEP (DoE, 1997a), IIAL (DBE, 2013) and CAPS (DBE, 2011), the Constitution (RSA, 1996b) and SASA (RSA, 1996a), which will have a direct impact on the mother-tongue principle of education. This will effectively change how SGBs may formulate policy. If there is a mismatch between the mother tongue of the majority of learners of the school and the school's language policy, it will result in tension between the HOD and the SGB. Therefore, as Parent B stated, tension between the HOD and the SGB will arise when language policies are unreasonable and discriminate linguistically or racially.

Educator A noticed a power imbalance and decisions made in bad faith when it comes to language policy in public schools. He argued that, in terms of the HOD, the DBE wants power and will exert this power at the expense of the SGB and learners at that school. This power struggle leans towards pressure exerted by the HOD on the SGB. Principals A and B both said that the language policy of a school must correspond with that of their community, and with the "near-school principle", which would lead to tension if it did not. The near-school principle mentioned by Principal A depends on the reasonableness of the language policy, and therefore the reasonableness of the HOD's actions towards the SGB and language policy formulation.

Fifth, participants argued that deliberative democracy is a thoughtful way to mediate tensions between the HOD and the SGB regarding language policy and school governance. Participants also indicated how deliberative democracy could be used as a method, and in itself, to foster bona fide virtues and solve deep lying conflict between the abovementioned two parties with regard to language policy and school governance. Parent B mentioned how important open communication and respect are for language policy endeavours and issues of governance. Parent B noted that "good relationships, transparency, honesty, mutual respect and inclusive participation" are important. Educators argued that it is important to "persuade the department it has sufficient reasons to prove its decision in terms of the mandate it received from the parents". This persuasion will be in the format of a plan that would yield a process of inclusive democratic decision-making by the parent community. It is important to note that participants saw deliberative democracy for mediatory purposes. This is the difference Rostbøll (2001:169) makes between procedural and substantive

deliberative democracies. Participants rather acknowledged how deliberation could be used as a process to mediate the relationship between the HOD and SGB. Educator C said that deliberation will lead to outcomes that will not provoke court cases or legal proceedings. A legal proceeding makes a spectacle of a school and of education in general. Deliberative democracy will lead to the empowerment of the parent community. The same educator reasoned that the education department needed more information about the community, and they can only get this information through communication and deliberative democracy.

Sixth, the policy analysis hinges on the Norms and Standards (DoE, 1997b:2). This policy document in essence forms the language-in-education policy for South Africa and creates a guideline for the SGB to formulate language policy. This, along with SASA (1996a:11) section 6, guides SGBs in terms of what they must take into account when they formulating language policy. I asked: how will they use their language policy to promote multilingualism at the school, what will they need to do to formulate language programmes, what language subjects will they use in the school, and how does the Constitution guide language policy formulation? I wanted to know how parents, educators and principals used the Norms and Standards (DoE, 1997b:2) to formulate their language policy. The language policy of the school does not necessarily show how every member view the Norms and Standards (DoE, 1997b:2). Parent A said collaboration and co-operation were key principles of their language policy formulation. If role players co-operate to find a compromise between language differences, it could promote language diversity and multilingualism. This parent also mentioned that their language policy was “according to the Constitution”, and said that, according to the Constitution, “every individual has the right to be educated in the language he/she chooses”. The same Educator A added that the demography of learners plays a big role when the language policy was formulated. Principal A from School A replied that the language policy of School A embraced the principle of the language composition of the learner corps of the school. Principal A reasoned that, if the majority of learners have Afrikaans as mother tongue, the school will be classified as an Afrikaans-medium school. If the language composition of the school community changes, then an inquiry can be made to change that language policy in consultation with the provincial DBE. Principal A focused more on language policy as a function/power of the SGB, and the adaptability of the SGB when the language composition of the learner corps changes. Principal A added that a learner must respect the values, traditions, culture and conventions at this Afrikaans-medium institution, and what this Afrikaans-medium institution has to offer.

Principal B argued that the:

majority of the children in the school and in the feeder zone must receive preference. But despite the medium of instruction i.e. Afrikaans and English, there must be an additional African language which is spoken in the nearby environment i.e. isiXhosa. And vice versa if possible.

To promote multilingualism one must forward the notion of the “feeder zone” and that the language policy is formulated on this principle. Principal B also emphasised the importance of African languages in the school curriculum. Educator B said the language policy of the school needs to “correspond with what the WCED and the National Education Department expects from them”. It is important here to note that the HOD and his office needs to deliberate about the language policy of the school so that it yields a democratic practice. Principal B commented that “95% of the learner in School B is Afrikaans”. It then follows logically that the language policy is formulated according to the learners’ mother tongue. According to Principal B, FEDSAS helped them to construct a language policy. Principal B stated that each prospective learner has the right to education in his/her language of choice, but will also be co-dependent on the reasonable practicality of that language as the LoLT. Parents are the legal guardians and have the right to choose the language in which the learner is educated. As I mentioned, the language policy of School B is dedicated to teaching English as a language subject to promote multilingualism. School B and its SGB go as far as possible to promote isiXhosa as another language subject that will teach the learners the basic use of the language.

Lastly, School B goes as far as possible to buy textbooks in English and isiXhosa to promote the use of these languages. Parent C emphasised community participation as a principle of their language policy. For Parent C, the language policy formulation needs to be associated with the uniqueness of the respective school community. Educator C reasoned that “the problem with language policy formulation originates with the SGB”. But Educator C added that “if this power is used according to the SASA and Constitution there would be no problem”. Principal C argued that the language policy of a public school must be formulated according to the Constitution, SASA, the Western Cape Schools Act and other regulations. Accordingly, the SGB is responsible for the medium of instruction and thus the formulation and revision of the school’s language policy.

To conclude this section, the participants showed that the process of language policy formulation and governance could allow for deliberative democracy as a fruitful outcome. Firstly, deliberative democracy hinges on participation, as the findings show that parents need to be involved in policy discussion concerning language policy for it to be a democratic endeavour. Secondly, participants argued that the co-operation promoted by SASA and other language policy forms the basis of language policy formulation and school governance. This is the seedbed for deliberative democracy. Thirdly, the findings show that an HOD has a role to play in a deliberative democracy and has a specific function inside this sort of democracy. According to most of the participants, the HOD should not intervene in school governance and, if he/she does, the HOD must play a supervisory role and help the SGB, rather than try to oppose every decision of the SGB. This would ensure that deliberative democracy fosters a better understanding of the relationship between the SGB and HOD. Lastly, perceptions based on the Norms and Standards (DoE, 1997b:2) showed that multilingualism can be promoted through mother-tongue education of the learner corps

of the school. Some participants in the sample school argued that promoting multilingualism needs to correspond with the Constitution, which embraces certain values that correspond with ideals of a deliberative democracy.

7.3 Implications for school governing bodies

Bearing in mind the findings I have just summarised, it came to my attention that there are certain implications for SGBs and school governance that need to be considered. Parents bring unique and creative inputs into SGB decision-making, which could lead to better outcomes and a better future. Parents have their own skills sets and their own knowledge corpus that could be grafted upon their knowledge to govern or to make it easier for them to learn how to govern a school. When there are more inputs from parents, it does not necessarily lead to better school governance, but it will definitely enhance the probability of better governance. More creative input and intellectual and financial resources will lead to better governance. The number of members on the SGB would also not result in better school governance, but it could lead to more creative and knowledgeable input to pave the way for better school governance. SGBs are statutory bodies, but they are also creational bodies that use unique sources to produce certain outcomes.

Even though apartheid ended, its legacy still remains in some schools. In schools like School C, parental involvement does not deliver a support structure and positive effects, in contrast to Schools A and B. In the former case, the morale of parents is low and it will be difficult to foster willingness among parents to govern. Parents on the SGB at School C have jobs in the formal sector, meaning that they have certain skills to offer but the skills of these parents does not correlate with all the parents at School C. As Educator C told me, there are only a small number of parents who work in the formal sector. This influences the functionality of the SGB and affects overall governance. The role that parents' education plays will have an effect on the governance of the school and on the SGB. One therefore can deduce that not all SGBs have the same parent base and that they are different in terms of functionality. Even members at School A and B did not receive continued education and training from the DBE to understand what is expected of them.

Democratic school governance implies that the SGB governs a school. However, this does not mean that the SGB may govern absolutely: the SGB has the original power to govern a school given by SASA section 16(1) (RSA, 1996a). However, this power could be taken away by the legislature. If an SGB fulfils its functions democratically, i.e. vote on every decision and deliberate on important matters (it is democratic), there is no need for the HOD to intervene in school governance with respect to language policy. SASA gives an SGB a list of functions/powers that they need to fulfil when they want to act according to the Act (RSA, 1996a) and the Constitution (RSA, 1996b). In terms of powers and functions of a SGB, an SGB is responsible for either, which must be the minimum for every SGB.

Co-operation is an important concept in school governance. The preamble to SASA states clearly that governance must be partnership governance with the State (RSA, 1996a:1). Sound relationships are important for sound school governance and they need to be fostered by working together. The fact that the participants had no contact with the HOD makes the act of co-operative governance difficult. According to Joubert and Van Rooyen (2011:302) and Smit (2011), SASA has a co-operative design that points to an opportunity for the State and an SGB to work together. The participants indicated that an HOD is more likely to intervene when there is something wrong with governance, or in a time of crisis. It was unclear what “time of crisis” means. I can only think that this is when the SGB does not fulfil its functions and powers according to SASA sections 20, 21, 6, 7, 8 and 9 (RSA, 1996a). According to SASA, the HOD may withdraw this function section 22, and the HOD may announce a committee to take over that function (RSA, 1996a). This usually ends up in legal proceedings and court cases.

However, an HOD rather has a supervisory role with regard to language policy formulation and school governance. An HOD is there to help, but judging from the past with regard to language policy in public schools and the role of the HOD, and with specific reference to the Mikro case (*Minister of Education (Western Cape) v Mikro Primary School Governing Body*, 2005), and Ermelo case (*Head of Department: Mpumalanga Department of Education and Another v Hoërskool Ermelo and Another*, 2009), the HOD has a hidden agenda and does not follow the correct procedure. Participants were aware of their rights as members of the SGB as a collective, and were cognisant of SASA and the Constitution with regard to school governance. Following the Constitution and SASA, an SGB could avoid legal confrontation, which would lead to better understanding and, as Educator C reckoned, not to a spectacle in which citizens laugh at the education sector.

According to the data, deliberative democracy is a logical way to solve the tension between an SGB and the HOD. This means that parties need to be informed so that they know “where they stand with each other”. Deliberative democracy will lead to a better and different understanding of both parties and will improve the HOD’s contextual knowledge. This is important because it leads to informed decision-making. To solve an “issue” about governance goes both ways. Participants deemed communication as an integral part of a relationship. However, a relationship is built by two parties. Friction usually occurs when there is a lack of communication and expectations. Deliberative democracy does not always have fruitful outcomes for relationships. Its importance lies in the transfer of values. In deliberative democracy, one value is not chosen over another, but the endeavour is to find a common value system: such values usually comes from mutual respect. It must always be clear that deliberative democracy can be valued essentially and instrumentally: it is inherently good to deliberate about point of views because it creates a culture that welcomes diversity of perspectives. This would then lead to better relationships and where tensions would not necessarily exist because there would be unhindered

communication and debate.. Yet, it can also be seen as instrumental, that is, to solve deep-lying conflict and tension.

7.4 Implications for language policy

The participants' viewed their language policy as a manifestation of the Norms and Standards (DoE, 1997b:2) or a unique application thereof. All participants had something unique to add to how they viewed the promotion of multilingualism through their perspective of the language policy. Due to the introduction of the IIAL (DBE, 2013), Grades 1 to 3 are being taught to speak an African language, which is determined by the most spoken African language in the province, viz. isiXhosa in the Western Cape. This is a national step towards bridging "additive bilingualism" and for learners to be taught new concepts. Furthermore, the non-compulsory second additional languages that are taught in Schools A and C are a step towards broadening learners' language base.

The findings suggest that parental involvement is not only important for democratic school governance, but also for language policy formulation. The involvement of parents in the policy process brings with it creative insights and expert knowledge that can be used to formulate a unique language policy for public schools. Language policy in public schools portrays the movements in language policy nationally. Issues with language policy in South Africa nationally come from the fact that African languages do not receive as much spoken attention and use as Afrikaans and English, although the linguistic diversity of South Africa shows that two African languages are spoken more than Afrikaans and English.

It seems as though democratic school governance is strongly correlated with language policy formulation. An SGB has the power to fulfil its functions/powers such as language policy formulation through the inclusion of a diversity of stakeholders. One must still be aware that parties are sometimes excluded from this practice, which diminishes the democratic intent of school governance with regard to language policy formulation. It seems rather idealistic to assume that all SGBs have the same amount of power when they formulate school-based policy like language policy. However, this idealism guides language policy formulation as a function/power of the SGB in Schools A and B. Due to a lack of a strong parental base, School C might have a problem with inclusion with regard to language policy. Yet it is also true that the SGB of School C has a diverse set of members, and the parents did vote for the parents serving in the SGB. Although a diversity of members in an SGB does not ensure an inclusive language policy formulation process, it is a step towards a more democratic praxis.

Although the participants indicated that policies such as SASA (RSA, 1996a) and the Constitution (RSA, 1996b), and others such as the CAPS (DBE, 2011) document, it does not follow that these policies are implemented accordingly. Because the racial composition of learners in schools is diverse, it sometimes is difficult to follow a single-

medium language policy. Given the fact that the Constitution (RSA, 1996b) promotes 11 official languages and mother-tongue education, it does not mean that this is followed. The reason for choosing Afrikaans as the HL and LoLT is because the school mostly serves Afrikaans people. But with this comes a culture and, as I have noticed in schools, schools have a much more diverse inflow than a few years ago. However, these three primary schools in the Western Cape of South Africa reflect the socio-linguistic dispensation of the Western Cape, where the most spoken language is Afrikaans.

Participants in Schools A, B and C did not have direct contact with the HOD regarding language policy formulation. Although the preamble to SASA (RSA, 1996a:1) states that school governance must be undertaken in partnership with the State, it is unclear from these schools how the SGB and the HOD work together. Most participants argued that a school needs to be governed with regard to language policy solely by the SGB; however, it does not follow how the HOD and the SGB need to fulfil this function/power together. This uncertainty leads to tension, as the SGB does not know what the HOD expects of them. It seems as though participants identified deliberation as being necessary to mediate the tension between the HOD and the SGB with regard to language policy formulation. The idealised partnership of the HOD and the SGB can only be realised through communicating with each other and having open deliberation and conversations about issues regarding language policy formulation. The schools in the sample offer a bona fide reason for the choice of Afrikaans as an LoLT. Parent A identified co-operation and collaboration as the founding principles, which means that School A's language policy is not exclusive to a particular race or language group and does not discriminate against any party, culture or religion. Along with Parent A, Principal B argued that their language policy depicted the demography and "feeder zone" of the school, which indicates efforts to promote multilingualism in an equitable fashion.

7.5 Recommendations

Language policy formulation as a function/power of an SGB is a broad field because it joins the field of the functionality of SGBs and language policy in public schools. This creates the opportunity for deliberative democracy to function as a means to mediate the tension between the HOD and an SGB with regard to language policy. This study accepts the role that deliberative democracy could play in relation to language policy in public schools and school governance. It is clear that the SGBs in the sample face issues and challenges with school governance and language policy (although not directly), which potentially could be solved via deliberative democracy. The following section offers recommendations for all stakeholders involved in school governance and language policy formulation. All recommendations are derived from the findings and could be applied to the field of language formulation and school governance in public schools, building on previous recommendations in previous literature.

7.5.1 Recommendations for the relationship between the HOD and SGB with regard to school governance

The following recommendations are suggested for the relationship between the SGB and the HOD with regard to school governance:

- An understanding is needed of what each stakeholder needs to do in school governance in South Africa. This means that each member of the SGB and the HOD will know what is expected from them to build a democracy and deliberative democracy. This would only be possible if an SGB is trained and educated with the idea to enhance democracy and deliberative democracy.
- Understanding is needed of the role of others in democratic school governance. The legislature and the DBE need to communicate what is expected of the SGB and HOD under the banner of school governance. Sections 16(1) and 2(1) of SASA (RSA, 1996a) need to be clarified and cannot depend on an individual reading of SASA alone. This must be interpreted by the legislature or the DBE to move beyond legal proceedings and lawsuits, which are harmful to the entire education project.
- A realisation is needed that South Africa has moved away from an authoritarian and totalitarian state and rule, which ensures that no party will rule or govern on its own. Although section 16(1) of SASA (RSA, 1996a) permits an SGB to govern a school, this does not mean that an SGB has a monopoly on school governance. As the findings suggest, school governance must be a collaboration and a site of working together. Therefore, these sections must be read together and not separately to get a holistic picture of school governance in South Africa.
- Respect needs to be the pinnacle of the relationship between the HOD and an SGB with regard to school governance. According to the findings, each party first needs to know what is expected from them, and then the HOD needs contextual information before he/she may intervene. In obtaining this contextual information, each party needs to be respected in terms of fulfilling their functions/power in order to foster a democratic entity and rule.
- Deliberative democracy could be used to mediate the relationship between the SGB and the HOD. The findings suggest that, when certain situations occur, it will be better to create circumstances in which deliberative democracy can flourish. Therefore, it is considered wise to create a deliberative democracy environment by communicating another's point of view to gain an understanding thereof. The HOD and SGB need not agree with one another, but must have mutual respect to grant each other freedom to act. The HOD and SGB first need to converse with each other and to make representations through rational argumentation before they go over to legal proceedings.
- Deliberative democracy must not only be the means to achieve a certain outcome, but must be an outcome in itself. If there is a culture of deliberative

democracy, it would not be necessary for a party to pursue a lawsuit. SGBs and HODs need to converse on a regular basis, and not only when there is a crisis in governance. It therefore is important that deliberative democracy creates an environment in which there is transmission of bona fide virtues and values that diminish conflict over the long term.

7.5.2 Recommendations for language policy formulation as a function of SGB in public schools in South Africa

Language-in-education policies are delicate constructs and my recommendations on them are the following:

- Language policy formulation in public schools needs to be an inclusive and democratic process. Parents need to play a pivotal role in formulating language policy, because this will create an opportunity for democratic participation and deliberative practices. Language policy in schools affects many stakeholders, and it is a logical expectation that these members play a role in language policy formulation.
- According to section 19 (1 and 2) of SASA (RSA, 1996a:26), it is the responsibility of the HOD not only to provide introductory training, but also continuous training for SGBs. Stakeholders must be educated and trained to formulate language policy under the auspices of the school. This gives an SGB the chance to learn what the HOD and SGB expect from them with regard to language policy formulation. Lastly, Educator B argued that language policy needs to correspond with the provisions of CAPS. This implies that a language policy must state what HL and FAL subjects it will provide. It must also state if it will provide SAL subjects. As from 2019, an African language is mandatory for foundation phase learners, and this will be implemented incrementally. Therefore, an HOD and his/her team need to provide education and training for SGBs and teachers so the SGB has the right information and can implement the policy with more confidence. However, the DBE and different spheres of the government could use policy to curb the rights of SGBs to govern a school, to formulate policy and to secure more power for the office. Two policies are the Basic Education Amendment Bill 2017 (DBE, 2017a) and, according to media sources, the 2019 bill. It must be added that the so-called “2019” bill was sent out shortly before the end of the year. With both these bills, the DBE has the objective to change language policy formulation by enhancing its own power in the formulation process.
- Clarity must be given about whether language policy formulation is a power or a function of an SGB. Although an SGB has the power to formulate language policy in public schools, there must be clarity about how far this power/function stretches. This could also shed some light on whether the HOD may withdraw the function/power of language policy.

- Because the DBE and the Minister of Education have a direct say in what the Norms and Standards are for language policy in public schools in South Africa, i.e. in section 6(1) of SASA (RSA, 1996a), the DBE and HOD need to communicate this to the SGB, or have a panel discussion on the expectations of the SGB. The MEC could change the national language-in-education policy and, as it came clear in Chapter 5, the perceptions and perspectives of these norms influence the way in which members of the SGB see their own language policy.
- The language policy formulation process can benefit from deliberative democracy. Language policy formulation could adopt certain values that can easily be transmitted during this process. Therefore, every party affected needs to be taken into consideration when language policy is formulated. Since language and the language policy of a school form an integral part of a learner's life, they need to be considered in terms of that value. Every stakeholder needs to be involved in the designing of the language policy of a school. This policy will only have an inclusive outcome if it was an inclusive practise. Stakeholders need to deliberate on national and educational language issues to make informed decisions about language policy.

7.6 Significance and contribution of this study

Interpreting the provisions of SASA together with the Constitution does not provide a clear reflection of the South African educational field. These statutes are theoretically 'perfect', but when it comes to the implementation thereof and other language policies, the picture is not always clear-cut. If one looks at significant case law and weighs it against statute, i.e. SASA, one can easily see the discrepancy. Case law can easily be 'grafted' onto SASA to reflect a better image of the South African educational sector. Taking language policy in public schools, for example, case law suggests a different picture as to what SASA and other relevant language policies suggest.

Language policies in public schools are currently (2018/2019/2020) in the news headlines. In 2018, the Overvaal case (*Governing Body, Hoërskool Overvaal v Head of Department of Education Gauteng Province*, 2018) caused not only sentiment towards language in public school, but also language use in general. The language debate in schools is based on false ideas of what language in schools ought to be: what the media seem to leave out is the question of language policies and democratic school governance, and how these two are intertwined. Therefore, as case law and the relevant language policies of South Africa suggest, there is a gap between language policy formulation in public schools on the one hand, and democratic school governance on the other hand.

I worked at a high school that imposes Afrikaans as an FAL and English as its HL subject and LoLT. It came to my attention that more than forty percent of the learners are children of refugees and people from elsewhere in Africa. This means they have

a different mother tongue than English – English is therefore their second language and Afrikaans their third language, but English is the LoLT and HL. Afrikaans is their third language, but it is offered as an FAL or on second-language level. This reflects *Durban High School (Nkosi v Vermaak NO & Other, 2008)* in that it is unfair discrimination to offer Afrikaans at a second-language level, even though it is the learners' third language. It therefore is clear that learners from the surrounding neighbourhood do not receive tuition in their mother tongue. The school also changed their LoLT from Afrikaans to English, which indicates a movement to a colonial language policy and does not reflect equality and social justice, which the Constitution seeks to promote.

This study seeks and hopes to join the fields of language policy and school governance. However, several considerations are necessary before these fields coincide. There are numerous challenges facing school governance in South African schools (see Xaba, 2011). South Africa is also faced with language and language policy issues nationally and in public schools (see Cakata & Segalo, 2017, and Plüddemann, 2015 respectively). There has been research on the intervention by the state in public schools (Prinsloo, 2006); tensions between provincial educational departments and SGBs (Clase *et al.*, 2007); and a body of research on the Constitution, reasonableness and the HOD (see Malherbe, 2010; Smit, 2011; Visser, 2006; Woolman & Fleisch, 2007). This study provides new insights into language policy formulation as a function/power of the SGB in South African public schools. Furthermore, the study revisits SASA (RSA, 1996a), the LiEP (DoE, 1997a), and the Norms and Standards (DoE, 1997b:2). I also made use of other education policies and language policies to inform the body of the research in the hope of joining language-in-education into a combined whole.

My research was undertaken to gain more information about language policy and governance in South African schools by taking the perspectives of educators, parents and principals into consideration. The outcomes of the research aim to inform SGBs to consider more policy options when formulating language policy and working with the HOD. Furthermore, the hope is embedded in this study that SGBs will revise their practices of governing, and gain more knowledge about language issues in South Africa nationally and in the country's schools.

7.7 Limitations of the study

This study explores language policy and governance in public schools. The study was delimited to three primary schools in the Western Cape of South Africa. It used a sample size of nine participants, viz. three educators, three principals and three parents from three different primary schools in the Western Cape. Firstly, I decided to use parents because their involvement has a direct effect on the democracy within the SGB. They also bring creative insights to the SGB due to the fact that they have different occupations. Secondly, I chose principals because they have expert

knowledge about the functionality of schools that is carried over to the functionality of the SGB. Thirdly, I chose educators because they have knowledge of didactics and what learners want and need.

The research was also limited by the methods I used, viz. e-mail interviews and policy analysis. There are shortcomings to e-mail interviews because one cannot see any non-verbal cues, and policy analysis is limited to only evaluating the formulation of language policy through the perspective of the members of the SGB and the instructions and guidelines of the Norms and Standards (DoE, 1997b:2). Lastly, as I mentioned in the problem statement, a problem relates to who is responsible for school governance between the SGB and the HOD with regard to language policy formulation. I did not interview the HOD of any province, and the participants did not have direct contact with the HOD. The role and intervention of the HOD hinges on the accordance of the perspectives and views of participants' of language policy and school governance.

7.8 Conclusion

In this research, I focused on governance and language policy in South African public schools. Language policy in schools form part of school governance due to the fact that it is seen as a function or power of the SGB. This research then determined that the participating schools valued deliberation and deliberative democracy as a solution to tension and conflict with the HOD and the SGB's relationship with language policy and school governance in South African public schools. Participants viewed language policy as an inclusive process in their school that hinges on democratic participation, which includes the voices of a variety of members when it is formulated. School governance in the participating schools was of a democratic nature and they made use of a variety of inputs while they governed.

It is for this reason that the participants decided that an HOD must not intervene in school governance, i.e. must withdraw its function to determine language policy and appoint efficient people to do so. The participants thought an HOD only needs to intervene in the above process when the SGB misuses its power to govern and formulate language policy. However, it does not suit a democracy if powers are taken away by force without the necessary mediation. The current issue of language policy and school governance in South African public schools asks for a creative process that would yield multiple fruitful outcomes. I offer deliberative democracy for this purpose.

Language policy and school governance could benefit from deliberative democracy through the process of rational argumentation. Rational argumentation is not in vain, but has bona fide outcomes. Deliberation suggests a predetermined outcome, viz. consensus. However, I propose that an HOD and an SGB need not agree on certain arguments, but need to respect each other's point of view and learn to accept this in the long run. Deliberative democracy provides language policy and school governance

a opportunity to be open and to argue about things that are sensitive. The HOD and the SGB must have a communication session in which they are taught the value of deliberation in conjunction with the transmission of key values that support a deliberative democracy.

Going forward, it is of the utmost importance that the HOD and the respective SGB communicate and formulate policy together, rather than doing it alone and inviting conflict to worsen tensions. Deliberative democracy will contribute to a fruitful outcome and provide an open situation from which learners could benefit.

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ADDENDUM A: Ethical clearance for US

NOTICE OF APPROVAL

REC: SBER – Initial Application Form

5 April 2019

Project number: 9354

Project Title: Governance and language policy in South African public schools: A possible opportunity for deliberative democracy?

Dear Mr Rikus Retief

Your REC: SBER – Initial Application Form submitted on **04 April 2019** was reviewed and approved by the REC: Humanities.

Please note the following for your approved submission:

Ethics approval period:

Protocol approval date (Humanities) Protocol expiration date (Humanities)

05 April 2019 04 April 2022

Please take note of the General Investigator Responsibilities attached to this letter.

You may commence with your research after complying fully with these guidelines.

If the researcher deviates in any way from the proposal approved by the REC: Humanities, the researcher must notify the REC of these changes.

Please use your SU project number (**9354**) on any documents or correspondence with the REC concerning your project.

Please note that the REC has the prerogative and authority to ask further questions, seek additional information, require further modifications, or monitor the conduct of your research and the consent process.

FOR CONTINUATION OF PROJECTS AFTER REC APPROVAL PERIOD

Please note that a progress report should be submitted to the Research Ethics Committee: Humanities before the approval period has expired if a continuation of ethics approval is required. The Committee will then consider the continuation of the project for a further year (if necessary)

Included Documents:

Document Type File Name Date Version

Research Protocol/Proposal Retief – Proposal – 12 Okt 2018 12/10/2018 6

Data collection tool Onderhoudskedule 01/03/2019 1

Data collection tool Vraelys 01/03/2019 1

Informed Consent Form Informed Consent – Stellenbosch 04/04/2019 2

Default Retief – letter – 15 Februarie 2019 04/04/2019 1

Default Research approval letter 04/04/2019 1

Budget Budget for research 04/04/2019 1

Default Rikus Retief – CV 04/04/2019 1

If you have any questions or need further help, please contact the REC office at
cgraham@sun.ac.za

ADDENDUM B: Ethical clearance form WCED

Audrey.wyngaard@westerncape.gov.za

tel: +27 021 467 9272

Fax: 0865902282

Private Bag x9114, Cape Town, 8000

wced.wcape.gov.za

REFERENCE: 20190306-2516

ENQUIRIES: Dr A T Wyngaard

Mr Rikus Retief
PO Box 1236
Sanlamhof
7532

Dear Mr Rikus Retief

RESEARCH PROPOSAL: THE EXPLORATION OF LANGUAGE POLICY AND GOVERNANCE IN SOUTH AFRICAN PUBLIC SCHOOLS: A POSSIBLE OPPORTUNITY FOR DELIBERATIVE DEMOCRACY

Your application to conduct the above-mentioned research in schools in the Western Cape has been approved subject to the following conditions:

1. Principals, educators and learners are under no obligation to assist you in your investigation.
2. Principals, educators, learners and schools should not be identifiable in any way from the results of the investigation.
3. You make all the arrangements concerning your investigation.
4. Educators' programmes are not to be interrupted.
5. The Study is to be conducted from **01 April 2019 till 31 May 2019**
6. No research can be conducted during the fourth term as schools are preparing and finalizing syllabi for examinations (October to December).
7. Should you wish to extend the period of your survey, please contact Dr A.T Wyngaard at the contact numbers above quoting the reference number?
8. A photocopy of this letter is submitted to the principal where the intended research is to be conducted.
9. Your research will be limited to the list of schools as forwarded to the Western Cape Education Department.
10. A brief summary of the content, findings and recommendations is provided to the Director: Research Services.
11. The Department receives a copy of the completed report/dissertation/thesis addressed to:

**The Director: Research Services
Western Cape Education Department
Private Bag X9114
CAPE TOWN
8000**

We wish you success in your research.

Kind regards.

Signed: Dr Audrey T Wyngaard

Directorate: Research

DATE: 07 March 2019

ADDENDUM C: Consent to participate in the research



UNIVERSITEIT • STELLENBOSCH • UNIVERSITY
jou kennisvennoot • your knowledge partner

CONSENT TO PARTICIPATE IN RESEARCH

Dear _____

My name is Rikus Retief. I am a masters student at Stellenbosch University. I study through the Department Education Policy Studies. My Supervisor's name is Professor Nuraan Davids.

Please take some time to read the information presented here, which will explain the details of this project.

Your participation is entirely voluntary and you are free to decline to participate. If you say no, this will not affect you negatively in any way whatsoever. You are also free to withdraw from the study at any point, even if you do agree to take part.

The purpose of my study is to determine the nature of language policy in schools and how parents understand their role as policy setters. I have chosen your school as part of my research sample. I wanted to ask permission to undertake my research at your school.

My aim is to e-mail interview 2 parents, the headmaster of the school and two teaching staff which forms part of the governing body. My questions would not offend any person and participant's identity will always be protected. That includes the school. As a beginner researcher, it is difficult to find schools that want to participate. My aim is not to interview learners but parents of learners. The interview will take less than 10 minutes.

The following questions will be covered:

1. Hoe dink u behoort taalbeleid gevorm te word/How do you think language policy must be formulated?
2. Hoekom dink u behoort ouers/ (lede van die beheerliggaam) seggenskap te hê oor die vorming van taalbeleid/Who do you think must have a say about a school's language policy?
3. Het die beheerliggaam volgens u al druk van die department ontvang om u taalbeleid te verander bespreek die moontlike gevalle./Have the SGB experienced any pressure to revisit the school language policy?
4. Op watter basis dink u meng die onderwysdepartement in oor die taalbeleid-vormingsproses/On what basis does the education department intervene in connection with language policies in school?
5. Wat is volgens u demokratiese skoolregeerskap/What according to you is democratic school governance?
6. Dink u dit is verkeerd/reg dat die department onder leiding van die die departementshoof van die WKOD, inmeng in demokratiese skool regeerskap. Verduidelik/Do you think it is wrong/right of the HOD op the provincial educational department to intervene in the democratic fibre of the school? Explain
7. Hoe kan ouers (u) volgens u spanning tussen die onderwysdepartement en die beheerliggaam oplos/How can a parents resolve tension between the education department and the SGB ?
8. Wat dink u is moontlike oplossings vir die spanning tussen die onderwysdepartement en die beheerliggaam in terme van die taalbeleid/What do you think is the resolution for the tensions between the education department and the SGB?
9. Kan beraadslaging gesien word as 'n moontlike oplossing? Hoekom sê u so/How could deliberation be seen as 'n method to ease the tension. Why do you say that?
10. Hoe kan 'n beraadslagende demokrasie help om die die spanning tussen die onderwysdepartement en die beheerliggaam in terme van taalbeleid moontlik oplos/How could deliberative democracy help to ease the tension in schools in terms of language policy?

RIGHTS OF RESEARCH PARTICIPANTS:

You have the right to decline answering any questions and you can exit the survey at any time without giving a reason. You are not waiving any legal claims, rights or remedies because of your participation in this research study. If you have questions regarding your rights as a research participant, contact Mrs Maléne Fouché [mfouche@sun.ac.za; 021 808 4622] at the Division for Research Development.

Your information and response to the survey will be protected by will be kept on my personal computer in a file which requires a password.

If you have any questions or concerns about the research, please feel free to e-mail me, Rikus Retief, at 16613392@sun.ac.za and/or the Supervisor, Professor Nuraan Davids at nur@sun.ac.za.

To save a copy of this text, and if permission is given, download this document and save it to your computer.

I confirm that I have read and understood the information provided for the current study.	YES	NO
	<input type="checkbox"/>	<input type="checkbox"/>
I agree to take part in this survey.	YES	NO
	<input type="checkbox"/>	<input type="checkbox"/>

ADDENDUM D: Interview questions

Geagte deelnemer

Sal u asseblief so gaaf wees om hierdie vrae vir my te beantwoord. As u voel hierdie vraag is onvanpas, het u altyd die reg om dit oor te slaan.

1. Hoe dink u behoort taalbeleid in skole gevorm word/How do you think language policy must be formulated?

2. Hoekom dink u behoort ouers/ (lede van die beheerliggaam) seggenskap te hê oor die vorming van taalbeleid in skole/Who do you think must have a say about a school's language policy?

3. Het die beheerliggaam volgens u al druk van die department ontvang om u taalbeleid te verander. Bespreek die moontlike gevalle./Have the SGB experienced any pressure to revisit the school language policy?

4. Op watter basis dink u sou die onderwysdepartement inmeng oor die taalbeleid-vormingsproses/On what basis does the education department intervene in connection with language policies in school?

5. Wat is volgens u demokratiese skoolregeerskap/What according to you is democratic school governance?

6. Dink u dit is verkeerd/reg dat die department onder leiding van die die departementshoof van die WKOD, inmeng in demokratiese skool regeerskap. Verduidelik/Do you think it is wrong/right of the HOD op the provincial educational department to intervene in the democratic fibre of the school? Explain

7. Hoe kan ouers (u) volgens u spanning tussen die onderwysdepartement en die beheerliggaam oplos/How can a parents resolve tension between the education department and the SGB ?

8. Wat dink u is moontlike oplossings vir die spanning tussen die onderwysdepartement en die beheerliggaam in terme van die taalbeleid/What do you think is the resolution for the tensions between the education department and the SGB?

9. Kan beraadslaging gesien word as 'n moontlike oplossing? Hoekom sê u so/How could deliberation be seen as 'n method to ease the tension. Why do you say that?

10. Hoe kan 'n beraadslagende demokrasie help om die spanning tussen die onderwysdepartement en die beheerliggaam in terme van taalbeleid moontlik oplos/How could deliberative democracy help to ease the tension in schools in terms of language policy?