

LESSON 24: Governance and Development



REFERENCE

Page 401-403 [EXPOSURE & AWARENESS]



WHAT YOU NEED

- (2) (3) (4) LSM: 'Governance & Development'
- (2) (3) LSM: 'Mapping Society'

AIM

- To understand that while families, communities, and civil society have a responsibility to the common good, the state's obligations in this regard are greatest, because it has substantial power and means at its disposal

OUTCOMES

- KUI Learners understand that the state is a particular form of social organisation that practises social and political justice.
- KUI Learners understand the nature of the South African state, and its obligations to progressively increase the delivery of social and economic rights to all its citizens.

CLASSROOM QUOTES

'You shall appoint judges and officials throughout your tribes to administer true justice for the people in all the communities which the Lord, your God, is giving you. You shall not distort justice; you must be impartial. You shall not take a bribe; for a bribe blinds the eyes even of the wise and twists the words even of the just. Justice and justice alone shall be your aim, that you may have life and may possess the land which the Lord, your God, is giving you.' Some of God's commandments to the nation of Israel, Deuteronomy 16:18-20. (The book of Deuteronomy begins with Moses as the narrator – but by this point it's as if the *mouth* of Moses has become the channel for the *voice* of God.)

The 'task of a developmental state is to fight poverty and expand economic opportunities for the poor', and the 'two main thrusts of the budget of a developmental state must be how much the state spends fighting poverty and deprivation, and how much of the country's resources go towards expanding the economic opportunities of all its citizens.' South Africa's Minister of Finance, Trevor Manuel, addressing senior public service managers, 20 September 2004. (Quoted by Pali Lehohla in 'Synergies between Mbeki's plan of action and millennium goals', *Business Report*, 30 September 2004.)

TEACHER'S NOTE

The classroom quotes have been included in Section C on the Lesson Materials page 'Governance & Development' because both are quite long and both can be directly used in connection with Sections A & B. Suggestions on how you might do this are given in the Lesson Outline. Some learners may even refer to them when answering Sections A & B before you draw their attention to them.

 **BACKGROUND**

What do you think a state is? What is a state's responsibility? What features are needed to bring these things about? What is a 'weak state' or a 'failed state'? What is a developing state?

Let's begin answering this cluster of questions by considering what components are needed to make a state, and how these illustrate organisation and power. However, it's important to remember that this is just a list – the history behind any and all of these components will be complex and a multiplicity of resulting configurations are possible. But some of the following, at least, need to be present in one or other combination:

- *a defined territory (usually with a long history of conflict and moments of significant political settlements behind it);*
- *a central government;*
- *government capacity to exercise control (through the police and/or military, but also through consent, for example, of an electorate);*
- *government capacity to govern through the rule of law;*
- *the capacity of government to govern well (governance, good policy frameworks, development programs);*
- *an economy which, whatever linkages it has globally, has some viability coterminous with a country's territory (i.e. it's large enough to provide a tax-base which can fund government and its programs);*
- *and a government accepted by and able to work with other governments.*

If the form of government is democratic it needs to recognize that its authority and legitimation are given by the will of the people and that regular elections are needed to give voice to this. If it is a constitutional democracy then the constitution will provide the basic framework and measure for how government is to be structured, and governance exercised. And, in our age, the state's adherence to and promotion of human rights is a key measure of its legitimacy and claim to justice. Illustrative examples of these sorts of things can be found first in column D, but also column E, of the 'Mapping Society' matrix (See Lesson 1).

You can test these criteria by contrasting the colonial, segregationist, and apartheid state prior to 1994 with the current constitutional democracy that characterizes the South African state today. For instance, you might recall how opposition to apartheid was directed at challenging and undermining the strength and (very questionable) legitimacy of the apartheid state: the campaigns to declare apartheid a heresy, to isolate South Africa through sport and cultural boycotts and economic sanctions, to highlight the undemocratic and repressive nature of the apartheid state and the unjust nature of its laws; the call to 'make the country ungovernable'; and so on. Pressure came from within through the liberation movements, segments of the churches – think of the series of pastoral letters from the South African Catholic Bishops Conference, for instance – and civil society, the 'black' trade unions, and mass-based organizations such as the United Democratic Front. Pressure also came from without through those in the liberation movements in exile, segments of the churches and civil society throughout the world, the agency of African states and the Organisation of African Unity (OAU), sections of the commonwealth (particularly African countries, India, and Pakistan), and the UN (where South Africa's participation was limited to observer status and where the resolution condemning apartheid as 'a crime against humanity' was passed in 1973 – although it must be said that the US blocked many other resolutions). Again, you could look at where each of these sorts of organised actions could be placed on the 'Mapping Society' matrix – see Columns D & E in particular.

Thinking about our own history is useful because it shows that the authority and legitimacy of any state structure are linked, and conferred by its citizens. If a group or community, or even the

majority of the population, feel excluded, and organise to challenge their exclusion, then a crisis in legitimacy follows. The only way to resolve this is for a new, more broadly acceptable political settlement to be agreed on – much as we saw with the transition years in SA between 1989 and 1994. And this history strongly shapes our constitutional democracy and the way in which so much in our first 10 years of democracy has been directed at addressing the legacy of the past.

In many ways, our age is one of human rights, constitutions, and democracy – the legitimacy and authority of states that fail to uphold these will be called into question. But we must also acknowledge that economic factors play a critical role in weakening or strengthening the state – if too many people, or a large region of the country, feel left out and can't gain political or economic footholds, then civil strife follows. Thus, a concern with justice and the common good in relation to inclusion, good governance, and development belongs to us all. We can also extend this to our neighbouring countries, and our relationships with them, and beyond. Yet we should bear in mind that states do not like to have their competence, credibility, or legitimacy questioned – so a strong civil society, a free press, and an informed electorate play a critical role in keeping government accountable to the needs of all.

LESSON OUTLINE

1 Introduction

Tell the learners that they will be exploring the role of the state in relation to social and political justice. Refer them to the Lesson Materials page 'Governance and Development' and indicate that Section A invites them to explore a difficult situation that shows why state structures are needed. Say that in Section B they will look fairly closely at aspects that give definition to the South African state.

2 'Interesting Times'

Ask the learners – in pairs or small groups – to work on Section A of the Lesson Materials page 'Governance & Development'. Monitor their work and encourage them to work quickly. The following insert may guide you in providing assistance to groups and to shape a short period of feedback and discussion.

The scenarios and questions in Section A may elicit discussion around these sorts of things:

- *There is a need for social order and rules. This may be defined by a constitution, sanctioned by the public through democratic and other consultative processes, and enforced through normal policing and an independent judiciary. However, it could also be autocratic and take the form of a dictatorship, a military suspension of civilian rule, or a state of emergency.*
- *The state may serve its people fairly or unfairly. Some of the state's task is organisational and bureaucratic. It needs to keep the needs of the country as a whole in mind. It has the capacity to ensure human rights are met, or are in the process of being met. It has the capacity to provide governance, including a range of services.*
- *The state's role is to protect its citizens. The citizens have given it the authority to do so by voting for the state and paying taxes. The way a country is run may lead to peace or war.*
- *Leaders may be totalitarian or democratic. In times of repression, war, or fear leaders may be imposed on the people. In times of peace, it is more likely that the citizens agree to the leadership through elections or some kind of agreement.*

You could round off this part of the lesson by inviting learners to apply the quote from Deuteronomy to the role of the state – particularly with regard to the administration of 'true justice' and 'Justice and justice alone shall be your aim.' (The RSV puts this more strongly: 'Justice, only justice, shall you pursue...') The quote is given in Section C of the worksheet.

3 The Role of the State

Let the learners – in pairs or groups – continue with Section B. Again, monitor progress in the groups.

Some things to keep in mind and to listen for include:

- *The need for healing and redress with regard to all forms of historical exclusion and the way this relates to government policy – overcoming racial divisions is the obvious one, but gender and disability also need to be addressed. Land restitution, employment equity, and inclusion are examples of this.*
- *Being alert to discussion on the difference between equality and equity which will arise again. In many respects, the South African constitution privileges equity and redress over equality. Simple equality exists with regard to the right to vote or, in principle at least, in the sense of all being equal before the law. But equity is the means by which the historical processes and structures that produced patterns of exclusion and inequality can progressively be challenged and changed.*
- *What characterises an ‘open society’ – e.g. freedom to associate (to meet and form organisations including political parties or trade unions, etc.), freedom of speech (including a free press), freedom of movement, freedom of belief or conscience, a respect for diversity, recognition of the human dignity of all, and so on.*

Provide an opportunity for feedback and questions. Try to make the link between the ‘basic needs’ learners identified in the previous lesson and the government programs they should have named that are intended to improve ‘the quality of life of all citizens’. (You could – if time allows – invite thought on why freeing ‘the potential of each person’ goes beyond the requirements of ‘basic needs.’).

4 Conclusion

Refer the learners to the Trevor Manuel quote. They should be able to see the connection between this and intentions stated in the Preamble to the Constitution. They should also be able to make the link between human rights, redress, economic opportunity, development and social and political justice – and the words from Deuteronomy.

OTHER IDEAS

5 For Further Reflection

If you have not yet done so, invite learners to think about the relationship between Sections A and B, and the two quotes given in Section C of the Lesson Materials page ‘Governance & Development’.

MATERIALS

LEARNER

- CIE. 2005. ‘Governance and Development’



Lesson Materials



Governance and Development

Section A: 'Interesting times'

'May you live in interesting times' is an old Chinese curse. Think about the word 'interesting'. What might it be a euphemism for? Could it include, among other things, strange contrasts, social turbulence, and even terror. Now, imagine that you (and your partner or group) have been sent as journalists to report on the 'interesting' situation in a country you have never been to before. What you see shocks and frightens you. You keep a daily journal in which you write down your observations. Use the brief scenarios for the days listed below as the basis for generating observations and comments.

Day 1

You arrive in a very strange land. The strangeness only becomes obvious as you explore. There are no rules and no government or obvious way of ordering society. Write down the kind of things you notice.

Day 5

You get to a part of the land where there is a lot of food and clean water. The people are healthy and well-fed. Much of the food is wasted. You are shocked as you have seen incredible hunger and people squabbling over water in the last 4 days. How do you feel about this? List some of the questions you might ask or the issues that you might raise. What do you think needs to be done?

Day 7

You get to an area that is very densely populated. People are aggressive and there seems to be some kind of argument brewing between older and younger people. Groups of people are gathering everywhere and there is a lot of aggressive talk about other groups. What might be the cause of this tension between older and younger people? List some of the questions you might ask or the issues that you might raise. What might be the cause of the 'aggressive talk' directed at other groups of people?

Day 10

There has been a massacre. The fight you feared appears to have happened. There is a health crisis. There still seems to be no order or system of dealing with the problem that is increasing. What would be needed to at least bring the violence to a stop? What humanitarian assistance is immediately required? What medium to longer term steps are needed to establish a peaceful society?

Use your notes/...

Lesson Materials

GOVERNANCE AND DEVELOPMENT (cont)

Use your notes and comments to answer this cluster of questions.

- What seems to be missing in this strange land? What problems need to be addressed? Who should be responsible for doing what needs to be done? How could the people of this land get to a place where these things can be done? What structures would be needed? What would give these structures authority? What would give these structures legitimacy? (Ultimately, authority and legitimacy need to go together.)
- Obviously, in your discussion of these questions, people, communities, organisations, and institutions internal to this country need to play a key role. But did you also mention / consider the role that other countries or international agencies and organisations might play?

You can use the 'Mapping Society' resource from Lesson 1 to check your answers. You are likely to find Row 3, and the whole of Columns D & E helpful.

Section B: The Role of the State - South Africa as an example of a Constitutional Democracy

Some of your answers in Section A were probably shaped by your experience in South Africa. Let's explore this further. The preamble of the South African Constitution (Section 29, 1a, Act 108 of 1996) says that the aim of the Constitution is to:

'Heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights;
Lay the foundations for a democratic and open society in which government is based on the will of the people and every citizen is equally protected by law;
Improve the quality of life of all citizens and free the potential of each person; and
Build a united and democratic South Africa able to take its rightful place as a sovereign state in the family of nations.'

This is aspirational language. (See row 3 of 'Mapping Society' resource. Look at the definition and 3D.) But it also commits the state to implementing programs that are aligned with this vision.

- What 'divisions of the past' need healing?
- What do references to 'democratic values', 'social justice', 'fundamental human rights' suggest about this past? Why are these emphases necessary? How are they expected to bring about change (both fairly quickly and over the longer term) in South Africa?
- What is an 'open society'?

In what ways/...

Lesson Materials

GOVERNANCE AND DEVELOPMENT (cont)

- In what ways is the government 'based on the will of the people'?
- Can you name government programs intended to improve 'the quality of life of all citizens' and to 'free the potential of each person'?

Again, you are likely to find Column D of 'Mapping Society' helpful as you consider the nature of the South African state.

Section C: For further reflection

If time allows, you may wish to think about the relationship between Sections A & B and the two quotes that follow.

- 'You shall appoint judges and officials throughout your tribes to administer true justice for the people in all the communities which the Lord, your God, is giving you. You shall not distort justice; you must be impartial. You shall not take a bribe; for a bribe blinds the eyes even of the wise and twists the words even of the just. Justice and justice alone shall be your aim, that you may have life and may possess the land which the Lord, your God, is giving you.' [Deuteronomy 16:18-20].
- The 'task of a developmental state is to fight poverty and expand economic opportunities for the poor', and the 'two main thrusts of the budget of a developmental state must be how much the state spends fighting poverty and deprivation, and how much of the country's resources go towards expanding the economic opportunities of all its citizens.' South Africa's Minister of Finance, Trevor Manuel, addressing senior public service managers, 20 September 2004. (Quoted by Pali Lehohla in 'Synergies between Mbeki's plan of action and millennium goals', *Business Report*, 30 September 2004.)
- Can you see the relationship between social and political justice and the role of the state?

Lesson Materials



Mapping Society

(Through Needs, Roles, Activities, and Structures)

	A Family	B Community (traditional & religious)	C Society (including religious, civil, & economic activities & structures)	D The State (governance & [re-] distribution)	E Inter-state (and international)
<p>1 Identity and roles</p> <p>(Who you are in relation to others: as man, woman, or child in a family, any form of community, a workplace, and as a state citizen)</p>	Adult, father, mother, son, daughter, uncle, aunt, grandparent...	Member of a particular community; adult or child; initiated or not-yet-initiated; a subject under communal and / or traditional authority (unless you are <i>the</i> traditional leader, or your community is strongly egalitarian - but even then you are still bound to your community); an ancestor or saint in the making...	One or more of: member, leader, office bearer, worker, manager, learner, teacher, professional...	Citizen, bearer of rights & responsibilities, voter, adult or minor, & individual person (i.e. as one who is equal with others before the law; as one who is not discriminated against in terms of sex / gender, ethnicity / race, societal standing, class, etc.)	Global citizen / citizen of a nation-state / member of a community that holds rights (currently under discussion) / person with refugee status...
<p>2 Forms of power, authority, and governance</p> <p>(Power-over or power-with or power-exercised-on-behalf-of others)</p>	Parental, or senior head of (extended) family, guardian, or adult (- historically, often paternal or patriarchal)	Traditional leaders, councils (of elders - often older men), customary law (- historically, often patriarchal - e.g. 'the chief is like our father')	Through position; through membership; boss / management / qualifications / accreditation / professional associations, trade unions, political parties, etc.	Constitutional democracy (i.e. constitution, separation of powers, rule of law, and proportional representation through regular elections)	UN Assembly, International Court of Justice, Pan-African Parliament, negotiation, treaties, agreements (unilateral actions); degrees of international recognition or censure given to states

Lesson Materials
 MAPPING SOCIETY (cont)

	A Family	B Community	C Society	D The State	E Inter-state
<p>3 Ideational / ideological / representational</p> <p>(How family, community, society, state show themselves publicly - their ideals, aspirations (promises), values, & forms of practice)</p>	<p>Culture / Religion / Custom Genealogy / family stories Family practices / things that are done together or for one another (especially around the allocation of tasks, mealtimes, attendance at functions, ceremonies, and events)</p>	<p>Culture / Religion / Custom, rites of passage, traditional or religious dress, food, traditional celebratory or liturgical music & dance</p> <p>(Historically, often patriarchal - e.g. 'God is our Father')</p>	<p>Religion (e.g. love of God & love of neighbour; family values); education (e.g. opportunity, upward mobility); media (magazines, newspapers, radio, TV, advertising); sub-cultures & lifestyles (that may be counter-cultural or subversive) associated with work (e.g. hostels), youth, music (e.g. kwaito, hip-hop, rock, jazz), dress (fashion), sexual orientation and behaviour (e.g. gay or lesbian), or disability (e.g. the deaf & signing)</p>	<p>The constitution, the law, principle of equality, the nation / nation-building (in SA through affirming diversity), national symbols, national pride</p>	<p>UN Declaration of Human Rights or the AU Charter</p> <p>A vision of a family or community of nations</p>
<p>4 Institutional forms of association</p> <p>(What am I born into? What do I choose? How am I governed?)</p>	<p>Familial (Sexuality and Kinship)</p> <p>Single parent, nuclear family (more urban?), extended family (more rural?), child-headed households; monogamy, polygamy, polyandry; marriage, co-habitation, divorce, remarriage...</p>	<p>Traditional community (largely rural?) Initiation schools</p> <p>Several extended families, kinship ties or shared language and / or cultural norms</p> <p>Or shared belief – i.e. faith communities – which may be local or global</p>	<p>Voluntary or professional associations / organisations - clubs, political parties, religious organisations (e.g. churches), trade unions, guilds, professional bodies (e.g. for lawyers, teachers, doctors, etc.), workplace or work-related organisations, educational institutions (e.g. schools, colleges, technicons, universities)</p>	<p>Structures of government and political oversight from national to local levels: a presidency, cabinet, parliament, provincial legislatures, and local government (municipalities); government departments (such as welfare, safety and security, education, etc.), the police and military, the judicial system (courts, judges, magistrates), etc.</p>	<p>United Nations - the General Assembly & its agencies (ILO, UNESCO, WTO, etc.); International Court of Justice; African Union, European Union, Commonwealth, SADC countries, etc.; international coalitions of NGOs, etc.</p> <p>Diplomacy, ambassadors & consulates</p> <p>The International Monetary Fund (IMF) & the World Bank (WB) etc.</p>

Lesson Materials

MAPPING SOCIETY (cont)

	A Family	B Community	C Society	D The State	E Inter-state
<p>5 Material needs & economic arrangements</p> <p>(What do I need? How do institutions organise to meet these needs? What role does / should the state play?)</p>	<p>Access to basic needs: water, food, clothing, shelter, education, work, electricity, medical care (genetic disorders, nutritional disorders [associated with poverty], disability, childhood diseases, endemic disease [e.g. malaria; or in association with poor water, cholera; or in association with poverty and crowding, TB], epidemics [e.g. HIV], occupational [e.g. asbestosis, phthisis, disability], different health needs of men and women [e.g. reproductive health]</p> <p>Dowry / Bridewealth / Lobola systems; inheritance</p> <p>Household labour; household as unit of production</p>	<p>Access to communal land and its 'products' - water, soil, plants, animals, livestock, agriculture</p> <p>Forms of social welfare & subsistence – foraging & gleanings; forms of mutual assistance, especially with crop production - e.g. <i>ilima</i> / <i>letsema</i> / <i>davha</i>; forms of patron-client relationships – e.g. <i>ukusisa</i> / <i>ukunqoma</i> / <i>mafisa</i> / <i>kholomo yau swahelwa</i></p> <p>(Consider, too, which of these practices, historically and today, are among women, which among men, and which inclusive of both.)</p>	<p>Access to skills and (professional) qualifications through education and training (including apprenticeships / learnerships)</p> <p>Access to / control of one or more of these resources: capital, land, natural resources - flora and fauna, raw materials, labour, technology, production, exchange (e.g. the market)</p> <p>Access to paid employment: e.g. as a worker (unskilled, semi-skilled, skilled), artisan, professional, or manager</p> <p>Access to the monetary and market economy</p>	<p>Access to income through revenues and taxes.</p> <p>Provision through government spending on: social grants, pensions, subsidies, education, health care, housing, & free basic provision of services (water and electricity); public works programs; infrastructure (roads, railways, dams, communications, etc.)</p> <p>Regulation through policy and law of: water and land rights, private and communal ownership, employment legislation (including affirmative action and employment equity) , environment</p> <p>Provision through government-private partnerships / privatisation</p> <p>Control / access to one or more of: resources (land, natural resources - flora and fauna, raw materials and labour), technology, production, exchange</p>	<p>Loan agreements, structural adjustment programs, debt repayments,</p> <p>The WTO's General Agreement on Trade and Tariffs (GATT)</p> <p>The WTO's Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS)</p> <p>The US's African Growth and Opportunities Act</p> <p>G7 & G8 summits</p> <p>European Common Market, etc.</p> <p>International markets, stock exchanges, US dollar pricing, and currency fluctuation...</p>

LESSON 25: 'Free and Fair'?



REFERENCE

Page 405 [DEVELOPMENT OF CRITICAL THINKING]



WHAT YOU NEED

- (2) (3) LSM: 'Free and Fair'
- (2) (3) LSM: 'Justice as Process'
- (4) LSM: 'Mapping Society' (Lesson 24)

AIMS

- To help learners understand that justice is also about legitimate and acceptable processes
- To look at what 'free and fair' means in the context of an election

OUTCOMES

- KUI Learners understand the importance of due or just process - that just means are the best way to advance just ends.
- DAP Learners responsibly uphold and participate in democratic processes such as the election of a school Learner Representative Council.

CLASSROOM QUOTES

'... the threshold from authoritarian to democratic rule is crossed when the outcome of free and fair elections is accepted by those voted out of power, and the due process of constitutional law is acknowledged by all.'

(John W de Gruchy. 1995. *Christianity and Democracy: A theology for a just world order*. Cape Town: David Philip Publishers [Pty] Ltd., p 38)

TEACHER'S NOTE

BACKGROUND

You might have noticed that now that South Africa is a constitutional democracy that democratic practices have been introduced at many levels in society. This is the result of a political decision and is seen as way of redressing an authoritarian, undemocratic past, as well as a way of strengthening people's understanding and experience of democratic processes. Thus, the South African Schools Act (No. 84 of 1996) requires all schools, whether public or independent, to have a School Governing Body and a Learners' Representative Council.

If you think back to South Africa's first democratic elections in 1994, you might recall that they were preceded by negotiations, and that a special body, the Independent Electoral Commission was set up to run them. The whole process - pre-elections, during elections, and post-elections - was subjected to intense scrutiny: political parties watched each other, the IEC, and the process (often with suspicion) and the process was monitored by both local and international observers. This has continued in the two subsequent elections - and we have seen how elements of this process are present in elections in various African countries.

An important part of the democratic process is that everyone (or at least the major parties involved) can accept both the procedure and the results of an election. This lesson focuses on justice as process and tries to show that just means facilitate just ends; indeed unjust means would subvert, contradict, and damage the credibility and legitimacy of any outcome and the institutions involved.

In our age, democracy is seen as an important way of bringing peace to countries racked by conflict. This is because it is inclusive - it tries to bring everyone into a country's political process. It's much better than war - it's seldom that any party wins outright, and even if they did it would only cause resentment and fuel the potential for violence and civil war.

LESSON OUTLINE

I Introductory Discussion

- i. Begin the lesson with a quick discussion on 'Why do citizens vote?'
(It gives them some say in government and in things that touch their lives - important points with regard to Learner Representative Councils too.)
- ii. And: 'Do elections equal democracy?'
(Try to elicit comments like: 'it depends how accountable to its people an elected government is'; 'it may be the form - i.e. window dressing, where government pretends to be democratic'; or 'the elections may be okay but the government may not be able to implement its plans because of debt and fiscal constraints, or pressure from the International Monetary Fund, the World Bank, other governments, or multinationals'. But the point, for this lesson, is about due electoral process - that elections should not be rigged, that opposition parties should be allowed to campaign, that the press should be allowed to report freely, and so on. Thus, to have a democracy and a free and fair electoral process everyone, including those in power, must agree to play by the rules - i.e. procedural justice.)

2 Free and Fair

- i. Hand out the Lesson Materials pages 'Free and Fair' and 'Justice As Process'. On the 'Free and Fair' table, look at the phrase 'free and fair' with the learners and note that there is a set of criteria for each of 'free' and 'fair'. Point out that these criteria apply to national elections but, with small adaptations, could apply equally to LRC elections.
- ii. The learners use the table to answer the questions in Section A of the Lesson Materials Page 'Justice As Process'. They work in groups of 4 or 5. To save time, you could allocate a set of three statements to each group.
- iii. Quickly review some answers to see whether most learners have understood the task.
(Remember, various reasons for problems with 'free' or 'fair' may be offered. Sometimes learners may not find a problem - but their explanation is important. Disagreement may show different emphases, and may raise the question of how to evaluate and relate them: e.g. (a) circumstances or (b) the electoral framework.)

3 Learner Representative Council (LRC)

- i. Ask the groups to move on to Section B where they will reflect on their school's Learners' Representative Council electoral process.
- ii. Again, take some quick feedback on this.

4 Conclusion

You might conclude by inviting learners to look again at Column D on their 'Mapping Society' resource handed out in Lesson I. Some aspects illustrative of constitutional democracy as found in South Africa are listed here.

OTHER IDEAS

5 For Further Reflection

Section C of the Lesson Materials page 'Justice As Process' consists of ideas for discussion – and moves into a broader consideration of democracy. Faster groups might be able to take a quick look at this. Or, you could invite learners to consider this section on their own, or perhaps as a homework discussion with a friend.

6 Subsidiarity

Subsidiarity is an important concept in Catholic social teaching. When considering issues such as decision-making, representivity, and democracy (particularly with regard to local government or the role of the LRC), you might like to keep the term *subsidiarity* in mind. According to this principle:

'... social bodies exist for the sake of the person, so that what individuals are able to do, societies should not assume, and what smaller societies can do, larger societies should not take over.'

(JA Komonchak, M Collins, and DA Lane. 1987. *The New Dictionary of Theology*. Dublin: Gill and Macmillan, p 986)

7 False Assumptions About Politics

Instead of focusing on a particular issue, such as elections, you might like to involve the learners in thinking critically about the following ten assumptions spelt out in *CORD*, p 403-405.

- (1) The assumption that political indifference in politics means political neutrality
- (2) The assumption that Religion has no business in Politics
- (3) The assumption that political protest/dissent is 'unpatriotic'
- (4) The assumption that what is illegal is necessarily immoral
- (5) The assumption that a particular viewpoint (or organisation) has the monopoly of truth
- (6) The assumption that political slogans express moral 'musts'
- (7) The assumption that political rhetoric is straight-talk
- (8) The assumption that it's acceptable to make political decisions for other people provided that "it's for their benefit"
- (9) The assumption that we're politically okay because "things are far worse" somewhere else
- (10) The assumption that I have no responsibility for a wrong that I didn't cause.

MATERIALS

LEARNER

- CIE. 2005. 'Free and Fair'
- CIE. 2005. 'Justice as Process'



Lesson Materials



Free and Fair

You will have heard the phrase 'free and fair' said in relation to elections. Sometimes an election is only spoken of as 'substantially free and fair'. What is the difference? If all conditions, such as those listed in the table below, are met then the election observers will say that they were 'free and fair'. However, if some conditions were not met, or some irregularities observed, then the election process may be described as 'flawed'. But if these 'flaws' are viewed as not likely to affect the overall result then observers may say that the elections were 'substantially free and fair'.

	'Free'	'Fair'
Before polling day	Freedom of movement Freedom of speech (for candidates, the media, voters and others) Freedom of assembly Freedom of association Freedom from fear in connection with the election and the campaign Absence of impediments to standing for election (for both parties and independent candidates) Equal and universal suffrage	A transparent electoral process An election act and an election system that grant no special privileges to any political party or social group Absence of impediments to inclusion in the electoral register Establishment of an independent and impartial election commission Impartial treatment of candidates by the police, the army and the courts of law Equal opportunities for political parties and independent candidates to stand for election Impartial voter education programs An orderly election campaign (observance of a code of conduct) Equal access to publicly controlled media Impartial allotment of public funds to political parties (if relevant) No misuse of government facilities for campaign purposes

On polling day/...

Lesson Materials
 FREE AND FAIR (cont)



<p>On polling day</p>	<p>Opportunity to participate in the election</p>	<p>Access to all polling stations for representatives of the political parties, accredited local and international observers, and the media Secrecy of ballot Absence of intimidation of voters Effective design of ballot papers Proper ballot boxes Impartial assistance to voters (if necessary) Proper counting procedures Proper treatment of void ballot papers Proper precautionary measures when transporting election materials Impartial protection of polling stations</p>
<p>After polling day</p>	<p>Legal possibilities of complaint</p>	<p>Official and expeditious announcements of election results Impartial treatment of any election results by the media Acceptance of the election results by everyone involved</p>

This table is taken from J Elklitt and P Svenssen, 'The Rise of Election Monitoring: What Makes Elections Free and Fair?' *Journal of Democracy*, Vol. 8, No. 3 (July 1997), pp. 32-46.

Lesson Materials

Justice as Process

Introduction

- South Africa is a constitutional democracy. If you are under 18 you will not have voted in a national election. However, you have probably voted for your school's Learners' Representative Council. All schools, whether public or independent, are required by the South African Schools Act to have Learner Representative Councils. This is one way of giving you a direct experience of democracy and democratic processes - and forms part of an effort to strengthen democracy at all levels of our society.
Does your school have a LRC?
- National elections are set up and run by the Independent Electoral Commission (a statutory body defined in Chapter 9 of the South African Constitution). The IEC's task is to deliver an electoral process that can be described as 'free and fair'. In your school, is there a clear LRC electoral process? Who oversees it? What steps are taken to ensure that these elections are 'free and fair'?
- Look at the table in your Materials Page 'Free and Fair' Use this to help you answer the questions in Sections A & B below.

Section A: A lighter look at Learner Representative Council electoral processes at St Elsewhere's

1. Imagine you are invited to be LRC election observers at St Elsewhere's, a school one hopes is nowhere to be found in South Africa. (The school motto is, incidentally, 'Do as I say; not as I do'. And, while its Grade 12 results are dreadful, learners are promised 'Pie-in-the-sky-when-you-die': the school badge shows a glittering prize sitting comfortably on a fluffy white cloud on a sky-blue background.) These statements describe things that you see during the election process. Look quickly at each statement and evaluate it: Does it meet the criteria of 'free'? Does it meet the criteria of 'fair'? Why not? Use the table to help you identify how either or both 'freeness' and 'fairness' may be violated.
 - a) Only learners in proper school uniform may vote.
 - b) Only learners who have paid-up school fees may stand for election.
 - c) All election posters must be the same size and made on a computer.
 - d) The old SRC counts the votes.
 - e) The results are announced after the teachers have seen and approved them.
 - f) One candidate (a difficult person) didn't get enough votes to make it onto the SRC and won't accept the results - but those who ran the electoral process say the election is over and the results are now public.
 - g) On the day of the elections most teachers excuse themselves saying they have urgent things to do
 - h) The library monitors help photocopy the ballot papers.

i)/...

Lesson Materials

JUSTICE AS PROCESS (cont)

- i) Grades 8-10 are allowed one candidate per class; Grades 11-12 are allowed two candidates per class.
- j) Only the Grade 11 candidates are allowed to make speeches at assembly.
- k) A teacher keeps telling her/his class who s/he would like to see elected.
- l) Only learners with clean discipline records may stand for election.
- m) Friends of one or two of the candidates are in charge of the voting process.
- n) The election day clashes with a Girls Under 16 netball tournament and team members and some supporters have to leave before the voting process starts.
- o) Observers aren't allowed to see the ballots being counted; the teacher who manages this process and who selects the counting team says 'You can trust us.'

Section B: More seriously - reflecting on the LRC electoral process in your own school

2. How could you / do you avoid situations like those listed above from arising in your own school? Quickly discuss one or more of these elements of an electoral process in relation to your school practice (which may also include a policy or charter document). It may be that these things are being done well. It may be that there is room for improvement. Affirm what is being done well. If you do suggest improvements, try to make them practical - they should enhance the process by contributing to 'freeness' and 'fairness'. Shape your discussion by considering:
 - a) What does your school do? Name one or two things, in your view, that work well. Identify one or two things that you think could be done better.
 - b) How is what will happen explained / made known to all?
 - c) Is it clear who may stand and how the electoral process will be run?
 - d) Is it clear how offices are allocated and what is expected of those elected?
 - e) How is impartiality in the *pre-*, *during*, and *after-* election process upheld?
 - f) How are disputes dealt with?
 - g) Under what circumstances may an elected member of the LRC be removed from office?
3. Does your school have a document (constitution or charter) that sets covers the aspects of an LRC election process touched on in 2a-g above? How was it drawn up? By what process was it accepted? Are there procedures for making changes when required? Are any needed? Do you have easy access to this document?
4. If the school does not have a written LRC constitution, or has one that needs revision, suggest what it should contain, who should work on it, and how it should be adopted.

Section C/...

Lesson Materials
JUSTICE AS PROCESS (cont)

Section C: Further issues concerning democratic forms and processes
(Optional)

5. Thinking about democracy in Africa

- Two common types of democracy are the constituency-based system and the system of proportional representation. Can you name an African country for each type? Are you aware of the differences, and strengths and weaknesses of each system?
- Name some African countries which have recently had (substantially) free and fair elections?
- Name an African country where progress towards democracy is being made? On what do you base your judgement?
- Are there any countries in Africa where democratic processes are under threat? On what do you base your judgement?
- Can you think of a situation where a party does not enter into an electoral process or does not accept the results of an election? Why might they do this? What consequences might follow for the country concerned? How might this situation be addressed? (Think both internally, and externally - i.e. the role of neighbouring countries, the African Union, and so on.)

6. Does democracy have any limits? Are there any alternatives?

- Are there any limits to democracy?
- Have you ever experienced a consensus-building process - a way of getting agreement, through discussion, without voting? (In some circumstances voting may be divisive - a majority might ride roughshod over a minority. Can you think of an example?) It's possible to see the negotiations leading up to South Africa's first democratic elections in 1994 as a consensus-building activity on a large scale. The interim and final Constitutions were also developed during the course of this process. Once sufficient agreement between the parties had been reached, the electoral process could go ahead. What might the strengths of consensus-building be? Can you think of possible difficulties with this process?