



---

# Making a new South African learner: An analysis of the South African schools act

---

## Abstract

*This paper interrogates the relationship between South Africa's most important piece of educational policy, the South African Schools Act (SASA) (Republic of South Africa, 1996b), and learner identity. It seeks to understand how this central piece of South African educational legislation foreshadows, intersects with, foregrounds, prescribes and/or disturbs dominant notions of South African learner identity. What does the SASA say about the South African learner and particularly about what it expects the learner to be? The perspective used in this paper is that identity is constructed from history, memory, social and cultural institutions and power apparatuses. The specific interest of the paper is not to look so much at the mediation of identity in its practical forms, as in actual interchanges between subjects in the classroom, but to develop an understanding of the symbols and signifiers that are privileged in the formal and legal prescripts that surround the process of mediation. What significance this holds for the achievement of equality and justice in South Africa is what is explored here.*

## 1. Introduction

The South African Schools Act (SASA) (Republic of South Africa, 1996b) promulgated in 1996 is one of the most important pieces of post-apartheid legislation. It put in place the critical elements required for building an educational system framed by the ideals of the South African constitution. It was not, however, without issues and questions. The purpose of this paper is to examine how it dealt with the challenging question of imagining new learner identities for South Africa's young people. How did it challenge, disrupt and /or reconstitute dominant ideas of learner identity inherited out of apartheid? The issue stimulating this contribution is the challenge of the (re) making of a social order for South Africa which enjoys the trust and commitment of the majority of its people. Apartheid had produced a social order that institutionalised power in particular kinds of ways. While there is an ongoing debate about the fundamental nature of that power, whether it was primarily racial, classed or gendered, there is no question that its symptomatic everyday expression took a racial form. That "everyday" – the classic quotidian – was about ordinary human beings being subjected to detailed sorting and differentiating and ranking and hierarchising processes

that began with their emplacement in tightly defined racial categories. Categorisation produced acute distress – the disfigurement of people both physically and psychologically. The physical space in which people found themselves was profoundly disfigured. It was deliberately made ugly. Its material and architectural semiotics, as Coetzer (2013) has argued, were encoded in often brutalist representations of self and other. Complementing this were psychological hurts inflicted on the minds of black people. The Bantu Education Act of 1953 (Rose & Tunmer, 1975:266) was the apartheid government's central instrument for effecting this trauma. Its chief architect, Minister Hendrik Verwoerd, later to become Prime Minister, described its purpose in the following way:

*There is no place for him in the European community above the level of certain forms of labour.... For that reason it is of no avail for him to receive a training which has as its aim absorption in the European community where he cannot be absorbed. Until now he has been subjected to a school system which drew him away from his own community and misled him by showing him the green pastures of European society in which he was not allowed to graze (ibid).*

Karlsson (2003) has written of the ordering of the space of the school. Not sufficiently acknowledged is the physical and visceral effect produced by the apartheid form – the strategic modulation of bodies. How these processes work, the “race”-ing, “gendering”, “class”-ing and a whole host of other formative influences on the making of bodies and their outward identity manifestations, as part of the process of understanding what lies beneath them as suggested above with respect to the system's fundamental power structure, has yet to be raised, explored and understood.<sup>1</sup> In such an analysis, an attempt must be made to understand how colonial education as a pedagogical and learning experience worked. It is important to explore the experience of cognition in the racialised space of what we have come to understand by “white” classrooms, “African” classrooms and so-called coloured and Indian classrooms. What does it mean to teach and learn – to educate in the sense of “leading through spaces that are coded and marked with the signs of inferiority and superiority?” What does “education” mean in spaces such as these? This large task notwithstanding, there is consensus (see Christie & Collins, 1979) that apartheid education schooled young white people for dominance and young black people for subordination. From this form and substance came a normative order inflected in the register of distress – being subjected to intense scrutiny and surveillance through the South African “pass” system and finding oneself arrested and imprisoned for often bureaucratic violations produced for many South Africans a life of trauma.

In education, one of the first major policy initiatives taken by the post-apartheid government to turn this situation around was the passing of the South African Schools' Act of 1996 (SASA). It brought together in a single bureaucracy the previously separate and racialised education sub-systems that served the country. Subsequently, legislation has been passed which has sought to standardise the curricula, governance and financing platforms from which individual schools move to achieve specific and commensurable outcomes in what all students learn and how they learn. The task of the post-apartheid government was to set in motion the processes for creating a new normative order. This was facilitated through the passing of a number of key pieces of legislation and policy instruments. In relation to the physical space of education, norms and standards baselines for the country were set. Their purpose was to prescribe equitable distribution criteria within the system to ensure that all learners had the

<sup>1</sup> The issue of identity and space was raised in a landmark exhibition, *Setting Apart*, in 1994 curated by Hilton Judin at the Castle of Cape Town.

opportunity to receive a quality education. For this, the National Norms and Standards for School Funding (NNSSF) were prescribed by the then Minister of Education. They specified norms and standards for school infrastructure (e.g. electronic connectivity and recreational facilities), school capacity (e.g. classroom size), and learning and teaching support material (e.g. science apparatus, electronic equipment) to be provided by the government (Amended in NNSSF 2015). Norms and Standards were also set out in 2000 for Educators (NSE). These specified the knowledge, values and skills that an educator was expected to acquire. The NSE policies constituted an important attempt to reconstitute an educational system that had, as a result of apartheid, been fractured and hierarchised according to race, gender and class. They sought to put in place a new normative order.

While this policy has sought to accommodate social and cultural differences, in so far as governing councils at schools have been able to determine the media of instruction for their students, its thrust, driven by notions of equity and redress, has been to adumbrate the learning subject and his/her identity in the guise of the ideal South African.

In the context of South Africa's divided cultural, race, class and gender history, what policy documents say about the *ideal* South African has many implications for how South Africans manage their everyday lives, their relationships with each other and the society that they share. While this paper seeks not to pursue these implications, and wishes to defer that discussion to another occasion, it does wish to argue that it is important to recognise, locate and understand the privileged signs that are circulated in and around the polis. These signs, and in this case the sign of the ideal South African learning subject, provide an indication of the state's understanding of who its citizens are, how their citizenship might be practised, and particularly the social and cultural spaces in which citizenship might be expressed.<sup>2</sup> What limitations and possibilities inhere in this identity, and what is excluded from it, given South Africa's complex social, cultural and economic history is an important question to be pursued.

The perspective used in this paper is that identity is constructed from history, memory, social and cultural institutions and power apparatuses. The specific interest of the paper is not to look so much at the mediation of identity in its practical forms, as in actual interchanges between subjects in the classroom, but to develop an understanding of the symbols and signifiers that are privileged in the formal and legal prescripts that surround the process of mediation. What significance this holds for the achievement of equality and justice in South Africa is what is explored here.

The theoretical basis for the paper is derived from post-modern debates around the unity (or the death) of the subject. Attention is given, in a brief overview, to the notion of the displaced and decentred subject. This platform is used to address the idea of the subject in the SASA of 1996

The paper will examine SASA, the major policy instrument in education to have emanated from the state since 1994, and will use the tools of deconstruction to draw out the recurring

2 A key site for the idealisation of South Africa's new citizenship, and the identities within it, has been proffered in official and popular discussions about South Africa's new "rainbow nation". The concept of the rainbow nation, popularised by Archbishop Tutu, has occasioned much debate. For its supporters, the idea of the rainbow, expressed as it is in the metaphoric ambience of "newness", "togetherness" and "harmony", stands for the glorious arrival of the new multicultural South Africa after its tempestuous past. For its detractors, the concept of the rainbow, with its fixed and defined, colours, is all too reminiscent of South Africa's racialised past. The rainbow is, for them, a celebration of the concept of race and is, on those grounds alone, an objectionable metaphor.

themes, dissonant chords and crosscutting frameworks that are contained within the document. The aim is not to achieve a complete and *total* analysis but to show through what Gasché (1995) calls the self-referentiality of the text, how the text is involved in processes of appropriation, denunciation and renunciation.

## 2. The theoretical frame

A concerted attempt is being made in a welter of policy documents, legislative enactments and other discursive devices to reimagine the South African identity. In the context of a colonial and apartheid history that systematically sought to inscribe South Africans *racially*, this attempt has as its objective the reformulation of the subject as a *citizen* framed by “(a) [h]uman dignity, the achievement of equality and the advancement of human rights and freedoms. (b) Non-racialism and non-sexism...” (The Constitution of the Republic of South Africa, 1996a:3). This paper is interested in exploring the meaning of this new construction of citizenship as it is being articulated in planning and policy texts of the new South African state. It seeks specifically to work with the key text in education, the South African Schools Act (SASA) (Republic of South Africa [RSA], 1996b). The focus of the paper will be on notions of the learning subject that are embodied in the Act.<sup>3</sup> Interestingly, a few commentaries that bear on questions of the identity of the child in the SASA exist. These, however, are neither explicit nor focused on the idea of learning as a framework for making sense of identity. An interesting example is the discussion on “child-centeredness” in the review of Reyneke (2016:4) on the need for the SASA to be changed to take heed of more strongly focused interpretations of child-rights.

The issues that this paper seeks to explore are connected with current debates around the culture of modernity and its embeddedness in the assumptions of the Enlightenment central to which is the efficacy of universal reason. The central issue, within the ensemble of questions that are raised within this discussion, is the status of modern civilisation and its search for a universal moral order informed by an intellectually self-actualising human race operating under the aegis of a universal human reason. Within this modern civilisation, the position of education is central. To it is accorded the responsibility of “educating reason”, of putting together a “universal education based on universal methods equally applicable to all nations and cultures and of a mass education operating on the principle of merit that would equip individuals with the necessary skills, attitudes and attributes to become useful citizens and good workers” (Peters, 1996:2). From this process is expected to emerge the universal citizen ready and equipped to be “the agent of historically progressive change” (Peters, 1996:2).<sup>4</sup>

Conceptions of this modern condition, premised as they are on a new universalism of morals, values and understandings, and on a notion of a unitary rational subject, have been challenged for their dogmatism and their colonisation of the right to “truth-making”. Post-modern<sup>5</sup> critics have been profoundly “incredulous” with respect to the project of modernity

---

3 Learners, of course, are not the only “subjects” in the Act. Important and interesting subjects for analysis are teachers and learners who have been “captured” in particular guises and who, in relation to learners, present a particular ensemble of types.

4 Working with the idea of *universal reason* and its projection into material contexts, one has to be aware, of course, of actual historical subjects – actual learners – and the influences and factors at play in their formation. This analysis seeks to work with the juridical – the law – here as one such factor.

5 Aware that a distinction is sometimes made, particularly to emphasise notions of difference and the notion of the “death of the subject”, I will use the term post-modern in this paper to include post-structuralist traditions of analysis.

and have taken issue with claims that it addresses all of humankind, speaks on behalf of all humankind and has the interests of all humankind at its philosophical heart. Gasché (1995:16), drawing on Derrida, makes the point that the singular subject, presented as *singularity*, and as the bearer of the ideals of universalism, has to be protected from differences in philosophic interpretation. This protection is achieved through “repeated inscription”. Singularity,

*by refusing all translation and interpretation becomes opaque, silent or immediate in a non-dialectic sense. It becomes quite simply thoroughly unintelligible. Such a singular would be a failure in its own terms. No longer identifiable, it could not be recognized, let alone repeated as a singular. For the singular to be possible as a singularity, it must pose itself as singular, that is, it must repeat itself in an idealizing doubling. Differently put, to be repeatable, the singular must translate itself, interpret itself as intelligible in its own unintelligibility (Gasché, 1995:14).*

In translating, transposing and repeating itself, the singular subject is required to demarcate itself from the very thing that it is not. It is in this demarcation that it becomes readable. As Derrida (quoted in Gasché, 1995:15) says, for demarcation, “[i]t is necessary that the unrepeatable be repeated in it”. From this emerges a necessary idealisation and universalisation, “which at the same time betrays it” (Gasché, 1995:15). The sovereign subject in this construction is thus always and ever only possible in the presence of the *other*.

What the *pose* of universalism and the presentation of a unitary subject serve to do is assert “truth” from the perspective of the discourse of the Enlightenment while silencing and excluding the *other*. At the forefront of these critiques have been post-structuralist thinkers such as Lyotard, Derrida and Foucault. Lyotard (1984), for example, challenged the grand narratives of modernity such as the “emancipation of humanity” and “the unity of knowledge” as *metanarratives* glossed in the language of totality seeking to assume the status of transcendental paradigms. Talking about how *prefaces* are used in texts, difference, Derrida argued, was sublimated and repressed in this narrative system (see Derrida, 1981:45). What the texts do is to internalise and domesticate leftover issues.

In contrast to the tropes of Enlightenment, post-modernists have been concerned to inaugurate a discourse that is,

*[about] a putative anti [or post] epistemological standpoint, antiessentialism, antirealism about meaning and reference, antifoundationalism, a suspicion of transcendental arguments and viewpoints, the rejection of the picture of knowledge as accurate representation, the rejection of truth as correspondence to reality, the rejection of canonical descriptions and final vocabularies and, finally, a suspicion of metanarratives (Peters, 1995:3).*

Post-modernists seek to speak in terms of the provisional and the contingent, to eschew the power of universal rationality and to recognise in the Enlightenment the cultural and economic procedures and apparatus which have come to dominate the world. They argue that, “the cultural value of the Enlightenment – and of the process of modernization – linking subjective freedom to a “scientific” reason “conceals a will to power that ultimately binds the individual to the technological apparatus” (David Ingram quoted in Peters, 1995:5).

In post-modern thought, structural linguistics is used as the vehicle to mount an attack on rationality. Derrida, for example, draws on Saussurean linguistics to show that language is built on the arbitrary connection between the signifier and the signified. He seeks to make the point that in the Western tradition “the formal essence of the signified is *presence* and the

privilege of its proximity to the logos as *phonè* is the privilege of presence” (Derrida, quoted in Peters, 1995:6). He goes on to say that Western philosophy has privileged the meaning of being in general as *presence* – a self-identical, transparent self-presence. Philosophy has tried to freeze the play of *différance* and to invoke what Peters (1995:6) calls “clear and distinct ideas, ideal Platonic forms, an ultimate referent or ‘transcendental signified,’ absolute knowledge... within closed systems of truth”. Derrida argues that such closure is impossible simply because philosophy cannot reach beyond language. The claim to have escaped the boundary of language depends on “excluding or assimilating whatever escapes the grids of intelligibility it imposes on the movement of *différance*” (Ibid). In Derrida’s language, philosophy is predicated on logo- and homocentric conceits that are incapable of recognising the play of *différance*. The significance of this line of thought is deeply subversive of the project of positivist philosophy that claims for itself the ability to define and describe in terms of unitary and stable phenomena that, as Derrida argues, might take their meaning outside of the frontiers of linguistic description (see Derrida, 1981:328).

What I will attempt to do in this paper, following tentatively in the procedure of deconstruction offered by Derrida, is to reduce the sign’s “originality and originarity” (Gasché, 1995:38), and, in a sense, its ideality. What this accomplishes, as Derrida says, is to show how much ideality depends on the sign and how much tension and contradiction there is within the sign, for within the sign are both *presence* and *absence*. Self-reflection of the presence is only possible in the presence of the absence. This work seeks to argue that the articulation of presence is inherently political, constructing, as it does, hierarchies of position in which that which is *absented* is simultaneously also disprivileged.

### 3. Identity in the South African Schools Act

The SASA is the framing document for school education in South Africa. Its various chapters include, *inter alia*, the following: “The Learner”; “Public Schools” (this chapter describes the public school in its ownership dimensions, its governance provisions, who has responsibility for what aspects of managing and governing the school); the “Funding of Public Schools” and the “Private Schools”. The Act is meant to provide a general and comprehensive framework for the management of the restructuring of South African education and emanated, principally, from an investigation conducted under the leadership of Peter Hunter, an academic at the University of the Witwatersrand. In the Preamble to the Act, broad general principles are set out. The Act is presented as a statement of the new state’s intentions to,

*provide an education of progressively high quality for all learners and in so doing lay a strong foundation for the development of all our people’s talents and capabilities, advance the democratic transformation of society, combat racism and sexism and all other forms of unfair discrimination and intolerance, contribute to the eradication of poverty and the economic well-being of society, protect and advance our diverse cultures and languages, uphold the rights of all learners, parents and educators, and promote their acceptance of responsibility for the organisation, governance and funding of schools in partnership with the state (RSA, 1996b:2) (All italics in the original).*

The central political preoccupation of the Act is that of the *re-storation* of form – it is “[t]o provide a *uniform* system for the organisation, governance and funding of schools” (RSA, 1996b:2; my emphasis). The new system is predicated in the form and structure of an integrated system inhabited by “learners”, “parents” and “educators” who are the subjects of

education and the subjects *for* education. To them fall the rights to be derived from the new system and the responsibilities for making it what it should be.

Embedded explicitly in the preamble is the shape of the old system and its disfiguring history. The past is presented as having been “*consigned to history*”.

In terms of this preoccupation with *re-forming* the system, the first strategic move that the Act makes is to present the subject of the learning process as the *learner*. After the Act proceeds through its formalistic definition of the terms that it uses, it focuses its attention on this learning-subject. I want to argue now, in seeking to make sense of this learning subject, that far from being consigned to history, the past is intensely present in the construction of the subjectivity of this learning-subject.

The subject of the learning process in South African schools has an interesting history. S/he has been variously described as a pupil, scholar and latterly as a student. The significance of these terms is buried in the complexity of the social and cultural frameworks which have permeated and diffused through the South African landscape and have, drawing on Gasché’s (1995:5) comments about deconstruction, come to signify what one might understand to be “unities of sense” rather than simply “regular” uses of a mark or a sign.

The learning-subject as invoked in the Act is given a defining singularity. It is projected as “any person receiving or obliged to receive education” (RSA, 1996b:4). If we are to understand “unities” as implying a bringing together of what was not previously unified, then the learner clearly cannot be understood to be an innocent representation of the “learning” subject. Instead, s/he has to be understood as a moment, or a subject, which, as Bhabha (1994:8) says, is “blasted out of the continuum of history”.

The conditions of the production of this term, I want to argue, are located inside the history of *learning* in South Africa, particularly in the detachment of the learning subject from the very act of what has traditionally and conventionally been understood as learning. The conditions which currently prevail in South African schools and which emerge from the country’s almost twenty-five year long experience of the decomposition of formal schooling have been pre-eminently about the displacement of the learning-subject in the traditional couplet of teacher-learner and, indeed, the emergence of very different teacher-learner arrangements. In this twenty-five year long period, to the learning-subject has fallen rights and responsibilities that have more regularly been the preserve of others, such as teachers, parents, elders and so on. The learning-subject, for example, has assumed, in various ways and forms, the responsibility for determining the length of the school day, what qualities are desirable in a teacher and, even, what should be taught. This subject has thus been the primary agent in the process of defining the character of the modern South African school. S/he has positioned the school as a site for political socialisation and the taking on of political responsibility (see Gilmour, Soudien & Donald, 2000). Out of this history have come learning-subjects who have rewritten the laws and codes of schooling and who have effectively taken upon themselves the responsibility of taking hold of the educational space of the school and effectively specify its character and mission.

The present Act has, in its own discursive way, the historic task of decentring and displacing and then replacing and recentring these arrangements. The recent history of schooling has projected the learning-subject as the author of political activity – encoded as a *student* in the discursive tradition of Paris, 1968 and the radical student movement in the United States in the late sixties and early seventies – and as an actor outside of the traditional institutional

pedagogical frame who decides for him-/herself what appropriate learning constitutes. The task of the new state is to establish the proper order in which this learning subject is to function, to define and to relegitimize the social and pedagogical hierarchy in which this learning is to take place.

The new Act situates learners, I contend, as “receivers of education” and as people “obliged to receive education”. From being the *makers* of the school environment, they are projected now as subjected beneficiaries – the “*receivers*” of this environment. The intention of the Act is to displace the power of giving and receiving in the school environment.

At stake in this form of analysis is recognising the strategies of representation in the text, particularly the ways in which the subject is *staged*. Gasché (1995:27) talks of the hyperbolic way in which emblems come to inscribe the whole. This is evident in the ways in which the learning-subject is *totalised* in terms of age, juristic personality and family position. S/he, for example, is presented as someone who is between the ages of seven and fifteen years. The subject is presented as the ward of a parent who is obliged to take his or her learning-subject to school – s/he is the “responsibility” of a parent. The parent is him-/herself specified in relation to the learning-subject as someone who has the obligation of keeping the learning-subject in school, and where s/he fails to do so is him-/herself open to/subject to investigation. Emphasis is placed in the text on the *minor* status of the learning subject who is firmly located within the safety of a structured family to whom is accorded and from whom is expected the performance of particular functions. It is not with the learning-subject but with the family that agency, choice and responsibility lie.

This development is repeated later in the Act when admission to the public school is discussed. The Act makes clear that the learning-subject’s rights of admission to a school are pre-determined in *relation* to his parent’s class, religious and juristic status. The Act states that, “no *learner* may be refused admission to a *public school* on the grounds that his or her parents cannot pay the school fees, do not subscribe to the mission statement of the school or refuse to enter into a contract with the school in terms of which they waive claims for damages which may arise out of the education of the child” (RSA, 1996b:6; italics in the original). The learning-subject is accorded rights in *relation* to his or her parents.

A similar move to the above takes place in relation to the learning-subject and his or her place in the school. The Act emphasises that a “*public school* must admit *learners* and serve their educational requirements without unfairly discriminating in any way” (RSA, 1996b:6). Aside from centring learning in the school (and not the learning-subject); learning as an activity is projected in a deterministic and top-down fashion. The school is awarded the sole responsibility for designing and managing learning. The learning-subject is again positioned as the passive player within the relationship. The Act speaks of the learning requirements of the subject being *served* to the learning-subject. Implied in this formulation is the notion of a dependent in relation to an unproblematised and all-understanding power. In invoking school as the authority, it is assumed that this authority is self-evident and is beyond the need of reference. More, and in addition, “educational requirements” are spoken of as if they are obvious, already defined and available as a pre-packed commodity.

State policy is specified in the Act in relation to language and religion. The Act makes clear that “no form of racial discrimination may be practised in implementing policy under this section” (RSA, 1996b:8). It also makes clear that attendance at religious observances at schools is entirely voluntary. Crucially, however, in these sections, the learning-subject is

rendered largely invisible. School is addressed spatially only – it is a place where unspecified things happen – and it is only in relation to religious observance that “learners and members of staff” are specified.

The strategic *staging* that takes place in this text, it could be suggested, is around the framing of the subject as a derivative of either his or her parents or the school. The learning-subject is consistently described in a *subordinate* relation to his/her parents and the school. The rights that the subject has access to are rights that accrue *via* his or her parents.

Critically, the only time the learning-subject is decoupled from these significant others are when the Act addresses the learning-subject as a subject of the school’s code of conduct and when the Act speaks of the establishment of a “representative council of learners”. The Act requires that a school adopt a Code of Conduct which “must be aimed at establishing a disciplined and purposeful *school* environment, dedicated to the improvement and maintenance of the quality of the learning process” (SASA, 1996:8). It also requires that all schools enrolling “learners in the eighth *grade* and higher” have to establish learner representative councils.

The Act makes clear that there can be no reason that exempts the learning-subject from the provisions of the Code of Conduct: “Nothing,” it says, “contained in *this Act* exempts a *learner* from the obligation to comply with the code of conduct of the *school* attended by such a *learner*” (RSA, 1996b:8). The Act emphasises how important the Code of Conduct is for “safeguarding” the *interests* of the learner (my emphases).

This process of decoupling occurs again when the learning-subject is positioned in relation to processes of suspension and expulsion from school. The subject is addressed directly in these provisions and is presented as a person in his or her own right who is accorded the status of an individual and is the subject of autonomous action distinct from his or her parents. The juxtaposition of this discourse of the law of subjects alongside of the pedagogical discourses in the school here makes for interesting analyses. What is most apparent is how the language and the framing devices shift when the focus of attention moves to question of law and punishment.

The subject is approached in this part of the Act as one who is entitled to a “fair hearing” and is deemed to be able, at this point, to take responsibility for his or her actions. To the subject is accorded speaking rights. Significantly, however, the subject is also presented as one to whom corporal punishment may not be administered.<sup>6</sup> Rights and responsibilities inhere directly in the person of the subject. His or her behaviour is described as *his* or *her* responsibility. This behaviour is normed and standardised and “correctional measure(s)” can be applied to it. These measures, it is assumed, are measures that appeal to the *speaking* subject. S/he is able to *receive* that which the society has to offer and to make good of it.

Significantly, however, the capacity of the subject to speak – his or her autonomy – is modified when it comes to seeking redress. The learning-subject is required to seek relief from interpretation of the law through, mainly, the person of his or her parent. The learning-subject is accorded the right to “appeal against a decision” which results in his or her expulsion or suspension from a school.

---

6 This provision has caused a great deal of confusion in the schools and has, I suspect, come to be widely ignored. Teachers and parents have complained about their “authority” being usurped by the state. What this raises are interesting questions about the discourse of punishment and authority and the framing of subjects within it, and the perceived dissonance with liberal discourse around practices of disciplining.

This autonomy is similarly proscribed, one might argue, when the Act talks to the learner representative councils. It states that they are to be established by the provincial minister of education who will specify their functions.

#### 4. Conclusion

Deconstruction, as Gasché (1995:35) reminds, is important for decoding the signifiatory practices in a text, i.e., accounting for the presences and the absences in a text. In response to the question why it is important to work textually with policy documents, my answer would be that texts such as the SASA are profoundly important in holding up to us that which its authors<sup>7</sup> wish us to be and also that which they wish us *not* to be. In using the approach of deconstruction, it is important to see that it makes possible not only the recognition of contradiction, but fundamentally also the recognition of the deployment of power. Identity-framing strategies are an important expression of this power.

Following this, how might one begin to understand the identity, and its conditions of production, of the learning-subject as it is framed in the Act? The argument I want to make is that these conditions of production are profoundly historical. The central signifiatory move that the Act makes is to *stage* the learner as a *not-yet-adult*. Its principal ambition is to present the learning-subject as a *subject* of education. Subjectivity in this development is, moreover, encoded doubly in the text. It is framed in the traditional Western epistemological tradition as the autonomous and rational subject, but also as the *subjected* subject. It is in this duality that the text reveals that which is privileged as presence and that which is disprivileged as absence.

I want to argue that the primary objective of the Act is to restore the *form* of the school and the identities of those who inhabit it. This form is central to the historic destiny of the modern South African school<sup>8</sup>. Many of the strategic devices the Act invokes are about asserting this form. The learning-subject is presented as a *learner* or as one who has begun a process of obtaining membership but has not yet, classically, passed the major test to achieve membership. Membership in this context refers specifically to that of South African citizenship. This citizenship is a citizenship of responsibility. The learning-subject is framed here as being tutored towards the achievement of this membership. An identity of *tutelage* is thus the fundamental characteristic that is to be displayed by the learning-subject. The Act seeks to specify how this tutelage is to be managed and repeats the inscription of tutelage through inflecting the learning-subject repeatedly in subordinate terms. This inscription becomes self-referential and is managed through the decentring of the learning-subject in relation to the state, the school, parents and teachers. At each stage of the process of inscription of the identity of the learning-subject in the Act, even when it refers to moments when the learning-subject is to take self-responsibility, the subject is framed in a state of tutelage. Even the requirement of the school to establish a Code of Conduct is about the establishment of a “disciplined and purposeful *school* environment” (RSA, 1996b:8) (*italics in the original*).

What is this tutelage all about? Tutelage in the Act is about restoring to South Africa the correct *order* of things and bringing it into a state of alignment with the rest of the ordered world, as opposed to the disordered world. In this *order*, subjectivity is obtained through the

---

7 I use *authors* in the double sense here. I refer to the actual authors, i.e. those who created and encrypted the document, and those who legally authorised it, i.e. the government and the lawmakers of the day.

8 This destiny has, of course, been represented in a number of ways, not least of all in the functionalist and class-reproductive language of the sociology of education.

*subjection* of the subject. Young people enter the world of adulthood through the experience of their parents. Of course, this is a little different to the protocols of any other society. In this process, however, the text of modernity is privileged and re-iterated. The subject of modernity is also, unlike his or her pre-modern counter-part (and even *a-modern* and, therefore, deviant counterpart), the subject of education. He or she cannot be permitted to define the conditions of his or her own socialisation independently of the master narratives that authorise the correct and appropriate order, sequencing and framing of the stages through which young people move towards autonomy and responsibility. Feared and, therefore, rejected in the world that young people make themselves are “ignorance”, and the proper understanding of their place in the modern world. The cognitive framework in which the subject is socialised is, instead, pre-eminently that of rationality. Rationality, as the process suggests, is acquired through being a learner.

What is displaced, however, or rather is sought to be displaced, in these constructions are non-Western and non-traditional forms of learning. The form of learning that young people in South Africa have developed for themselves in the past twenty-five years is the practice of a dangerous *other*. Young people, and this discussion recognises the demarcation that the term *young people*<sup>9</sup> invokes, have, for good or bad, taken responsibility for their identities in ways which the positivist turn in Western philosophy and its application as a principle of schooling have denied.<sup>10</sup> Young people have come to take on roles as producers of knowledge that dominant idealisations of youth do not recognise. This identity, in as much as it has come to shape the meaning of the idealised tutored South African subject, is arguably, and for whatever reason, not recognised in the Act. The effect of this is that in projecting itself to the mass of South Africa’s learning-subjects, it makes itself audible only to the minority, i.e., the middle-class whose learning identities *are* constructed in the paradigmatic frame of subjected learning subjects. In the process, this privileged discourse talks past those whose histories are inscribed outside of the symbolic economy of the Act.

In constructing a new unity of meaning for the subject around the condition of tutelage, the Act cannot but invoke the identity of the dangerous *other* that it wishes to keep out of the new South Africa. It is in this very act of displacing and decentering the *other*, however, that the new South Africa and the new identities within it presents themselves as profoundly discriminatory moments of history and opens up opportunities for new struggles as the *other* continues to announce itself and calls for recognition. Called for, I would argue, is a more historically aware framing of the learner that acknowledges the significant developments that have taken place in South Africa over the last fifty years through which young people’s agency has dramatically come to the fore. Such an acknowledgement would need to work critically with the idea of agency. It would not wish to privilege youth agency over other interests in the making of a new normative order but it would have to assist in the process of thinking how such an agency is made a productive feature of learning experiences and how new and vital learning identities are shepherded into being in a learning landscape that insufficiently honours the value of learning.

---

9 I am not oblivious to the critique that would pose questions about the distinctions that are made between children and adolescents and the pedagogical and psychological debates that surround the use of terms such as these.

10 Discussions of the difference between modernity and post-modernity often include the point that the transgressive logic of post-modernism has the same end-point as rationality. Rationality is not bounded and always seeks to overturn itself.

## References

- Bhabha, H. 1994. *The Location of Culture*. New York: Routledge.
- Christie, P. & Collins, ZC. 1979. Bantu Education: Apartheid Ideology and Labour Reproduction. In P. Kallaway (Ed.). *Apartheid and education: The education of black South Africans* (pp. 16–183). Johannesburg: Ravan Press.
- Coetzer, N. 2013. *On architecture and other in Cape Town*. London: Ashgate Publishing Ltd.
- Derrida, J. 1981. *Dissemination*. Chicago: University of Chicago Press.
- Gasché, R. 1995. *Inventions of difference: On Jacques Derrida*. Cambridge, Massachusets: Harvard University Press.
- Gilmour, D., Soudien, C. & Donald, D. 2000. Post-apartheid policy and practice: Educational reform in South Africa. In K. Mazurke, M. Winzer & C. Majorek (Eds.). *Education in a global society: A comparative perspective* (pp. 341–350). Boston: Allyn and Bacon.
- Karlsson, J. 2003. Remembering apartheid: Political discourse in school space. In R. Edwards & R. Usher (Eds.). *Space, curriculum and learning* (pp. 13–27). Greenwich, Conn: Information Age Publishing.
- Liotard, J-F. 1984. *The post-modern condition: A report on knowledge*. Manchester: Manchester University Press.
- Peters, M. 1996. *Post-structuralism, politics and education*. Westport, CT.: Bergin and Garvey.
- Republic of South Africa. 1996b. The South African Schools Act, No. 84, 1996. *Government Gazette*, 15 November 1996. No. 17579.
- Rose, B. & Tunmer, R. 1975. *Documents in South African Education*. Johannesburg: AD Donker.
- Republic of South Africa. 2017. "South African Schools Act 1996", No. 84 of 1996, Amended National Norms and Standards for School Funding, *Government Gazette*, No. 394, 28 April, Pretoria.
- Republic of South Africa 1996a. The Constitution of the Republic of South Africa, Act 108 of 1996. Cape Town, South Africa.
- Reyneke, M. 2016. Realising the child's best interests: Lessons from the Child Justice Act to improve the South African Schools Act. *PER/PELJ*, 19, 1–29. <https://doi.org/10.17159/1727-3781/2016/v19i0a1228>