

SECOND EDITION

EDUCATION TOWARD A RIGHTS CULTURE

**DEMOCRACY
FOR ALL**



DEMOCRACY FOR ALL

EDUCATION TOWARDS A DEMOCRATIC CULTURE

SECOND EDITION

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OBJECTIVES

After reading this chapter, you should be able to

1. describe a democratic government and tell how it differs from a dictatorship;
2. compare legitimate and illegitimate governmental power;
3. distinguish between the different types of democracy;
4. name the fundamental principles of democracy;
5. discuss your expectations concerning democracy;
6. decide if you think democratically.

1. WHAT IS DEMOCRACY?

1.1 DEFINING DEMOCRACY

(Read Learner's Manual pages 2 to 4)



30
min

Role-play: 5 min
Group discussions: 15 min
General discussion: 10 min

PROCEDURE

Role-play the different arguments.

Group discussions on the questions.

Feedback from groups.

General discussion.

PROCEDURE

Brief participants in small groups to work jointly on a pictorial brainstorm of democracy:

Ask each group to draw a tree with a trunk, six fruits and six roots.

Ask them to write 'democracy' on the trunk.

Each fruit should be labelled with a benefit of democracy.

Each root should be labelled with one of the foundations for democracy.

Group work.

Report back.

General discussion.

EXERCISE 1

Who will govern the shipwrecked children?

Objective

The purpose of this activity is to discuss the advantages and disadvantages of various forms of government. Since participants are asked for their opinions, there is not only a single right answer.

Possible responses

Peter Peter suggests an authoritarian state, perhaps a dictatorship, with him as the leader. Discuss whether age and strength are important characteristics of a leader.

Anna Anna suggests a direct democracy in which all participate.

Ravi Ravi suggests a representative democracy in which some people are elected to represent others.

Mse Mse suggests that age and education should be factors in determining who should vote.

Note: Answers will vary. If participants cannot agree on whose suggestion to follow, ask them each to write their own system of government for the shipwrecked children.

EXERCISE 2

Drawing a Democracy Tree: what does democracy mean to you?

Objective

The objective of this exercise is for participants to express what they consider to be benefits of democracy.

Materials needed: One large piece of paper for each group; various koki pens or markers for each group.

Possible responses

It is likely that the 'Democracy Tree' activity will generate discussion about whether a principle is a result of democracy (a fruit), or is necessary before you can have a democracy (a root). Many principles are both foundations and benefits of democracy, eg equality may be a root/foundation or fruit/benefit.



45
min

Briefing: 5 min
Group discussion and drawing: 20 min
Feedback: 10 min
General discussion: 10 min

After the group activity, bring the groups together as a whole to discuss each picture. Ask the participants to explain why democracy will yield the fruits they have chosen.

Variation (optional)

Divide participants into small groups to brainstorm the foundations and benefits of democracy. Ask them to draw roots for the foundations and fruits for the benefits of democracy.

Bring the group back together as a whole to describe and discuss each picture. You may want to ask some of the following questions to generate discussion:


1. Did any group have difficulty deciding which principles were roots and which were fruits? Which principles presented this problem? How did you finally come up with a solution?
2. What roots and fruits did other groups have that you did not? Would you add that item to your tree? Give your reasons.

1.2 DEMOCRACY AND POWER

(Read Learner’s Manual pages 4 to 6)

EXERCISE 3

Who has power?

| | | |
|---|-----------------------|--------|
|  | Briefing: | 5 min |
| | Group discussions: | 10 min |
| 30 min | Feedback from groups: | 10 min |
| | General discussion: | 5 min |

Objective

The objective of this exercise is for participants to think about the relationship between democracy and power.

Possible responses

1. Both the army and the citizens who rioted possess power.
 The citizens possess power, temporarily, because the army has not been successful in influencing the citizens to change their behaviour and pay the taxes and higher petrol price. As soon as the citizens pay the taxes and higher petrol price, the government will have power. The army and the supporters of the former government have power because they have the capacity to control the citizens by force.
2. No one has legitimate power.
 The citizens have illegitimate power unless their riots cause the army and the former government to repeal the petrol tax law and petrol price increases. They basically have no control, influence or mandate from the people.
 The elected democratic government has the right to legitimate power because it has a mandate to rule, but currently its power is illegitimate because it has no control or influence and is unable to control either the army or the citizens.
 The army and former government have illegitimate power because they have no mandate from the people to govern.

PROCEDURE

- Brief participants.
- Group discussions.
- Feedback from groups.
- General discussion.

The army and former government have illegitimate power because they have no mandate from the people to govern. The citizens do not accept this government’s laws and have not changed their behaviour as a result of these laws.

1.3 TYPES OF DEMOCRACY

(Read Learner's Manual pages 6 to 9)



**45
min**

Individual work: 15 min
Group discussions: 20 min
General discussion: 10 min

EXERCISE 4

Helping to Choose the best type of democracy

PROCEDURE

Participants work individually to list the advantages and disadvantages of direct and representative democracy.

Divide participants into small groups to compare their answers.

Groups consider individual answers to make a group recommendation concerning which democracy they think is best for Butika.

Feedback from groups.

General discussion.

Objective

The objective of this exercise is for participants to decide whether a direct or a representative democracy is best in a particular situation.

Possible responses

1. DIRECT DEMOCRACY

Advantages

- (a) All citizens have a say about every issue.
- (b) All citizens have a chance to vote.
- (c) Almost every citizen has a chance to stand for office.
- (d) No one is in office long enough to become too powerful.

Disadvantages

- (a) Not everyone may be considered a citizen, and those who are not cannot vote (eg women, slaves and foreigners could not vote in ancient Greece's direct democracy).
- (b) It takes a long time to get laws passed because every citizen must vote on everything.
- (c) Every citizen may not be able to make an informed decision on every issue because it's too difficult to keep everyone informed.
- (d) It is too difficult to collect votes from everyone.
- (e) There are too many daily issues for citizens to hear about.

2. REPRESENTATIVE DEMOCRACY

Advantages

- (a) Representatives, not all citizens, spend their time on the day-to-day governing of the country.
- (b) It does not have to take a long time to pass laws.
- (c) The representatives speak for the citizens.
- (d) Citizens can vote representatives out of office if they disapprove of their actions.
- (e) All citizens have a chance to vote for their representative.

Disadvantages

- (a) A representative holds office long enough to become too powerful.
- (b) If citizens are not directly involved in government, they may lose interest in it.
- (c) Not everyone has an opportunity to stand for office.

3. RECOMMENDATIONS

Learners' answers will vary, depending on which of the above arguments they favour for Butika.

1.4 THE DIFFERENCE BETWEEN DEMOCRACY AND DICTATORSHIP

(Read Learner's Manual pages 9 to 11)

EXERCISE 5

What kind of government is it?

Objective

The objective of this exercise is for participants to learn to distinguish between a dictatorship, a direct democracy and a representative democracy as forms of government.

Materials needed: Three signs, one for each type of government: dictatorship, direct democracy and representative democracy; and tape or Prestik.

Possible responses

1. Representative democracy.
2. Dictatorship.
3. Representative democracy (also referred to as a constitutional monarchy when the king and queen have only ceremonial powers).
4. Dictatorship (some may disagree with the use of this term because many traditional leaders do not dictate; they make decisions after consulting with advisers and this may have elements of democracy).
5. Dictatorship.
6. Direct democracy.
7. Representative democracy.
8. Dictatorship (some may disagree with the use of this term because the local people can vote for their parliament even though the real power lies with the ruler and his family. They will say that the ruler is democratic because he provides the local people with all kinds of benefits such as housing, health, education, etc – even though these benefits are not available to foreigners who have worked in the country for many years or their children who have been born there).
9. Direct democracy – referendums are a modern form of direct democracy.



Group discussions: 10 min
40 min Report back: 30 min

PROCEDURE

Place signs around the room which name each type of government.

Have participants stand under the sign which names the type of government described in each example.

Get participants to give reasons for their choice.

1.5 TYPES OF REPRESENTATIVE DEMOCRACY

(Read Learner's Manual pages 12 to 15)

| | | |
|-----------|--|--------|
| 65 min | Reading: | 5 min |
| | Individual work: | 15 min |
| | Groups make group lists from individual lists: | 10 min |
| | Report back: | 10 min |
| | Role-plays: | 15 min |
| | General discussion: | 10 min |

PROCEDURE

Ask participants to individually list their answers to Q1.

Divide participants into groups to consider the individual lists and to compile a group list for Q1.

Ask a spokesperson from each group to report back to the whole class on their lists.

Ask participants to role-play the two conversations.

Ask two participants to comment on the two conversations.

Ask participants to decide which system they would choose for their country.

The role-play should show the power of parliament over the Prime Minister, because she or he is a member of parliament and could be voted out of office by its members.

The President, however, may not be voted out by Congress if he or she has been elected directly by the people.

EXERCISE 6**Parliamentary vs presidential democracy****Objective**

The objective of this exercise is for participants to understand the difference between a parliamentary and a presidential democracy.

Possible responses**1. Presidential democracy**

- The executive and legislative branches are separate.
- Voters elect representatives to the legislature and the head of the executive branch (President).
- The President holds office for a fixed number of years.
- There is system of separation of powers and checks and balances (ie the executive does not control the legislature and vice versa).

- Ask participants to role-play a conversation between the Prime Minister in a parliamentary democracy and the leader of the opposition in the parliament. The Prime Minister wants to declare war against a neighbouring country. The opposition leader is against it. Discuss the role-play.
- Ask participants to role-play a conversation between an elected President in a presidential democracy and the leader of the National Assembly. The President wants to declare war against a neighbouring country. The leader of the National Assembly is against it. Discuss the role-play.
- Ask participants to compare the two conversations.
- Participants' answers will vary depending on whether they favour the positions in question 2 or 3.

1.6 FUNDAMENTAL PRINCIPLES OF DEMOCRACY

(Read Learner's Manual pages 15 to 16)

EXERCISE 7

On the road to democracy

Objective

The objective of the exercise is for participants to identify the signposts which indicate that a country is on the road to democracy, and the obstacles which may arise along the way.

Materials needed: A photocopy of the 'Road to Democracy' map in the Learner's Manual pages 18 and 19 for each group, sheets of newsprint paper, and markers or coloured pencils (optional).

1. Divide participants into groups and ask them to give their 'perfect democracy' a name by writing it in the box provided on the map.
2. Ask each group to brainstorm a list of the basic principles of democracy on a separate sheet of paper. Then ask them to fill in the (□) rectangular signposts along the road with words indicating the basic principles of democracy. These signposts should reflect the basic essentials that must exist in order to have the perfect democracy.
3. Ask each group to brainstorm a list of factors which may prevent them from reaching the perfect democracy. Ask them to fill in the round signposts (○) with wrong turns preventing democracy, and the triangular signposts with dangers (△) and obstacles (▽) along the road which make it difficult to achieve the perfect democracy. Possible wrong turns include dictatorship and a military coup. Possible obstacles include intimidation, violence, discrimination, etc. Possible dangers include corruption, greed, etc.
4. Ask participants to list the benefits people will have from their perfect democracy on their map. Possible benefits include freedom, equality, opportunity to achieve, peace, etc.
5. Compare and discuss each group's drawing. Ask about the obstacles and benefits of each group's perfect democracy. Ask participants to give an example and the meaning of each signpost.

Time permitting, ask participants to work in groups to design short dramas which illustrate each signpost.



| | |
|--|--------|
| Name perfect democracy: | 5 min |
| List principles: | 10 min |
| Label signposts: | 5 min |
| List wrong turns, dangers and obstacles: | 10 min |
| List benefits: | 10 min |
| Compare maps: | 10 min |
| 50 min | |

PROCEDURE

Get participants to:

Name their perfect democracy

List basic the principles of democracy and label them as signposts

List wrong turns, dangers and obstacles

List the benefits people receive from democracy

Compare maps

1.7 SIGNPOSTS TO DEMOCRACY

(Read Learner's Manual pages 16 to 23)



| | | |
|---------------|---|--------|
| | Individual work: | 10 min |
| | Group work to compile composite list from individual lists: | 15 min |
| 40 min | Report back: | 15 min |

EXERCISE 8**Is Democratia on the Road to Democracy?****PROCEDURE**

Ask participants to individually identify one or more signposts leading to democracy.

Divide participants into groups to consider the individual lists and to compile a group list of the signposts which lead to democracy.

Ask a spokesperson from each group to report back to the whole class on their lists.

If the class is large, it may be better to ask each group to discuss one or more questions.

Objective

The objective of this exercise is for participants to learn to recognise whether or not the signposts to democracy exist in a country's governmental structure.

Possible responses

1. This is a signpost to democracy which may be included in the bill of rights (the right to education). The principle may be a bill of rights (if the right to education is included), human rights (ie the right to education) or equality (everyone has the right to become educated).
2. This is not a signpost to democracy because it does not allow a multi-party system. It also shows political intolerance, which is a violation of the human rights of freedom of speech and assembly. These are usually part of a bill of rights.
3. This is a signpost to democracy. It is transparency.
4. This is a signpost to democracy. It is part of regular, free and fair elections.
5. This is a signpost to democracy. It is citizen participation, and may also be a part of equality (teachers have the right to be treated equally), a bill of rights (the right to protest) and human rights (the right to participate and the right to non-discrimination).
6. This is not a signpost to democracy. It is a violation of the rule of law. The right to physical security may be conferred by a bill of rights, or may be an integral part of human rights and control of the abuse of power.
7. Some will argue that this is not a signpost because it limits citizen participation. Others will say this is a signpost to democracy because it allows some citizen participation.
8. This is not a signpost to democracy. It is an example of abuse of power because it forces people to do something, eg join a union against their will. Others who support unions may say unions give people economic freedom and are necessary for democracy.
9. This is not a signpost to democracy. It violates the principles of free and fair elections and equality (ie only people with money can vote). Others say that those with no money are not contributing to society. They see this as a tax issue.
10. Answers will vary. Some will say this is not a signpost to democracy because it violates the principle of equality (ie everyone should be treated equally). In South Africa prisoners are allowed to vote. The right to vote is a signpost to democracy. Either answer may be correct.

11. This is not a signpost to democracy. If the election was fair, then refusing to accept the results of an election is undemocratic. If the election was unfair, then this is an example of not having a free and fair election.
12. This is a signpost to democracy. It is accountability.
13. Some will argue that this is not a signpost to democracy because it violates the principle of economic freedom. Others will say that this is legitimate exercise of power which gives human rights and economic freedom to all.
14. This is a signpost to democracy if the citizens are allowed to protest peacefully – even though government blames the protests on a ‘third force’. It is a signpost to democracy because it allows citizen participation. It also involves a bill of rights and human rights if the citizens have the right to freedom of assembly and freedom of expression when protesting.
15. This is not a signpost to democracy if the participants are denied their right to protest peacefully, as it undermines citizen participation, a bill of rights and human rights, because the participants’ rights to freedom of assembly and freedom of expression have also been violated.

1.8 EXPECTATIONS OF DEMOCRACY

(Read Learner’s Manual pages 23 to 25)

EXERCISE 9

A conversation about democracy



| | |
|----------------------------|--------|
| Read play: | 5 min |
| Group discussions: | 15 min |
| 45 min Report back: | 15 min |
| General discussion: | 10 min |

Objective

The objective of this exercise is to give participants an opportunity to analyse different arguments concerning expectations about democracy. Possible responses

1. Get learners to roleplay and read the statements of the different characters in the cartoon in the Learner’s Manual (pages 24 and 25).
2. The six main views expressed are:

- Citizen 1** *Unrealistic expectations:* The government will cure all society’s problems.
- Citizen 2** *Realistic expectations:* The government should provide citizens with opportunity.
- Citizen 3** If the government does not limit the amount of support it provides, it may create more problems than it solves.
- Citizen 4** *Redistribution of wealth:* The government should equalise wealth. (This is not a democratic principle.)
- Citizen 5** *Economic freedom:* In a democracy the people control the marketplace. This is seen as the best model by those who support capitalism.
- Citizen 6** If democracy does not improve the quality of life, a dictatorship will.

PROCEDURE

- Brief participants.
- Select participants to read the different statements by the people in the cartoon.
- Debrief the conversations.
- Conduct group discussions.
- Report back from the groups.

1. WHAT IS DEMOCRACY?

3. Some of the benefits democracy provides are:
- having a say in government;
 - feeling a part of society;
 - ensuring that everyone is treated equally;
 - opening up a free market;
 - having greater freedom; and
 - receiving more benefits than before.
4. Some of the risks or losses which may come with democracy are:
- sometimes the minority must go along with the majority, even if they do not want to – this may mean they will lose some freedoms;
 - some say democracy and free-market economics result in greater inequality of wealth;
 - democracy can be disorganised and inefficient; and
 - democracy may raise unrealistic expectations in people, resulting in disappointment.
5. Answers may vary, but generally most participants will probably support the benefits of democracy.

1.9 YOU AND DEMOCRACY

(Read Learner's Manual page 26)



| | | |
|---------------|---------------------|--------|
| | Individual work: | 15 min |
| | or | |
| 30 min | Group discussions: | 15 min |
| | General discussion: | 15 min |

EXERCISE 10

Do you think democratically?

Objective

The objective of this exercise is for participants to analyse their reactions to certain situations to discover whether or not they think democratically.

Possible responses

- I don't like Piet, so I will not allow him into my house.
Undemocratic: Intolerance, inequality.
- Jane doesn't want to work. Even though I think everyone should work for a living, I think Jane has the right not to work.
Democratic: Human rights, freedom.
- Nomse is a lawyer and Cecile is a housekeeper, but they are still equal.
Democratic: Equality.
- Poor people who live in shantytowns should be provided with free housing.
Democratic: Human rights, bill of rights.
- Every person should be given an equal amount of property to do with as they please.

Learners may disagree. Some will say this is a democratic as it is a **human right** and promotes **equality**. Others will say that it is undemocratic because it goes against **economic freedom**.

PROCEDURE

Ask participants to work individually or in groups.

Ask participants to mark the statements which reflect a culture of democracy.

Ask participants to explain their answers.

6. My husband can practise a different religion from me.
Democratic: Freedom of religion, human rights, bill of rights.
7. Teachers at schools should be harder on male students because males must learn to be the heads of the households.
Undemocratic: Inequality.
8. **Undemocratic** the students in the city schools should get textbooks last because they used to get them first. It is payback time and the rural schools should now get textbooks first.
Learners may disagree whether this is a form of **affirmative action** which supports democracy or a form of **discrimination**.
9. My wife should do as I say. I know best.
Undemocratic: Abuse of power, inequality.
10. I don't think my sister should date anyone not from a different culture. Our friends may no visit us.
Undemocratic: Intolerance.
11. No matter what people do to him, Mandela never uses violence.
Democratic: Human rights, rule of law.
12. A mayor believes that 'virginity testing' of young girls should be done, and that virgins should be rewarded with study bursaries, because it will prevent them from becoming HIV-positive.
Undemocratic: Violation of human rights, discrimination if they are coerced into participating.



For additional resources from Civics Academy see: *What is a democracy?* www.civicsacademy.co.za/video/democracy

2. HOW GOVERNMENT WORKS IN A DEMOCRACY

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OBJECTIVES

After reading this chapter, you should be able to


1. define a constitution and a bill of rights;
2. describe how a constitution comes about;
3. explain how a constitution may be changed;
4. describe the different systems of government;
5. explain how the legislative, executive and judicial branches of government work;
6. conduct a mock parliamentary debate;
7. describe the role government may play in the economy;
8. explain the role of local government in democracy.

2.1 A CONSTITUTION AND A BILL OF RIGHTS

(Read Learner's Manual page 28)

EXERCISE 1

Which constitutional provisions support or prevent democracy?

| | | |
|---|---------------------|-------------------|
|  | Individual work: | 10 min |
| | or | |
| | 30 or 35 min | Group discussion: |
| | General discussion: | 20 min |

Objective

The objective of this exercise is for learners to practise identifying signposts that support or prevent democracy.

Learners should consider the provisions individually or in small groups.

Possible responses

The following signposts are involved in each example in the exercise:

- This provision **works against democracy** because it would infringe;
 - citizen participation* – voting is an important form of democracy;
 - equality* – because people would not all be equal in voting; only those with land could vote;
 - political tolerance* – those owning property would not be allowing those without land to vote;
 - regular free and fair elections* – it would not be fair to exclude so many citizens from voting;
 - a *bill of rights* – the right to vote is usually included as a listed right;
 - human rights* – human rights documents such as Universal Declaration of Human Rights list participation in government as a human right.
- This provision **supports democracy** because it promotes:
 - accountability* – public officials are held accountable through frequent elections which enable citizens to vote them into or out of office;
 - regular free and fair elections* – these provide a regular period within which elections must be held.
- This provision **supports and works against democracy** because of:
 - control of abuse of power* the judicial branch may be able to control the abuse of power by the other branches. Appointments for life may make for independence and greater checks on abuse of power;
 - accountability* – life appointments do not increase accountability because the judges cannot usually be removed from office unless they commit a serious crime.

PROCEDURE

Divide the class into small groups of no more than five learners.

Allow the groups to identify the signposts and to discuss whether the scenario supports or prevents democracy.

Each group reports back.

If there are time constraints, each group could be asked to provide their response to one or two of the scenarios.

Provide a concluding explanation.

2. HOW GOVERNMENT WORKS IN A DEMOCRACY

4. This provision **supports democracy** because it strengthens:
 - a *bill of rights* – this is usually part of a democratic constitution. Making it difficult to amend the constitution supports the importance of the bill of rights;
 - *the rule of law* – this may also support the rule of law, which includes having stability and consistency in the law.
5. This provision **works against democracy** because of *control of abuse of power*. Some argue that the executive council overriding the courts may lead to abuse of power by the executive council.
6. This provision **supports democracy** because it promotes *regular free and fair elections*. Having a secret ballot is usually seen as one of the measures of whether an election has been free and fair.
7. This provision **may work against or support democracy** because it *promotes transparency*. Not allowing open meetings makes it difficult for citizens to know what is going on inside the government. However, since the meetings involve national security issues, it may be argued that it is necessary for the survival of the country to keep a meeting secret.
8. This provision **works against democracy** because it weakens:
 - *accountability* – the provision works against holding officials accountable;
 - *the rule of law* – not requiring the prosecution of all citizens in the same way may violate the rule of law and equality; not all government officials would be treated equally.
9. This provision **works against democracy** because it weakens:
 - *control of abuse of power* – this provision would give police too much authority;
 - a *bill of rights* – would not usually allow this type of action.
10. This provision **works against democracy** because it undermines the *rule of law* – this provision goes against the idea that the law must be followed.



For additional resources from Civics Academy see: *Why do we have a Constitution?* <http://www.civicsacademy.co.za/video/constitution>

2.2 DRAFTING A CONSTITUTION

(Read Learner's Manual page 29 to 30)

EXERCISE 2

Debate on allowing 16-year-olds to Vote



| | |
|-------------------------|--------|
| Reading and discussion: | 20 min |
| Debate: | 20 min |
| General discussion: | 10 min |

50 min

Objective

The object of this exercise is for learners to practise debating a contentious issue in a way that promotes tolerance.

Possible responses

Arguments in favour are that everyone who is 16 years of age is old enough to understand the issues. They are affected by the issues and this will increase their ability to participate as citizens.

Arguments against are that 16-year-olds are too young to understand the issues and they will just be influenced by their parents or their peers. Only adults should vote. Society will get poorer decisions from elections if 16-year-olds have the vote.

Nelson Mandela, South Africa's first President, at one point proposed a voting age of 14 years, but most political leaders did not agree, and 18 years is now the voting age in terms of the South African Constitution.

Alternatives might now be to lower the age (eg to 16) or raise it (to 21).

2.3 CHANGING THE CONSTITUTION

(Read Learner's Manual pages 30 to 32)

EXERCISE 3

Debating corporal punishment in schools



| | |
|-------------------------|--------|
| Reading and discussion: | 10 min |
| Group discussion: | 15 min |
| Debate: | 20 min |
| Drafting amendment: | 10 min |
| Voting: | 5 min |

60 min

Objective

This exercise enables learners to participate in a simulated parliamentary debate on corporal punishment.

In conducting the debate, the instructor should make sure that both sides are adequately heard.

PROCEDURE

Explain the issue and debating procedures.

Divide participants into groups to prepare arguments for or against the proposal and suggest amendments.

Appoint the 'Speaker of the Assembly'.

Role-play the parliamentary debate.

Draft an amendment to the Constitution.

Vote on the amendment.

Possible responses

- Arguments for corporal punishment** include that it is necessary for good discipline, that it creates more disciplined adults, and that school officials would not be requesting it unless they needed to administer it. Some might also argue that educators may be allowed by the parents to administer corporal punishment as a means to discipline children. Children can understand that the teacher is not 'a bad person' who will beat them randomly, but only as a punishment if they misbehave. They can still trust their teachers to help them if they are in trouble.
- Arguments against corporal punishment** include that it gives a message that violence is justified and school officials will resort to it rather than use other less violent disciplinary methods. It does not convince learners that what they are doing is wrong but only forces them to comply with rules. Some might also argue that it damages the trust that children have in their teachers. If children are afraid of their teachers or dislike them because they hit them, they may not tell their teachers about important things such as being bullied at school or being abused at home. Furthermore, it is not as effective as other methods of punishment such as detention or out-of-school suspension.
- The groups should draft an amendment for or against corporal punishment**
- The debate** should be controlled by a person designated to act as the 'Speaker of the Assembly'. When a vote is taken, people should vote for their actual positions, not necessarily the one they took in the role-play.
- The members should vote on a motion after the debate.**

2.4 STRUCTURE OF GOVERNMENT

(Read Learner's Manual page pages 32 to 46)



35 min Group discussion: 10 min
Report back: 15 min
General discussion: 10 min

EXERCISE 4

Dividing powers among national, provincial and local governments

PROCEDURE

Divide participants into groups.

Explain the task and time allocated.

Give each group five questions to answer.

Groups report back and compare answers.

General discussion.

Objective

The objective of this exercise is for learners to understand which powers are appropriate to national, regional or local government.

Possible responses

The following reasons might be given in the answers to each question, to support whether each power should be given to the national, regional or local government:

- National** – we need a unified national curriculum and similar education provided to all, which can be better organised on a national basis.
Provincial – this can provide for regional schooling concerns (language, history, jobs, educating people for life in the region, etc).
Local teachers and administrators can be held accountable because they can be controlled better on a local level and will best meet local needs.

2. **National** – can be arranged on a national basis and will be more economical.
Provincial – better aware of needs and can make decisions based on environmental resources and concerns that may not be known nationally or locally.
Local – will know best what is needed.
3. **National** – anti-discrimination laws should be the same everywhere in the country and a national mechanism needs to be set up to enforce them. It would be chaotic to have different laws and enforcement mechanisms in different parts of the country.
4. **National** – one language might unify the country culturally and economically, and national government may be best able to decide what is best for different regions or locations through having a national perspective. This, however, depends on the political climate (eg South Africa has 11 official languages because De Klerk would not agree to English as the only official language because Afrikaans was an ‘indigenous language’, and Mandela then insisted that in that case there were nine other ‘indigenous languages’ that had to be recognised).
Provincial – will understand the needs of the province (eg provinces in South Africa emphasise different official languages, such as English and isiZulu for KwaZulu-Natal and English, Afrikaans and isiXhosa for the Western Cape).
Local – will best understand local needs and people there will not feel forced by national or provincial government to use a particular language in their schools.
5. **National** – abuse by the police is a national problem needing national action. Even if the police are controlled locally or regionally, people should be able to take complaints to a more neutral national body.
Provincial – the police force may be best organised on a regional basis and if so, complaints may best be handled provincially.
Local – if police are controlled locally (eg some cities have their own police forces, such as Durban, Cape Town and Johannesburg), they will be more accountable to the people they serve. However, it may be best to have complaints go to a more neutral provincial body.
6. **National** – land ownership may require national laws for unification purposes.
Provincial – may better understand land issues in a province.
Local – may have the best knowledge needed to make decisions regarding ownership.
7. **National** – unified laws are needed.
Provincial – can look at transportation needs on a provincial basis.
Local – will best understand issues of taxi use and the people involved.
8. **National** military capability is usually a national issue as it involves the country as a whole and unified approval is needed.
Provincial and local – few arguments except regarding use of military to address problems within the province or locally.
9. **National** – treaties must be nationally decided on otherwise other countries would find it difficult if not impossible to negotiate or deal with a country.

PROCEDURE

Alternatively, the instructor may run the exercise as follows:

Read each of the issues to the class or use an overhead transparency.

Ask the class which form of government would best deal with each issue.

Ask participants to explain their answers.

Summarise the arguments for and against the different forms of government.

Try to solicit a wide range of opinions from participants.



| | |
|-----------------------------------|--------|
| Briefing: | 5 min |
| Group discussions: | 15 min |
| Report back: | 10 min |
| 40 min General discussion: | 10 min |

EXERCISE 5

What is the role of a chief in a rural area in a democracy?

PROCEDURE

Explain the exercise.

Divide into small groups.

Allocate one question for discussion to each group.

Groups report back to the whole class.

Summarise participants' responses.

Verify the different arguments.

Objective

The objective of this exercise is for learners to understand the role of traditional leaders (such as chiefs in rural areas) in a democracy.

Note: If there is a real Chief Ngcobo, as there is in KwaZulu-Natal, it may be necessary to use another fictitious name, eg Chief Paul.

Possible responses

1 **Arguments for:** Those in favour of continuing Chief Ngcobo's local governing authority can argue that it is his people's tradition and culture and it is their right to maintain it. They may also say that if his supporters are the majority in a local area, they should have the right to elect him democratically to continue governing in the area.

Arguments against: Those against would say that it will cause disunity among the people and the laws. They would say that traditional laws and customs will conflict with modern national laws and this will cause problems and resentment towards the national and regional governments. They also may say that some of the traditional practices violate modern concepts of justice and human rights (eg the subjugation of women in traditional society) and should be ended.

Ngcobo's total removal from power may result in his people not supporting democracy. However, it may also be the best way to get them to support it because it will lead to a total break with the past. Some would argue that if most of the people in the area want Chief Ngcobo to be their local leader, he should stand for election to maintain power. However, this might have to be within the new democratic structure.

2. Countries, especially in Africa, are trying to find ways to allow traditional leaders to play a useful role. Some believe this can and should be done. However, the idea of inherited, and not elected, power seems contradictory to the principles of democracy, including accountability and some of the other signposts listed in Chapter 1. Perhaps there are certain areas of authority traditional leaders can be given that will not cause major conflicts with national and regional law, such as family law issues that do not clash with the Constitution. In addition, traditional authorities, or perhaps chiefs, could be consulted by democratically elected leaders, thereby serving as informal government advisers.

However, others would strongly disagree and say that traditional leaders have little or no place in a democracy, particularly where they rely on 'cultural relativism', which is a belief that human rights are not universal and must at times yield to cultural practices that violate human rights. In South Africa 'cultural relativism' does not apply. For instance, the courts have ruled that customary law which prevents females from inheriting from their fathers if their fathers die without making a will is against the equality clause of the Constitution and invalid.

- The local religious leader issue is similar to the role of traditional religious leaders in some countries and the role of religion and the state. Some say that there should be a complete separation between religion and the state, otherwise the religious majority may impose its will and beliefs on minorities. They argue that some people who are fanatical about their religion may prevent others from criticising their religion or practising a different religion, sometimes resulting in death or serious bodily injury to 'non-believers', as has happened in Bangladesh.

There may be certain areas of authority traditional leaders can be given that will not cause major conflicts with national or regional law.

2.4.2 Branches of government

2.4.2.1 Legislature

EXERCISE 6

A mock parliamentary debate on the death penalty

| | | |
|---|-----------------------|--------|
|  | Briefing: | 6 min |
| | Appoint Speaker: | 2 min |
| | Group preparation: | 20 min |
| | Parliamentary debate: | 30 min |
| 60 min | Vote on amendments: | 1 min |
| | Vote on Bill: | 1 min |

Objective

The objective of this exercise is to enable learners to participate in a parliamentary debate on the death penalty.

Some issues for the instructor to consider in doing this exercise are:

- The proposed law is written in a way that makes the death penalty virtually automatic for 'unlawful and intentional' murder. The debate should focus on the meaning of 'unlawful and intentional'.
- Some may wish to change (ie amend) the law, by requiring that the murder be 'premeditated' (planned ahead of time). Step 4 in the debate procedure set out in the Learner's Manual allows for amendments.
- It is important to emphasise that in a democracy members of parliament (MPs) may sometimes go against their party's position either because they personally believe differently and 'vote with their conscience', or because they believe that the voters think differently from the party on the issue. They may also have made a deal to trade their vote on this issue to obtain the support of others on another issue they care about more. These tactics generally do not happen in South Africa because of the 'party list' system by which MPs are appointed by the parties and may lose their seats in parliament if they do not vote the way their party wants them to vote.
- Before beginning the exercise, the instructor should review the steps in the debating procedure. The instructor should also ask the learners on the same side to meet either in small groups or as one large group of party members to plan their strategy, and then each group should nominate a speaker to present its position.
- The educator should set time limits for the learners to present and debate their arguments.
- The exercise should end with a vote on the motion.

PROCEDURE

- Review the steps in the debating procedure.
- Explain the issue.
- Debating and voting procedures.
- Appoint 'Speaker of the Assembly'.
- Divide class into two groups.
- Groups meet to prepare arguments.
- Role-play the parliamentary debate.
- Debate amendment(s).
- Vote on final draft of Bill.

Optional exercise:

If there are time constraints, instead of a mock parliamentary debate the participants can be divided into small groups to prepare and share arguments for and against the death penalty. At the end of the debate the participants can indicate by a show of hands whether or not they think that the death penalty should be reinstated.



40
min

Group discussions: 20 min
Report back: 15 min
General discussion: 5 min

PROCEDURE

Divide participants into groups.

Let each group discuss all three questions.

Groups report back to whole class.

Summarise participants' responses.

Clarify arguments.

Members of parliament can only be held accountable if the people know what is going on.

EXERCISE 7

Should 'vote-trading' be allowed in parliament?

Objective

The objective of this exercise is to help learners understand the concept of 'vote-trading'.

Possible answers

- Arguments for:** Those in favour of 'vote-trading' will argue that it is often difficult in a democracy to get anything through a legislature made up of either a small majority of one party or many parties. They also say that compromises bring about more reasonable or moderate positions and that this may be better than more radical positions in one direction or the other. Learners should decide whether they think the vote-trading should be allowed.

Arguments against: Those against 'vote-trading' might say that while it brings about compromise and moderate positions, it restricts the opportunity for change, and results in members of parliament going against their own personal beliefs, what the voters desire, and what is best for the country.
- One possible answer here is that nothing would be accomplished. Another is that a majority would emerge for a particular position.
- This is an argument about transparency. Those in favour of 'vote-trading' would argue that members of parliament can only be held accountable if the people know what is going on. Those against would say that people would not 'vote-trade' as much if everyone knew they were doing it, and less would be accomplished.



For additional resources from Civics Academy see: *What is the legislature?* <http://www.civicsacademy.co.za/video/what-is-the-legislature>

2.4.2.2 *The executive*

EXERCISE 8

Police action and the rule of law



Reading and explanation: 5 min
 Group discussion: 15 min
 Report back: 15 min
40 min General discussion: 5 min

Objective

The objective of this exercise is for learners to understand the concept of the rule of law.



For additional resources from Civics Academy see: *What is the executive?* <http://www.civicsacademy.co.za/video/executive>

Possible responses

1. The law allows the police to use reasonable force only to arrest and overcome people who are breaking the law.
2. The police violated the law because they took out their guns and killed all five suspects even though only one was armed. This was not use of reasonable force.
3. Both the suspect who took out a gun and the police violated the 'rule of law'. Neither followed the law. Prosecuting the police would make the statement that no one is above the law.



For additional resources from Civics Academy see: *What is justice and why do we need the rule of law?* <http://www.civicsacademy.co.za/video/justice>

2.4.2.3 *Judiciary*

EXERCISE 9

Dismissal of judges



Reading and explanation: 5 min
 Group discussion: 15 min
 Report back and general discussion: 15 min
35 min

Objective

The objective of this exercise is for learners to think about when judges should be dismissed.

Possible responses

1. (a) Allowing the President to dismiss judges may be undemocratic if the President is able to dismiss judges whom he or she believes are not supporting government policies or are 'counter-revolutionary'.
- (b) Allowing the Judicial Service Commission, which has a majority of appointees who support the ruling party, to dismiss judges may undermine democracy if it prevents the dismissal of judges who support the ruling party.

PROCEDURE

Divide participants into groups.
 Each group discusses one question.
 Groups report back.
 Summarise responses.
 Clarify arguments.

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- (c) Requiring parliament to dismiss judges if two-thirds of its members vote for dismissal is more democratic than the other two methods, as it can prevent the ruling party from dismissing judges that give judgments against the government, because their dismissal can be prevented by opposition parties – provided the ruling party does not have a two-thirds majority.
2. (a) Learners' answers will differ as to whether a High Court judge who is convicted of drunk driving and uses racist language should be dismissed. In a similar case the judge was suspended indefinitely on full pay (of over R1 million a year) without his dismissal being recommended by the Judicial Service Commission.
- (b) Learners' answers will differ as to whether a High Court judge who uses racist language in a private conversation should be dismissed. The Judicial Service Commission is presently dealing with a complaint about the judge in a similar case.
- (c) Learners' answers will differ as to whether a High Court judge who tries to influence Constitutional Court judges to make a judgment in favour of the government and ruling party should be dismissed. In a similar case the judge has managed to use a number of procedural arguments to prevent the case from being considered by the Judicial Service Commission.
- (d) Learners' answers will differ as to whether a High Court judge who allows a private corporation to pay for his son's university fees should be dismissed. In a similar case the judge claimed that the Judge President had approved his accepting the offer from a private corporation and the Judicial Service Commission did not discipline him.



For additional resources from Civics Academy see: *What is the judiciary?* <http://www.civicsacademy.co.za/video/judiciary>

2.5 ROLE OF GOVERNMENT IN THE ECONOMY

(Read Learner's Manual pages 47 to 49)



| | | |
|------------|---------------------|--------|
| | Select speakers: | 4 min |
| | RoI- play: | 6 min |
| | Group discussion: | 15 min |
| 45 | Report back: | 15 min |
| min | General discussion: | 5 min |

EXERCISE 10

Should the mines be nationalised?

Objective

The objective of this exercise is for learners to understand the advantages and disadvantages of different economic policies.

Possible responses

1. The role-play should bring out the different viewpoints.
2. The capitalist viewpoint is most closely represented by the owner of mine, the socialist view by the mine-worker and the mixed economy point of view by the member of parliament.

3. The advantages of the capitalist viewpoint are that if the mines succeed, the country may have a stronger economy as a whole and a larger middle class may be produced. Some say that the incentive of gaining wealth leads to hard work. The disadvantages are that only a small number of people may become wealthy under this 'trickle-down' system and that there may be a large poor population. The workers also may be overworked and exploited under the system.

The advantages of the socialist approach are that if it succeeds, more people may share in the wealth of the country, and there would be fewer poor people. The disadvantages are that it has not very often resulted in strong economies and that this may be because the idea of sharing wealth reduces the incentive people have to work hard. An exception to this appears to be China, where the country has had a strong economy for many years.

The advantages of the mixed economic system may be that it could take the best from both systems and produce the best economic results with less economic inequality than a straight capitalist system. The disadvantages may be that by staying in the middle, it may produce poor or mixed results.

4. Learners may think of other solutions such as:
- (a) giving workers shares in the mines;
 - (b) linking the workers' wages to profits; or
 - (c) giving workers special bonuses linked to profits.

PROCEDURE

Select three participants to role-play the different points of view.

Learners conduct the role-play.

Solicit responses and discussion from the class.

Divide participants into groups, each to discuss one question.

Groups report back.

Summarise responses.

Some say that the incentive of gaining wealth leads to hard work. The disadvantage is that only a small number of people may become wealthy and there may be a large poor population.

2.6 ROLE OF LOCAL GOVERNMENT IN DEMOCRACY

(Read Learner's Manual pages 50 to 53)

EXERCISE 11

What is the role of local government in service delivery?

Objective

The objective of this exercise is for learners to understand the role of local government in the delivery of services.

Service delivery is one of the key features of a developmental state. Its role is to ensure that all its citizens, especially the poor and other vulnerable groups, have access to basic services. The South African Constitution provides that the government must ensure that the provision of services is progressively expanded to all, within the limits of available resources and in a sustainable manner.



| | | |
|------------|---------------------|--------|
| | Group discussion: | 10 min |
| 35 | Report back: | 15 min |
| min | General discussion: | 10 min |

PROCEDURE

Divide participants into groups.

Explain the task and time allocated.

Give each group a question to answer.

Groups report back and compare answers.

General discussion.

Possible responses

Discuss the role played by local government in the delivery of the following services:

1. **Water**

Constitutionally, local government is responsible for the provision of services and the Department of Water and Sanitation is responsible for the regulation of the water sector, including providing local support to local government. But local government is in the first instance accountable for the provision of water and sanitation services.

Local government has joint responsibility with national government to ensure that those who use the water apply due diligence in managing contaminated water. Water is scarce and public demand is increasing due to natural factors and population growth, adding to the challenges of water provision.

2. **Sanitation**

While the right to have access to adequate sanitation is not expressly provided for in the Constitution, there are a number of clauses, particularly in the Bill of Rights, which directly or indirectly imply the right to basic sanitation or are fundamentally related to the enjoyment of this right (eg right to human dignity, right to a non-harmful environment etc).

At a municipal level, there may be a lot of confusion regarding access to basic sanitation services as a human right. This is exacerbated by the current sanitation policy, which does not provide guidance on the interpretation of access to basic sanitation as a human right. Households living in poor rural areas as well as those in dense informal settlements unfortunately end up not enjoying access to basic sanitation services as a human right. This is because the free basic sanitation services typically only benefit households that are already connected to the sewer networks.

3. **Electricity**

The generation of electricity, including bulk transmission, is the main function of Eskom and largely managed through the Department of Energy.

Municipalities are responsible for the provision of free basic energy (FBE). In terms of this, every indigent or poor household is entitled to receive 50 kWh of free basic electricity per month. This is a national policy that applies to municipal services and is funded through an unconditional allocation, and national government does not prescribe how municipalities must implement the free 50 kWh. Some municipalities have therefore elected to provide more than 50 kWh at their own expense.

4. **Refuse removal**

The Constitution delegates responsibility for refuse removal, refuse dumps, solid-waste disposal and cleansing to local government. This is also in line with keeping a clean and healthy environment.

3. CHECKING THE ABUSE OF POWER

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OBJECTIVES

After reading this chapter, you should be able to —

1. explain what is meant by an abuse of power;
2. define accountability and transparency;
3. explain the limits of accountability and transparency;
4. describe how the ‘separation of powers’ checks the abuse of power;
5. explain different domestic methods of checking abuse of power;
6. describe different international methods of checking abuse of power.

3.1 WHAT IS ABUSE OF POWER?

(Read Learner's Manual pages 55 to 57)



40 Group discussions: 20 min
min Report back: 15 min
General discussion: 5 min

PROCEDURE

Divide participants into groups.

Discuss each situation set out in the Learner's Manual.

Ask groups to identify whether the situation is an example of an abuse of power or of the positive use of power.

Groups report back.

Ask participants to explain their answers.

Clarify answers.

EXERCISE 1**Identifying abuse of power**Objective

The objective of this exercise is for learners to decide whether or not an abuse of power or a positive exercise of power occurred in the various situations.

Possible responses

1. The fact that the principal of the high school comes to school drunk is an abuse of his power as a principal in that he should be sober and able to administer the school properly. Some learners might argue that the pupils are exercising power positively when they order him to leave the school premises because he is drunk. Others might argue that because he is the principal of the school, pupils should not have the power to expel him. Most learners would probably argue, however, that threatening him with violence, if he returns, would be an abuse of power by the pupils, even if they were exercising positive power by expelling him from the premises for being drunk.
2. Most learners would probably argue that it is a positive exercise of power if the government passes a law restricting the use of water to four hours a day after a long drought, because it would enable everybody to have a minimum amount of water. Provided the four-hour restriction applies equally to everyone and is reasonable in the light of the country's water supplies, it would generally be considered to be a positive exercise of power by the government.
3. Some learners will argue that the pupils were entitled to vote to boycott classes until the government agreed to fix the toilets, which were in a very bad state of repair, and that this action was a positive exercise of power. Other learners might argue that boycott strategies are an abuse of power by the boycotting learners, who should not prevent other learners from studying. Preventing learners from attending school might be argued to be an infringement of the learners' right to basic education, and to constitute an abuse of power. Learners might also argue that the government was exercising its power positively by closing the school to save money for the taxpayers and restore order to the classrooms. Some might argue that the bad state of the toilets constitutes a health hazard to pupils and staff and that the government action was a positive exercise of power when it closed the school. Others will argue that the government abused its power by closing the school because it ought to have acceded to the pupils' demands about the toilets. Those learners who feel that the government did not abuse its power would argue that having the police come onto the school premises to ensure that the learners moved out would not be an abuse of power. Those who argued that the government's action was an abuse of power would also argue that the use of the police on school grounds was similarly an abuse of power.

4. Most people would say that it is a positive exercise of power where the police pull you off the road for speeding and issue you with a traffic fine. However, the police asking for a 'drink', which is a word commonly used in South Africa to solicit a bribe, is an abuse of power by the police.
5. People could argue that the parents barricading and closing the school is an abuse of power in that it prevents children from exercising their right to basic education. Everyone in South Africa has the right to assemble, demonstrate, picket and present petitions peacefully and unarmed (section 17 of the Constitution). The right is not limitless, however. The right to peaceful protest may be limited in terms of the law of general application, provided the limitation is reasonable and justifiable in an open and democratic society based on human dignity and equality. There is no law of general application that allows parents to close the school and infringe the learners' right to basic education.
6. The representative of the teachers' trade union is abusing his or her power by selling teaching posts to teachers.
7. The police are abusing their powers if they arrest students who are not involved in the violent protests and are bystanders or attempting to move away from the demonstrations.
8. Most people will indicate that the traditional leader is abusing his power and that the matter must be dealt with by the criminal courts.
9. The People's Party is abusing its power. Once a party is elected, it governs all the wards, including those which did not elect People's Party councillors.

Alternative scenarios – depending on the participants:

1. Ward councillors give building contracts to their friends.
2. People tendering for contracts with the city have to make payments to members of the Tender Board.
3. People tendering use 'fronting' to give the impression that members of previously disadvantaged communities are part of their management structure.
4. Women applicants for work are forced to give sexual favours in order to get jobs.
5. Working mothers who return home from work tell their husbands that they are too tired to have sex and that their husbands should use their young children instead.
6. Husbands tell their wives that their word is final and that their wives should not argue with them.
7. Parents arrange for their young daughters to marry much older men.
8. Male members of families decide how much lobola should be paid for young girls to marry.

3.2 ACCOUNTABILITY AND TRANSPARENCY

(Read Learner's Manual pages 58 to 64)



| | | |
|------------|---------------------|--------|
| | Reading: | 5 min |
| | Role-play: | 5 min |
| | Group discussions: | 20 min |
| 45 | Report back: | 10 min |
| min | General discussion: | 5 min |

PROCEDURE

Select seven learners to read different speeches.

Conduct the role-play.

Divide into small groups to answer the questions.

After the group discussions participants should share their answers with all the learners in the exercise.

EXERCISE 2**The Hope High School Case**Objective

The object of this exercise is for learners to participate in and observe a role-play in which they discover whether or not a Learners' Representative Council (LRC) has acted democratically.

Possible responses

1. The LRC is accountable to the learner body because it is elected by the learners. The members have a duty to answer to the learner body for their decisions and actions.
2. Transparency means that things are done openly so that the people to whom a person is accountable know what is going on. In this instance the LRC made an agreement with the school authorities without consulting the learners and the learners were therefore unaware of what was happening. Accordingly, the LRC did not act in accordance with the principle of transparency.
3. Some learners may say that if they had been LRC members, they would have called a learner body meeting in order to obtain a mandate before they agreed to the suggestions of the school authorities. Others may say that as LRC members they were elected to represent the learners, and the learners should therefore have confidence in their decisions. Answers will depend upon how individual learners feel about accountability and transparency.
4. Learner views will differ. Some learners may suggest that the learner body should call a special meeting and pass a vote of no confidence in the LRC. Others may say that a learner body meeting should be called to allow the LRC to explain their actions and then enable the learners to vote on whether or not they agree with what the LRC did. If a vote of no confidence succeeds against the LRC, they will have to resign and a new LRC will be elected.



| | | |
|------------|---------------------|--------|
| | Group preparation: | 20 min |
| | Debate: | 20 min |
| | Voting: | 5 min |
| 65 | Discussions: | 10 min |
| min | General discussion: | 10 min |

EXERCISE 3**Should the government limit accountability?**Objective

The objective of the exercise is for learners to engage in a debate in which they discuss whether or not members of a previous authoritarian government should be granted amnesty for political crimes committed by them while they were in power.

Possible responses

1. **Arguments in favour** of the transitional government declaring an amnesty for political crimes are:
 - (a) The amnesty was done in a spirit of reconciliation, which is a good foundation for a democratic society.
 - (b) The members of the outgoing authoritarian government are less likely to disrupt the democratic process if they are allowed to play a part in it.
 - (c) Putting them on trial for political crimes would merely open up old wounds and be traumatic for the victims of their acts.
 - (d) In a democracy their past crimes will be aired in the public arena even if they do not stand trial for them.

Arguments against the amnesty are:

 - (a) Victims of the crimes will feel dissatisfied and may take the law into their own hands.
 - (b) People who abused power while in government should not be given the opportunity to stand again for public office.
 - (c) If the members of the previous authoritarian government are re-elected, they may continue with their bad habits.
 - (d) People should not be allowed to get away with criminal activity merely because they have been members of a government.
2. The declaration of an amnesty limits accountability, because it exempts the members of the previous authoritarian government from being accountable to their victims for their acts. They are also immune from accounting to the community at large concerning their cruel criminal conduct.
3. Learners' answers will vary and many of the reasons will probably be similar to those in 1 above.

PROCEDURE

Divide participants into two groups; one should argue in favour of the amnesty and the other against it.

The instructor or a participant could act as chairperson of the debate.

Conduct the debate.


Let the participants in favour of the amnesty make all their points first, before participants opposed to the amnesty reply.

Let participants vote in favour or against the amnesty by a show of hands.

Q2–3 can be dealt with in general discussion OR group work after the debate.

EXERCISE 4

The weapon of mass destruction tv debate

| | |
|---|-----------------------------|
|  | Explain debate rules: 5 min |
| | Group preparation: 20 min |
| | Debate: 30 min |
| 60 min | (5 min per group) |
| | General discussion: 5 min |

Objective

The objective of this exercise is to enable learners to engage in a mock debate in which a number of groups are in favour of, or against, the use of a weapon of mass destruction by a country involved in a war.

Possible answers:

1. Learner views will vary depending upon the interests of the different groups.

Arguments in favour of the government releasing information about the weapon of mass destruction and the war:

 - (a) If the citizens of the country know what is happening, they will unite behind the government to defend the country more vigorously.

PROCEDURE

The instructor or a learner should act as the chairperson of the debate.

Divide participants into groups representing the different interest groups.

Each group should prepare its arguments and elect spokespeople to present the arguments during the debate.

Once the groups have prepared their arguments, the chairperson should give each group an opportunity to present its arguments according to the order set out in the Learner's Manual.

The whole group should vote on the issue by a show of hands.

Accountability means that governments have a duty to answer to the public for their decisions and actions.

- (b) If the information about using a weapon of mass destruction is made public, it may cause the government of the enemy country to cease its warlike activities.
- (c) Even though many citizens may be opposed to a weapon of mass destruction being used, on the question of the survival of the country they may rally around the government and be in favour of its limited use.
- (d) It is better to give the people the facts than to allow them to be manipulated and misled by rumours.

Arguments against the government releasing the information:

- (a) Citizens may panic if they know that the country is losing the war and army morale may fall even lower.
 - (b) Many citizens are likely to be opposed to weapons of mass destruction, while others may be in favour, with the result that the country will be split as to whether or not the weapon should be used, and this will cause disunity.
 - (c) Threatening use of a weapon of mass destruction may cause a powerful enemy to engage in a pre-emptive strike to prevent the weapon being used.
 - (d) It is always important in a war situation for a country to keep its cards close to its chest so that it has the advantage of the element of surprise.
2. Learners' answers will vary depending on which of the arguments in 1 above appeal to them.
 3. Accountability means that governments have a duty to answer to the public for their decisions and actions. In times of emergency or war, however, governments may limit the principles of accountability and transparency 'in the national interest'. Here it could be argued that the government's actions are not transparent, in that it is refusing to confirm or deny that it has developed a weapon of mass destruction. It is not informing its citizens of its actions, because they are not aware of the true position. The government's conduct is not in line with transparency, because information about the weapon of mass destruction is being withheld from the public.

The government is undermining the principles of accountability and transparency by not keeping its citizens informed about its weapon of mass destruction capability. It could be argued, however, that even in democratic countries in times of war, when national security is at stake, it is justified to suspend the principles of accountability and transparency.

4. Learners' answers will vary as to whether or not the losing country should use its weapon of mass destruction to end the war. The USA dropped atom bombs on Japan in order to end World War II in the Pacific. The question of using nuclear weapons is a very emotive one because of the horrific consequences of nuclear warfare.

EXERCISE 5**Did the state of emergency limit accountability?**

| | | |
|------------|---------------------|--------|
| | Explanation: | 5 min |
| | Group discussions: | 10 min |
| 35 | Report back: | 15 min |
| min | General discussion: | 5 min |

Objective

The object of this exercise is for learners to decide whether or not the government was justified in declaring a state of emergency, and whether the state of emergency has limited the government's accountability.

Possible responses

- Learners' answers will vary. Some may argue that the government was justified in introducing the bread tax, declaring a state of emergency with curfew laws, and granting the police special powers of arrest because of the dangerous situation in the country. The severe drought resulted in many citizens becoming poor and unemployed and a very high crime rate. The shortage of wheat justified imposing a bread tax. This resulted in mass protest, looting, vandalism and violence, and no government can afford to rule a country in which its citizens' actions cause chaos. The curfew laws and wide powers of arrest and detention for the police were necessary in order to restore law and order.

Learners who feel that the government was not justified in its conduct would argue that there was no good reason to increase the price of bread even though there was a shortage of wheat, as this would harm poor people who rely on bread as their staple food. They would also argue that the citizens were justified in holding mass demonstrations and protest marches and that the government should have taken notice of their complaints. If the government had listened to its citizens, looting, vandalism and violence would not have broken out and it would not have been necessary to declare a state of emergency. Accordingly, the government's declaration of a state of emergency was illegitimate because it arose from the failure of the government to listen to the demands of its citizens.

- By declaring a state of emergency the government limited the accountability of the police when arresting and detaining people. Usually under a state of emergency the police are granted immunity from prosecution for actions they may have committed, and accordingly, because they are not held responsible for their actions, the principle of accountability does not apply. However, the police must still conduct themselves responsibly and act lawfully in discharging their duties.
- Learners' answers will vary concerning the action they would take as a government official. Some may argue that the approach taken by the government was the correct one, because it is impossible to prevent large-scale violence, looting and vandalism without declaring a state of emergency and giving the police special powers. Others may argue that if government officials had been more sympathetic to the demands of their citizens, it would have been possible to avoid the violence by renegotiating the question of the bread price.

PROCEDURE

Explain the facts of the case study.

Divide the participants into small groups.

Ask each group to discuss questions.

Groups report back to the whole class.

Ask participants to explain their views.

If the government had listened to its citizens, looting, vandalism and violence would not have broken out, and it would not have been necessary to declare a state of emergency.

3.3 DOMESTIC METHODS OF CHECKING THE ABUSE OF POWER

(Read Learner's Manual pages 65 to 77)



45
min

Explanation: 5 min
Group discussions: 10 min
Arguments and judgments: 20 min
General discussion: 10 min

EXERCISE 6

Is the head of state above the law?

PROCEDURE

Clarify the facts of the case.

Divide participants into groups presenting each argument.

Groups appoint spokespersons to present arguments for the head of state and the Director of Public Prosecutions.

One group acting as judges should give judgments in the case.

After the decisions, discuss which of the arguments were the best (Q4).

Objective


The objective of this exercise is for learners to decide whether or not a head of state is exempt from criminal charges if he or she orders the army to execute high-ranking officers plotting to overthrow the government.

Possible responses

1. **Arguments on behalf of General Pao Min:**
 - (a) A military dictator is entitled to order the execution of fellow officers who plot to overthrow his government, as this is mutiny.
 - (b) A dictator who comes to power as a result of a military coup is not bound by normal democratic principles.
 - (c) Pao Min acted in the best interests of the country because the two high-ranking officers were plotting to overthrow his government.
 - (d) It is mutiny for lower-ranked officers to attempt to overthrow higher-ranked officers who are in power in a government.
2. **Arguments on behalf of the Director of Public Prosecutions:**
 - (a) Nobody is above the law, not even a head of state.
 - (b) A person who orders the killing of another commits the crime of murder, whoever that person is.
 - (c) Even under a military dictatorship officers accused of treason should be given a fair trial before they are sentenced and punished.
 - (d) Even under a military coup due process must be followed by the military courts, and a head of state cannot simply order the execution of fellow officers without due process.
 - (e) If a country has a bill of rights that protects the right to life and that guarantees that people will not be subjected to cruel, inhuman and degrading punishment, imposing the death penalty after a fair trial would not be allowed.
3. Learners' answers will vary depending on which of the above arguments they favour.
4. After the groups give their decisions as judges, all the learners should be given an opportunity to assess the different arguments for each side.

EXERCISE 7

The Drakengate case

| | | |
|--|---------------------|--------|
|  35 min | Explanation: | 5 min |
| | Group discussions: | 10 min |
| | Report back: | 15 min |
| | General discussion: | 5 min |

Objective

The purpose of this exercise is for learners to discuss the limitations on journalists when exposing abuse of power by the government.

Possible responses

- Most learners would say that there has been an abuse of power by the Draken government, because the country is a member of the International Peace Organisation, which outlaws the supplying of arms to groups aiming to overthrow democratic governments. The government has therefore broken the International Peace Convention. Furthermore, the government has also broken its own laws which prohibit it from providing arms to groups fighting to overthrow a democratic government.
- Some learners will argue that the methods used by Deeper and Kwazi to uncover the scandal were unlawful because they broke into the government's offices and read and photocopied confidential documents of the government. Apart from any breach of the country's official secret laws, the two reporters were also guilty of housebreaking and trespass. They should be prosecuted for their unlawful acts.

Other learners may argue that where a government is abusing its power and breaking the law, it is justified for reporters themselves to break the law in order to expose the fact that the government is abusing power. The acts of the government in unlawfully supplying arms to the BLO, which is planning to overthrow the stable government of a neighbouring country, are much worse than the crime of the reporters who broke into the government's offices and publicised the confidential documents. They should not be prosecuted.

- Learners' answers will differ. Some may argue that the President should resign because he knew that members of his government were selling arms to the BLO and that they were deliberately breaking the International Peace Convention and the laws of Draken. Others may argue that the president should not resign, because the reporters used unlawful methods when they broke into the government offices, read and photocopied the confidential documents and then published them. Their action was unpatriotic.

PROCEDURE

Explain the facts of the case study.

Divide participants into groups.

Ask each group to discuss the questions.


Groups report back to the whole class.

Ask participants to explain their views.

The acts of the government in unlawfully supplying arms to overthrow the stable democratic government of a neighbouring country are much worse than the crime of the reporters who broke into the government's offices and publicised confidential documents.

EXERCISE 8

The Independent Broadcaster bans footage of violent protests

| | | |
|--|---|--------|
|  60 min | Group discussions of questions 1 and 2: | 10 min |
| | Report back: | 15 min |
| | Group preparation for hearing: | 10 min |
| | Hearing: | 20 min |
| | General discussion: | 5 min |

Objective

The objective of this exercise is to allow learners to debate and participate in a mock hearing that discusses the merits of the broadcaster banning the screening of violent protests.

PROCEDURE

Divide participants into small groups of not more than five persons.

Groups must choose a person who will report back to the bigger class on behalf of the group.

Ask the groups to discuss Q1 and Q2.

Groups report back.

Allow questions and answers.

Participants are selected from the bigger group to preside over the hearing.

The rest of the participants are divided into two groups.

Groups prepare their arguments to be presented before the hearing.

Each group gets the opportunity to address the hearing.

Report back.

Allow for questions and answers.

Possible responses

1. Those who think that the CEO did not abuse her powers will argue that the broadcaster had a duty to protect its journalists and not to expose them to being hit by stray bullets. They will argue that the journalists can be negatively affected by the violence. They may claim that violent protests constitute crimes and that the police must attend to violent protests. They could say that the police have their own photographers who can take photographs and videos for official police purposes. The learners might argue that if there is no media coverage of violent protests, people will stop protesting. The broadcaster has an obligation to edit and control the flow of information in respect of the contents of any such news.

Those that claim the CEO did abuse her powers will argue that the Constitution guarantees freedom of the press and other media and freedom to receive or impart information. They will argue that the public has a right to be informed of what is actually happening in the country. Prohibiting the screening of the violence is an insult to the public and it should not be up to the CEO of a public broadcaster to decide what the people should or should not be shown. The decision to ban the footage is apartheid style tactics used to control the flow of information. The broadcaster is subverting the right of the people to access to information that is free of state or party political manipulation. The independent media has the ability, as during apartheid, to change the way other countries view South Africa.

2. Banning screening of footage constitutes censorship. As under apartheid, the ban will merely hide the pain that people are experiencing. In an open, democratic society people have the right to be informed. Limiting what journalists may report on amounts to censorship.
3. (a) Arguments that can be advanced by the group that supports the broadcaster are that the broadcaster has a duty to protect its journalists and not to expose them to being hit by stray bullets; journalists can be negatively affected by the violence; violent protests constitute crimes and the police must attend to violent protests. Police have their own photographers who can take photographs and videos for official police purposes. The ban on showing protests will stop people from protesting. The broadcaster has an obligation to edit and control the flow of information in respect of the contents of any such news.
 - (b) Arguments that can be advanced by the group that is against the ban include the fact that the Constitution grants everyone freedom of the press and other media; it further provides everyone with the right to receive and impart information; the banning is similar to the censorship used by the apartheid government to suppress; censorship in all its forms is unjustifiable and merely has as its purpose to keep people from knowing the truth; censorship infringes the right to receive information and the right of a free and independent media; the broadcaster is abusing its powers.

EXERCISE 9**Were the procedures fair?**

| | | |
|------------|---------------------|--------|
| | Group discussions: | 10 min |
| 30 | Report back: | 15 min |
| min | General discussion: | 5 min |

Objective

The object of this exercise is for learners to examine a set of facts and decide whether or not the procedures followed were fair.

Possible responses

1. The procedures followed here were not fair. The learner was not given notice by the principal that his disqualification and suspension were being considered by the school. As the consequences of his disqualification and suspension are very serious, he should also have been given a hearing. No decision may be made against a person without the person being given an opportunity to present his or her side of the case.
2. The procedures followed here were not fair. The grandmother was not given notice that the department was considering withdrawing the child support grant for the grandchildren. The grandmother must be given an opportunity to prove why she is entitled to receive a child support grant before any decision is made by the official.
3. The procedures followed here were unfair. When the licensing department informed the neighbour of the complaints, it should have allowed her an opportunity to answer to the complaints and prove that the complaints were not true. Due process was not followed. The licensing department may not revoke the licence without a hearing in which the neighbour is given a chance to answer to the claims.

PROCEDURE

Divide participants into small groups.

Allocate one question to each group.

Ask groups to nominate spokespersons to report back to the larger group.

Allow for questions and discussion.

EXERCISE 10**Which Chapter 9 institution can assist?**

| | | |
|------------|--------------------------|--------|
| | Reading and explanation: | 10 min |
| | Group discussions: | 15 min |
| 45 | Report back: | 15 min |
| min | General discussion: | 5 min |

Objective

The purpose of this exercise is to allow learners an opportunity to analyse a set of facts and recommend which of the Chapter 9 institutions will be best suited to deal with the problem.

Possible responses

1. The Human Rights Commission will be best suited to deal with the issue because it involves the right of access to sufficient water that is provided for in the Constitution of the Republic of South Africa.
2. This possibly involves an issue of bad administration by public officials and should be dealt with by the Public Protector.

PROCEDURE

Divide participants into small groups of not more than five persons.

Ask each group to read and discuss the provided scenarios and to recommend which of the Chapter 9 institutions will be best suited to deal with the matter.

If time is short, each group can be allocated one question to discuss.

3. CHECKING THE ABUSE OF POWER

3. A forensic investigation and an audit into the expenditure must be completed by the Auditor-General because the Auditor-General is responsible for monitoring the financial expenditure of the public sector. Some learners may also argue that the Public Protector should investigate the matter because it could involve corruption, maladministration or abuse of power by public officials.
4. The lost ballot papers must be investigated by the Independent Electoral Commission.
5. The requirement of virginity testing of bursary recipients discriminates against women on the basis of gender and can be investigated by either the Gender Commission or the Human Rights Commission.



| | | |
|------------|--------------------------|--------|
| | Reading and explanation: | 5 min |
| | Group discussions: | 10 min |
| 35 | Report back: | 15 min |
| min | General discussion: | 5 min |

EXERCISE 11

Public Protector or commission: Which one should be used?

PROCEDURE

Divide participants into small groups.

Ask each group to decide whether the Public Protector or a commission of inquiry would be the best method of dealing with the abuse.

If time is short, each group can be allocated one question to discuss.

Objective

The objective of this exercise is for learners to consider a set of factual situations and decide whether the Public Protector or a commission of inquiry would be the best method of dealing with the abuse.

Possible responses

1. The action of the police was very drastic and resulted in many people being killed and injured. It is a possible case of police brutality. This is a serious matter and should be the subject of a commission of inquiry. There is a possibility of a major abuse of government power. The causes for the strike need to be investigated and this is more appropriately done by a commission of inquiry. A commission is also better equipped to investigate the deaths of the citizens. It may also be necessary for the commission to recommend legislation to the government concerning the working conditions and salaries of mine-workers, as well as the conduct of the police during strikes and mass action.
2. Learners may argue that either the Public Protector or a commission of inquiry should be used. Those in favour of the Public Protector might argue that if the local officials are accepting bribes for allocating houses, this could be investigated by the Public Protector because it concerns individual action by a number of local officials. Those in favour of a commission of inquiry, however, might argue that if the problem is widespread and a large number of local officials are allocating houses in this way, it may be necessary to have a proper commission of inquiry in order to obtain all the evidence and to make firm recommendations, including changes to the law if this is necessary.

3. Most learners would say that discrimination by public officials should be reported to the Public Protector as such a person is best equipped to deal with individual complaints against a public official. If it is a widespread problem at all the offices of the Department of Home Affairs, a commission of inquiry might be more appropriate to deal with a large-scale problem affecting the public service generally. The Public Protector would be able to force the officials to process the applications properly and not to discriminate against persons on the basis of race.
4. As the municipality is a branch of government, the deaths and corruption can be investigated by the Public Protector. However, if it is a systemic problem occurring in a number of hostels managed by the municipality, it may justify the establishment of a commission of inquiry.



For additional resources from Civics Academy see: *What is the Separation of Powers?* <http://www.civicsacademy.co.za/video/separation-of-powers>

3.4 INTERNATIONAL METHODS OF CHECKING THE ABUSE OF POWER

(Read Learner's Manual pages 78 to 83)

EXERCISE 12

Should the international community intervene?



| | |
|--------------------------------|--------|
| Reading and group discussions: | 10 min |
| 45 min Report back: | 25 min |
| General discussion: | 10 min |

Objective

The objective of this exercise is for learners to consider a number of situations and decide whether or not the international community should intervene, and if so, how.

Possible responses

1. It is possible that the United Nations may wish to intervene if the president is a dictator who continually cancels elections and violates human rights, and whose country is almost at war with itself. The United Nations could intervene by imposing sanctions, in which case it would ask the nations of the world to prevent the dictator's country from participating in international activities, including trade, diplomatic matters, sports and cultural activities. If the situation in the dictator's country deteriorates into civil war, the United Nations might decide to intervene with a military peacekeeping force to try to achieve international peace and to prevent further abuse of power by the dictator.
2. The 'ethnic cleansing' campaign of the Majos to exterminate the Mindos amounts to genocide and is a blatant violation of international law and a crime against humanity. It is very likely that the United Nations, apart from imposing sanctions, might also use military intervention to prevent the murder of the Mindos. Non-governmental organisations like Amnesty International and Human Rights Watch are also likely to draw the attention of the world to the atrocities in Minland.

PROCEDURE

Read Learner's Manual pages 78–83

Divide participants into groups to list answers to questions.

Spokespersons report back to the whole group.

Non-governmental organisations such as Amnesty International, the World Health Organization, Human Rights Watch and Article 19 are likely to publicise human rights abuses.

3. CHECKING THE ABUSE OF POWER

3. The fact that Goudland is ruled by a minority government which imprisons, banishes or exiles its opponents is likely to result in the United Nations imposing sanctions on the country. The human rights abuses may not be sufficient to warrant the United Nations using military intervention in the country. Non-governmental organisations like Amnesty International, The World Health Organization, Human Rights Watch and Article 19 could publicise the human rights abuses in Goudland.
4. The abuse of power by the Foreign Minister who authorises mining concessions in Luciana Bay will result in the dwellers of the Bay having to resettle despite their wish to preserve their environment. It is unlikely that the United Nations would become involved in the dispute, although there is a possibility that agencies concerned with the degradation of the environment may do so. However, Greenpeace, which focuses on environmental abuses, could make the international community aware of the situation.
5. The invasion of Mapano by Napanema is a blatant violation of international law and the United Nations Charter. Not only is the United Nations likely to impose sanctions against Napanema, but it is also likely to resort to military intervention by sending in peacekeeping forces in order to prevent the abuse of power by the invading country and to restore democratic rule. This situation is similar to when Kuwait was invaded by Iraq and the United Nations intervened militarily.



Groups (all 9 Qs): 30 min
Groups (3 Qs): 15 min
Report back: 30 min
General discussion: 10 min

Max: 70 min
Min: 55 min

PROCEDURE

Divide participants into groups.

Each group can consider all nine problems.

OR

Give each group three problems to consider.

After the discussions the groups should appoint spokespersons to report back to the whole class.

EXERCISE 13

How can the abuse of power be checked?

Objective

The objective of this exercise is for learners to analyse different situations and decide which method should be used to check the abuse of power.

Possible responses

1. If environmental rights are protected by law in the bill of rights, the authority granted to dump toxic waste on the outskirts of the squatter settlement would be a breach of the bill of rights. The courts could also be used to publicise the action of the local town authority.
2. Refusal by the Director of Public Prosecutions to prosecute the judge for drunk driving could be publicised in the press as this is a matter of broad public interest. Publicity and the media would be one of the most powerful methods of exposing the abuse of power. Another possibility would be for somebody to report the matter to the Judicial Services Commission to investigate (see Chapter 2).
3. The action of the Governor of the Reserve Bank in stealing government money and sending it to a Swiss bank could be dealt with by the Public Protector, who is tasked with investigating corruption by public officials. The matter could also be brought to public attention through publicity and the use of the media.
4. The fact that public officials accept bribes before allocating tenders to private companies must be investigated by the Public Protector, and if it is widespread, by a special commission of inquiry. It could also be publicised in the press and the media.

5. If judges are handing out harsh sentences to one race group, this could be dealt with by ensuring that there are fair procedures, consistent with the rule of law, and that the decisions of the judges are subjected to judicial review. A complaint can be lodged with the Judicial Services Commission. The matter should also be exposed through publicity in the media and could be the subject of a special commission of inquiry.
6. The overthrow of a stable and democratic government by a group of international terrorists would be dealt with by the international community imposing sanctions, and if necessary, the United Nations intervening militarily. The overthrow is also a breach of the rule of law in the country and undermines the principle of multi-party democracy.
7. The plan of a manufacturing company to cut down an indigenous forest to manufacture expensive paper, despite opposition from local communities, may be the subject of a special commission of inquiry. The matter could also be given widespread publicity in the media.
8. The reduction of subsidies to hospitals because hospital workers have gone on strike may be a breach of the bill of rights. It may be necessary also to hold a special commission of inquiry and the matter should be exposed by publicity in the media.
9. The question of disabled people being unable to move freely in a town because there are no special facilities for them may be an infringement of the bill of rights and could be investigated by the Human Rights Commission. The Human Rights Commission might be tasked with investigating to what extent infrastructure makes provision for the disabled and to recommend appropriate action that the government has to take. The situation should also be exposed by publicity in the media.

EXERCISE 14

Should information about a drug investigation be disclosed?



| | | |
|------------|---------------------|--------|
| | Briefing: | 5 min |
| | Assign roles: | 5 min |
| 40 | Role-play: | 20 min |
| min | General discussion: | 10 min |

Objective

The objective of this exercise is for learners to role-play an interview with the Director of Public Prosecutions by a group of reporters in a situation where the Director of Public Prosecutions refuses to disclose the names of arrested persons involved in drug trafficking.

Possible responses

1. The person playing the Director of Public Prosecutions should refuse to disclose names for the reasons set out in the exercise.
The newspaper and television reporters should criticise her decision not to disclose the identity of the people involved for the reasons set out in the exercise.
2. After the role-play the learners should be asked whether there was an abuse of power by the Director of Public Prosecutions, and if so, how the abuse of power could be checked.

PROCEDURE

Brief the participants on the facts of the case.

Assign roles to participants.

Participants should role-play the Director of Public Prosecutions as well as a number of reporters asking questions on behalf of newspapers and television stations.

After the role-play, discuss whether the Director of Public Prosecutions was guilty of abuse of power.

4. HUMAN RIGHTS AND DEMOCRACY

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OBJECTIVES

After reading this chapter, you should be able to

1. describe what is meant by human rights;
2. define the different types of human rights;
3. decide which human rights should be included in a bill of rights;
4. explain that a bill of rights may operate vertically or horizontally;
5. explain how human rights make democracy succeed;
6. describe the importance of freedom of expression, freedom of association, freedom of assembly and the right to equality in a democracy;
7. explain when it may be necessary to limit certain rights in a democracy;
8. describe how human rights may conflict in a democracy;
9. explain when it is justified to suspend human rights in a democracy.

4.1 WHAT ARE HUMAN RIGHTS?

(Read Learner's Manual page 85)

EXERCISE 1

Defining human rights



30
min

| | |
|---------------------|--------|
| Introduction: | 5 min |
| Group discussions: | 10 min |
| Report back: | 10 min |
| General discussion: | 5 min |

Objective

The objective of this activity is to assess what the learners think human rights are, and to enable learners to draw on their own experience for a definition of human rights.

Possible responses

Learners are often tempted to define human rights by listing the different types of rights that they think are important. For the purposes of this exercise, however, they should be encouraged to come up with an all-embracing definition. They should be told that there is no right or wrong definition and that they do not have to be lawyers to define human rights. The exercise can be debriefed by recording the different definitions on a flipchart or blackboard and trying to identify the common qualities recognised by most learners in their definitions. These can be compared with those in the Learner's Manual.



For additional resources from Civics Academy see: *What are Human Rights?*
<http://www.civicsacademy.co.za/video/human-rights>

4.2 DIFFERENT TYPES OF HUMAN RIGHTS

(Read Learner's Manual pages 86 to 87)

4.3 WHICH RIGHTS SHOULD BE IN A BILL OF RIGHTS?

(Read Learner's Manual pages 87 to 92)

EXERCISE 2

Choose your rights



60
min

| | |
|---------------------|--------|
| Introduction: | 5 min |
| Group discussions: | 20 min |
| Report back: | 30 min |
| General discussion: | 5 min |

Objective

The objective of this exercise is to make learners think about which human rights they regard as important for a democratic country.

Learners should be divided into small groups and requested to come up with six human rights which they regard as important for a democratic country. Each group should choose one learner to record its choices in writing on a flipchart. Another learner from the group should be elected to present the findings of the group to the rest of the learners.

PROCEDURE

Learners can either be divided into small groups, work as the whole class,

or

they can work as individuals.

After the discussions the groups should appoint spokespersons to report back to the whole class.

Record their responses on the board or flipchart.

Identify the common elements of definitions.

PROCEDURE

Divide the class into small groups of not more than five learners each.

Allow groups time to brainstorm and discuss which rights must be included in the bill of rights.

Each group reports back and presents their list of rights.

Conclude with a general discussion.



| | |
|---------------------------------------|--------|
| Role-plays: | 10 min |
| Question / Group discussion / Debate: | 20 min |
| 40 min General discussion: | 10 min |

PROCEDURE

Select learners for role-play.

Act out role-play.

Learners ask questions,

or

Groups discuss different arguments,

or

Meeting continues and participants debate different arguments.

General discussion.

Once the groups have made their lists the recorder and presenter from each group should come forward and present their list on the flipchart to the rest of the learners in the class. Each group should be asked to give reasons for their choices.

As the groups present their choices, the instructor should draw up a composite list on the blackboard or flipchart for subsequent discussion by the class.

Another method of presenting this exercise, which ensures that all groups have an opportunity to participate fully, is to ask each group in turn to give one human right identified by them and the reasons for their choice: eg Group 1 might have chosen the right to freedom of expression, Group 2 freedom of association, Group 3 freedom of movement, etc. A composite list could be drawn up by the instructor which is added to until all the group choices have been exhausted. The composite list can then be discussed by the class.

A further variation would be to ask the class to rank the rights in the composite list in order of importance for ensuring that a country is democratic.

EXERCISE 3

Should social and economic rights be included in a bill of rights?

Objective

This exercise is designed to make learners aware of the difficulties involved in including social and economic rights in a bill of rights, and the arguments for and against their inclusion.

Procedure

The instructor should ask for volunteers to play the roles of the two political leaders. If nobody volunteers, the instructor should choose two people. If necessary, deputy-leaders, and even a party executive, could be nominated to assist each leader.

As it is a village meeting, the head or mayor of the village can chair the meeting and the rest of the class can act as the villagers. At the end of each leader's speech the chairperson may allow the villagers to ask questions and make comments.

Possible responses


- Some of the arguments that can be discussed in favour of including socio-economic rights in a bill of rights can be found in the Learner's Manual pages 88. Learners may think of others. The main argument is that it is pointless giving citizens civil and political rights if they do not have access to the basic necessities of life: they also need the right to education, the right to health care, the right to work, the right to housing and the right to an adequate standard of living.

The latter normally means that the government should provide financial help (eg pensions and welfare payments) to elderly, disabled or poor people who cannot earn a living for themselves. If these are not included in a bill of rights, the government may do nothing about them. Also, if they are not included in a bill of rights, the courts cannot force the government to provide citizens with these basic rights. In South Africa, the Constitutional Court has affirmed the protection of socio-economic rights in the *Grootboom* case (*Government of the Republic of South Africa and Others v Grootboom and Others*), the *Treatment Action Campaign* case (*Minister of Health and Others v Treatment Action Campaign and Others*), and the *Khosa* case (*Khosa and Others v Minister of Social Development and Others*), to name a few.

2. Some of the arguments against including socio-economic rights in a bill of rights can be found in the Learner’s Manual page 88. Learners may think of others. The main argument is that if such rights are included in a bill of rights, and the government is unable to make them available to the people, both the government and the bill of rights will become discredited. A better way of dealing with these rights is to include them in constitutional guidelines for the government. These are sometimes called ‘directives of state policy’ and are to be found in the Indian and Namibian constitutions. Directives of state policy are guidelines which the government must follow if it has the money to do so. Another argument is that social and economic rights should be included in the different political parties’ manifestos and that it would be up to the citizens to elect the party that promises to implement certain policies. Citizens should bear in mind, however, that the delivery of social and economic rights may result in heavier taxes – direct and indirect (eg VAT).
3. This question can be dealt with in two ways. One method is to divide the learners into small groups and ask them to discuss the different arguments advanced by the political leaders with a view to deciding whether or not social and economic rights should be included in a bill of rights. Another method is to continue the village meeting by asking the chairperson to allow further debate (eg for 15 minutes), and then to allow the villagers to vote on the issue. If the chairperson allows further debate, he or she should make sure that both sides have a fair hearing (eg if the first speaker from the floor favours the inclusion of the rights, the chair should allow someone to speak against before proceeding to the next speaker in favour, etc).

EXERCISE 4

Should a bill of rights operate vertically or horizontally?

| | | |
|---|---------------------|--------|
|  | Group discussion: | 15 min |
| 45 | Report back: | 15 min |
| min | General discussion: | 15 min |

Objective

The objective of this exercise is for learners to understand the difference between a vertical and a horizontal bill of rights.

PROCEDURE

Divide participants into groups.

Each group can consider all three questions,

OR

If time is short, three groups can be used, each group to consider one question.

After the group discussions the groups should appoint spokespersons to report back to the whole class.

General discussion.

The argument in favour of a vertical bill of rights is that the government does not interfere too much in the life of its citizens.

The argument in favour of a horizontal bill of rights is that it prevents private people from discriminating against one another for no good reason.



45
min

Group discussion: 25 min
Report back: 15 min
General discussion: 5 min

PROCEDURE

Divide participants into small groups.

Each group should answer the questions.

After the discussions the groups should appoint spokespersons to report back to the whole class.

General discussion.

Possible answers

1. A vertical bill of rights governs relationships between the government and the citizen. The answer is in the Learner's Manual pages 90–91. A vertical bill of rights protects citizens from things done by the government which might undermine their human rights. It does not, however, protect them from having their human rights undermined by private citizens, unless there is a separate statute which protects them from this (eg anti-discrimination legislation). A horizontal bill of rights governs relationships between the government and the citizen, and between private citizens. A horizontal bill of rights protects citizens from things done by both the government and private citizens which might undermine their human rights (eg it protects citizens from unreasonable discrimination by the government and by fellow citizens).
2. The argument in favour of a vertical bill of rights is that the government does not interfere too much in the life of its citizens. People should be free to choose how they wish to relate to members of their community. If people wish to discriminate against others, for whatever reason, that is their choice and they should be free to do so. The argument against it is that it allows private citizens to discriminate against one another for no good reason (eg because they are biased or prejudiced against particular people or groups of people).
3. The argument in favour of a horizontal bill of rights is that it prevents private people from discriminating against one another for no good reason (eg prejudice based on race, creed or culture). People should be free to choose how they wish to treat their fellow citizens but such treatment should not be influenced by unreasonable biases or prejudices. Thus a horizontal bill of rights prevents unreasonable private discrimination. The argument against a horizontal bill of rights is that it leads to too much government interference in the lives of private citizens. A bill of rights should allow citizens to have the widest possible freedom of choice, even if this means the right to discriminate against fellow citizens.

EXERCISE 5**Should these actions be allowed?****Objective**

The objective of this exercise is for learners to decide whether or not discrimination should be allowed, and whether the action is vertical or horizontal.

Possible responses

1. The learners' answers will vary. Some learners may argue that because the majority had previously been unfairly discriminated against it would be reasonable for the law to allow a policy designed to redress the imbalances of the past. Others would argue that this just perpetuates discrimination in a new form and should not be allowed. Learners may come up with other

arguments. Here the action is vertical because it involves an act of the government which affects its citizens. The schools are publicly funded and the money comes from the government and not from private individuals.

2. Most learners would say that people should be free to invite whom they like to their birthday parties. This is a matter of personal choice, particularly for so personal an occasion as a private birthday party.

People should not be compelled to invite people they do not want to their birthday, no matter how unreasonable the grounds for excluding them. Here the action is horizontal because it involves a private person inviting private citizens to a private function. If the birthday party had been funded by the government then the action would become vertical. (Learners could then discuss whether the discrimination should still be allowed.)

3. Some learners may argue that because the school is a private church school, which receives no funding from the government, it should be entitled to discriminate in favour of its religious group. Others may argue that education is such an important human right that even in the private sector it should be open to all who otherwise qualify to receive it. It is contrary to the notion of human rights for schools to discriminate against people solely on the basis of their religious beliefs. The law should not allow private discrimination against people on the grounds of race, religion or culture. Here the action is horizontal because it involves private funding of a private church school. If the school had received a state subsidy, the action would become vertical.

Education is such an important human right that even in the private sector it should be open to all who qualify to receive it.

4. Some learners will argue that action should be allowed because the public service in the region is serving an area where the majority of the people speak only that language. Even though it is a public service it must provide a useful service, and this can only be done if its employees speak the majority language. Others may argue that the question of language may not be relevant to the work done. There may be jobs that can be done by people who are not from that language group (eg backroom workers who do not interact with the public). The test must be whether or not the fact that the person belongs to the majority language group is relevant to the job. Here the action is vertical because it involves government employees in the public service.

5. Most learners would probably argue that it should be lawful for a boys' club to restrict its membership to boys. There are certain activities that boys' clubs engage in which might only be suitable to boys (eg contact sports that might result in girls getting hurt). Other learners might argue that boys' clubs should be open to girls because it would help to break down stereotyping and would enable boys and girls to understand one another better. Girl members need not become involved in rough sports or pastimes that may make them uncomfortable. Here the action is horizontal because the boys' club is privately funded. If it received government funding, the action would be vertical.

Boys' clubs should also be open to girls because it would help to break down stereotyping and would enable boys and girls to understand one another better.

6. Some learners will argue that where employers are private people they should be allowed to employ workers of their choice, even if their choice is limited to their own minority ethnic group. Others may argue that this is unreasonable discrimination, unless it is necessary because the person's nationality is relevant to the work (eg an ethnic shop that wants to create a genuine ethnic atmosphere by employing people of a particular

nationality). Here the action is horizontal because the employer is a private person and not the government.

7. Most learners would probably say that this form of discrimination should be allowed because it affects a person's rights concerning whom they wish to invite to their home. (Here, however, the sister's right to invite whom she wishes is being violated.) This applies even though the discrimination is based on unreasonable grounds, such as religion. (It might be argued by the brother that he is doing this to preserve the religious and cultural harmony of the family.) Others might argue that discrimination against a person on religious grounds, for whatever reason, should not be allowed, especially if it affects the rights of another member of the family. Here the action is horizontal because it affects the relationships between private individuals.
8. Most learners would probably argue that this form of discrimination should not be allowed, even though it involves a privately owned restaurant. Restaurants are usually open to the public and invite members of the public to do business with them. They are more public than a person's private home. Others might argue that restaurants are entitled to have a 'right of admission' policy and to choose whom they wish to serve. Restaurants should be entitled to exercise freedom of choice concerning their customers – even if it means discriminating against certain people. Restricting service to one's own ethnic group is not unreasonable because it seeks to preserve the culture of the group. Here the action is horizontal because the restaurant receives no government funding. Where a bill of rights operates vertically it will be necessary to pass separate anti-discriminatory legislation to outlaw this type of discrimination.

Should restaurants be entitled to exercise freedom of choice concerning their customers – even if it means discriminating against certain people?

4.4 HOW HUMAN RIGHTS MAKE DEMOCRACY SUCCEED

(Read Learner's Manual pages 92 to 104)



35 min
 Group discussion: 20 min
 Report back: 10 min
 General discussion: 5 min

EXERCISE 6

Which rights help democracy to succeed?

PROCEDURE

Divide participants into groups.

Each group should come up with five rights which they think will make democracy succeed.

Each group should nominate a recorder to record their list on a flipchart, and a presenter to present their list to the other groups.

General discussion.

Objective

The objective of this exercise is to show learners that certain human rights are essential for democracy to succeed in a country.

The instructor should draw up a composite list and debrief the class in the same manner as in Exercise 2.

Then the instructor should inform the class that they will be focusing only on the four rights that are generally accepted as the most important for democratic government. These are: freedom of expression, freedom of association, freedom of assembly, and the right to equality. The instructor should mention that the most important right of all – citizen participation – will be dealt with later in Chapter 6.

EXERCISE 7**Should the expression be allowed?**

| | |
|---------------------|--------|
| Group discussion: | 20 min |
| Report back: | 15 min |
| General discussion: | 5 min |

40 min**Objective**

The objective of this exercise is to enable learners to identify the different types of freedom of expression, and to decide whether or not they should be allowed by law.

Possible responses

- Learners would probably recognise that the burning of a flag is a form of symbolic expression. Some will argue that it should be allowed because it is an expression of how a political opponent feels about another political party. Freedom of expression should be allowed even though it might upset members of the other political party. Others may argue that flag-burning is a very provocative act and should not be allowed because it may lead to violence between the political parties. It should be treated as a form of 'hate speech' and outlawed as such.
- The same responses as those to question 1 above are likely.
- The political leader is using speech as her form of expression. Most learners would probably say that she went beyond the bounds of freedom of speech when she urged her followers to fetch their weapons and to kill their political rivals. The fact that they did so indicates that they took their leader at her word and she should have known that it would happen. Supporters of total free speech might argue that even in such extreme cases freedom of speech should be allowed because it is the cornerstone of democracy. The leader should be entitled to express her views, but if they result in people being killed, and the killings can be directly linked to an intention by her that her followers should murder rival party members, she could be charged with murder. She has the right to express her views, but must also bear the consequences if her speech results in criminal conduct.
- The political leader is using speech as his form of expression. Some learners will say that politicians should be allowed to express the political views of their party no matter how unpopular or irrational. Failure to allow this will result in some opposition parties being prevented from getting their views across, and this will undermine the concept of democracy itself. Others may argue that parties that espouse racist political ideologies should not be allowed to express them, because racism itself is contrary to the notion of democracy. Racist parties should not be allowed to operate in a democratic state and should be treated as an exception to the rule of political tolerance.

People may argue that parties that espouse racist political ideologies should not be allowed to express them, because racism itself is contrary to the notion of democracy.

PROCEDURE

Divide participants into groups.

Each group should discuss the questions.

Each group should discuss:

(a) what kind of expression was used,
and

(b) whether it should be allowed.

Groups report back.

General discussion.

Newspapers should be entitled to criticise the government for abuse in its administration, as the press is an important mechanism for controlling abuse of power in a democracy.

5. The newspaper is using the written word as its form of expression. Most learners would say that newspapers are entitled to criticise the government for abuse in its administration. The press is an important mechanism for controlling abuse of power in a democracy. They might also argue that the newspaper is entitled to call upon tax-payers to refuse to pay their taxes, because this is a legitimate means of combatting abuse by the government. Other learners might say that newspapers should only publish facts based on hard evidence, and that it is up to the courts to decide whether or not the charges of corruption have been proved. They might also argue that it should be unlawful for a newspaper to urge its readers to engage in criminal conduct by withholding their taxes.
6. A DVD is a pictorial form of expression. Most learners would probably say that videos of people having sex with each other should not be allowed because sex is a very private, intimate act and should not be publicly displayed. They might argue that society has a taboo against explicit sexual acts being shown on film and videos and that it should not be allowed. Others might argue that the video is a form of expression and should be allowed, even though live sex acts may offend many people. There is no danger to society by allowing videos of this nature, and people are free to choose whether or not they wish to see them.
7. Most learners would probably say that it would be wrong for a traditional leader to use language that might encourage his followers to attack foreigners even if that was not his intention. The leader's use of insulting terms and saying that the foreigners 'should be removed' would give his followers the idea that he wants them to remove the migrants. Those who think that the traditional leader's speech should be allowed might argue that he did not call for violence against foreigners and was merely expressing an opinion and using traditional expressions to describe how he saw the migrants. Traditional leaders should be allowed to address their followers using traditional expressions. The leader never told his followers to attack the foreigners or to loot their shops.



40
min

Group discussion: 25 min
Report back: 15 min
General discussion: 5 min

EXERCISE 8

Was freedom of association violated?

Objective

The objective of this exercise is to enable learners to decide whether freedom of association was violated, and whether the violation should be allowed.

Possible responses

1. Most learners would probably argue that freedom of association is violated if workers have no choice and are forced to join a particular trade union. Some learners may argue that the violation should be allowed because it strengthens the hand of the union in negotiations with management. The union also obtains benefits for all the workers at the factory. (These types of agreements exist in practice and are called 'closed shop' agreements.) Others may say that workers should be allowed a choice. Nobody should be

forced to join any organisation against their will. The fact that they may benefit from any negotiations is not a good reason to force them to join the union.

2. Most learners would argue that freedom of association is violated if people who do not wish to participate in a stay-away are forced to do so. Some may argue that the violation should be allowed because it builds solidarity in the community. It also reflects society's outrage at the murder. Violence was threatened because feelings were running very high. Others might argue that no political party, no matter how large, has the right to force people who are not its members to participate in a stay-away called by it. People are entitled to go to work if they wish as this is a fundamental right. It is also a fundamental right not to be threatened with violence.
3. Learners would probably argue that nobody's right to freedom of association has been violated by the club, because it is not imposing its will on anyone. Most would probably say that an ethnic club should be entitled to restrict its membership because it has the reasonable purpose of promoting its language and culture. Others might argue that the restriction is unreasonable because it prevents people who are not members of the ethnic group, but who wish to learn about it, from joining. These people could also play a role in promoting the language and culture of the group and should not be discriminated against.
4. Most learners would probably argue that nobody's right to freedom of association has been violated. No one is being forced to join the women's sport club. They would argue that it is reasonable for women to restrict a sports club to people of their own sex, particularly if the club concentrated on sports mainly played by women (eg softball and netball), or sports involving women's teams (eg hockey and tennis). Other might argue that single-sex clubs should not be allowed to discriminate against members of the other sex who wish to join them. Apart from violating the principle of freedom of association, clubs of this nature also reinforce stereotypes concerning the sexes.
5. Most learners would probably say that the Constitution allows for freedom of association and protesting students cannot force students who do not wish to join them to protest, as this would be unconstitutional. Learners who think that the protesters should be able to force others to join them could argue that the demonstrations in favour of free university education are for the good of all students and the other students should join them. They may further argue that it is unfair if the protesting students who are trying to get free university education for everyone should be disadvantaged, because those who do not join them will benefit twice: first, they will be able to complete their studies while the protesters sacrifice theirs, and secondly, they will benefit from free university education if the protesters succeed, even though they did not contribute towards getting it.

Note: The negative right to disassociate conflicts with the positive right to associate. For example, workers who are members of a trade union may want other workers to join it because they need their support to achieve their goals. The right to disassociate may also cause conflict when used to pursue racial or cultural discrimination, for example, a club for white men could exclude all women and blacks unless disassociation cannot be based on colour, race, religion or gender. If this type of disassociation is outlawed, it would mean that religious and single-sex clubs could not operate unless they opened up their memberships to everyone.

PROCEDURE

Divide participants into groups.

Each group can consider all the questions,

or

If time is short, each group can be given a different question to discuss.

Each group must discuss

(a) whether freedom of association was violated; and

(b) whether the violation should be allowed.

Groups report back.

General discussion.

An ethnic club may be entitled to restrict its membership because it has the reasonable purpose of promoting its language and culture.

The negative right to disassociate conflicts with the positive right to associate.

| | | |
|-----------|-------------------------------|--------|
| 40 min | Introduction: | 10 min |
| | Groups discuss the questions: | 15 min |
| | Discussion and report back: | 15 min |

PROCEDURE

Provide an introduction to the right of freedom of assembly.

Allow groups to discuss the two questions posed.

Groups to report back and provide feedback.

EXERCISE 9

Should private security and the police have been called by the university to prevent demonstrations by students demanding free university education?

Objective

The objective of this exercise is for learners to learn that freedom of assembly may be subject to reasonable limitations concerning time, place and manner, particularly in respect of marches and demonstrations.

Possible responses

1. The Constitution provides that everyone has the 'right, peacefully and unarmed, to assemble, to demonstrate, to picket and to present petitions'. In this case, once the students start using intimidation and fire extinguishers and pepper spray, and overturn rubbish bins and burn cars and buildings, they are no longer demonstrating peacefully. The Constitution also provides that 'everyone has the right to freedom of association'. This means that students who do not wish to join the protest cannot be forced to 'associate' with the protesters. Thus in both instances the demonstrators were acting in violation of the Constitution. They also violated a court order, which means that they are guilty of contempt of court.
2. If the steps taken by the university were to ensure that the protesting students acted peacefully and did not violate the right of freedom of association of other students it would be reasonable and justifiable to take such steps. In addition, everyone has the right to personal security and to property. Therefore, there is a constitutional duty on the university to protect the personal safety and property of staff, students and other persons on the university campus. The university's actions were in line with the Constitution because they were reasonable and justifiable.

| | | |
|-----------|-----------------------------|--------|
| 60 min | Select role-players: | 5 min |
| | Prepare arguments: | 15 min |
| | Groups discuss Q3: | 15 min |
| | Role-play: | 15 min |
| | Discussion and report back: | 10 min |

EXERCISE 10

Political tolerance: Should the march be allowed?

Objective

The objective of this exercise is for learners to understand that freedom of assembly is very important in the context of political tolerance.

Possible responses

1. The role-play should involve someone playing the role of the city manager, and two people on each side for the Lingo and Majo political parties. Each party could be represented by its leader and an attorney. The hearing

could take place in the city manager's office. She should be seated at a desk with the representatives of each party sitting on either side of her. She could initiate the discussion by requesting the Lingo Party to give reasons why it wants to march. Thereafter she could ask the Majo Party to respond. Once the parties have each outlined their cases, the city manager could ask questions of either side to clarify any issues. She could also invite the parties to question each other, but request them to do so through her as the chairperson. At the end of the hearing she should say what her decision is. Learners should be reminded to argue their cases in the context of freedom of association and political tolerance as important criteria for a democratic society.

2. Learners' answers will vary depending on the decision of the city manager.
3. The Majo Party's supporters could use a number of strategies to protest against the march: (a) hold an anti-Lingo Party placard demonstration; (b) hold a counter-march in a separate part of their community in order to draw people away from the route to be followed by the Lingo Party; (c) hold a rally elsewhere to attract people away from the route of the march; (d) advertise on posters, in newspapers and on the radio and television requesting people to ignore the march, etc. Learners may think of other strategies.

The responsibility of public officials to control traffic or to keep a demonstration from developing into a riot can sometimes be used as a reason to prevent demonstrations from taking place. The line between crowd control and 'thought control' can be very thin. However, demonstrations sometimes become violent or result in violence.

EXERCISE 11

Drawing an equality wheel

Objective

The objective of this exercise is for learners to brainstorm words that they associate with the word 'equality', and to include them on the spokes of the equality wheel.

1. Learners should be divided into small groups and given newsprint. Ask them to draw an equality wheel like the one in the Learner's Manual.
2. Learners should brainstorm words that they associate with the word 'equality' and write them on the spokes of the equality wheel. The instructor should draw a large equality wheel on the blackboard or a flipchart and ask each group in turn to provide a word that they associate with 'equality'. The instructor should keep calling on the groups until all their words have been recorded on the wheel. The words on the composite equality wheel can be used as the basis for a discussion on the right to equality.

PROCEDURE

- Brief participants on the facts of the role-play.
- Select participants to act out the role-play.
- Participants prepare arguments for and against the march.
- Follow the procedures for the role-play.
- City manager should give a decision and reasons.
- Class discussion on the arguments presented and the city manager's decision.



| | | |
|------------|----------------------|--------|
| | Draw equality wheel: | 5 min |
| | Brainstorming: | 15 min |
| 45 | Report back: | 20 min |
| min | General discussion: | 5 min |

PROCEDURE

- Divide participants into small groups.
- Draw an equality wheel.
- Brainstorm words associated with equality and write them on the wheel.
- Compile a composite wheel of all responses.
- Discuss the right to equality with class.



50 min Group discussion: 15 min
Report back: 30 min
General discussion: 5 min

PROCEDURE

Divide participants into groups.

Each group should consider one problem.

The groups should appoint spokespersons to report back to the whole class after the discussions.

General discussion.

Others might argue that in our changing society fathers are increasingly playing a more active role in bringing up children and assisting with the family chores.

Their role is no longer merely that of emotional support and they should be entitled to paternity leave.

EXERCISE 12

Was the discrimination reasonable or fair?

Objective

The objective of this exercise is for learners to see that the equality principle is violated when people are unreasonably discriminated against, but that sometimes it is reasonable to discriminate.

Learners should be divided into small groups and each group should be asked to discuss one question.

Possible responses

1. Most learners would probably say that it is unreasonable to discriminate against homosexual men who wish to join the army. They would argue that a person's sexual preference should not be relevant. As long as they are physically and mentally fit enough to join the army they should be allowed to do so. Some learners, however, might argue that society is prejudiced against homosexual people, and because of this their presence in the army will undermine morale. If this is the case they should not be allowed to join because the success of any army depends upon its morale.
2. Most learners would argue that it is unreasonable for men to be paid higher wages than women for doing the same work. Some might argue, however, that this would be justified if the women took more time off work than men because they needed maternity leave or frequently had to attend to sick children.
3. Some learners might argue that it is not unreasonable for female workers to be given maternity leave, and men not to be given paternity leave. After all, it is the women who physically experience the pregnancy, and it is they who usually have to feed and attend to the needs of the newborn baby. The father generally only provides emotional support, and occasionally assists with the less pleasant chores of babyhood. Others might argue that in our changing society fathers are increasingly playing a more active role in bringing up children and assisting with the family chores. Their role is no longer merely that of emotional support and they should be entitled to paternity leave.
4. Learner responses may vary according to their gender. Females will usually see this as discrimination against women and regard it as unreasonable as it prevents strong women from being employed by the company. Males generally interpret this as discrimination against weaker males and would regard this as justified if the nature of the work is such that it requires the services of very strong men. Learners would probably agree that provided the discrimination is based on strength, as strength is required for the job, the discrimination would be reasonable. It would not be reasonable if it was based on gender.

5. Most learners would probably argue that it is reasonable to discriminate against shorter people who cannot reach the overhead storage spaces in the cabins of aircraft. The height of people employed as cabin stewards in aircraft is relevant to their work. If they are not tall enough, they will not be able to do their job properly and this may endanger the passengers (eg if overhead lockers are not shut properly). Others will argue that it may not be necessary for all cabin crew to check the lockers, and that it may be possible to require only some to do this. If this were so, then it would be unreasonable to require all cabin crew to be above a certain height.
6. Some learners might argue that it is reasonable for a Chinese restaurant to employ only Chinese people as this adds to the atmosphere of the restaurant. Others may argue that it depends upon the nature of the work. People who are not Chinese may be able to cook very good Chinese food and may even speak Chinese. They should be given a chance to work in the restaurant. People who are cleaners and those who wash up the dishes should not have to be Chinese.
7. Some learners might argue that it's unfair to deny an HIV-positive person employment on the basis of his or her HIV-positive status. It could be argued that this is a form of unfair discrimination. The unfair discrimination cannot be justified as far as it is based on an ill-informed prejudice against people with HIV.
8. Some learners might say that HIV-positive couples should be treated like everyone else and given access to artificial fertilisation. Others might argue that HIV-positive parents may have an HIV-positive child. However, science indicates that it is possible for HIV parents to have a child who is not HIV positive. Furthermore, even if the child were to be born HIV positive, it is possible to manage the disease through antiretroviral treatment.

Some may argue that it is reasonable to discriminate against people who do not have the abilities to perform a job properly.

EXERCISE 13

Does the university's policy bring about equality?



| | | |
|------------|---------------------|--------|
| | Group discussion: | 15 min |
| 35 | Report back: | 15 min |
| min | General discussion: | 5 min |

Objective

The objective of this exercise is to show learners that equality does not simply mean no longer discriminating against people. It goes further and may require affirmative action to redress the consequences of past discrimination.

1. Some learners might argue that because the learners have been given equal access on admission equality has been achieved. Others will argue that there is no equality because very few of the disadvantaged learners qualify for admission because of their inferior secondary education. Something needs to be done to take this into account.
2. Some learners will argue that lowering the entrance standards for previously disadvantaged learners will not bring about equality because other learners will still have to qualify in the usual manner. This is nothing less than reverse discrimination. Others will argue that it does bring about equality because it recognises that certain learners are at a disadvantage because of past discrimination against them. Yet others may argue that this still does not bring

PROCEDURE

Participants should be divided into small groups and each group should be allocated one question to discuss.

Each group should report back to the whole class.

General discussion.

4. HUMAN RIGHTS AND DEMOCRACY

about equality, because even though relaxed entrance standards have allowed previously disadvantaged learners into the university, they may still fail because of their inferior secondary education. Something more needs to be done to level the playing field.

3. Some learners may argue that this is an even worse form of reverse discrimination than in question 2. Others will argue that it achieves equality by levelling the playing field. It is pointless relaxing entrance standards for previously disadvantaged learners if they are still going to fail because of their inferior secondary education. The special tutorial support programmes seek to overcome this by providing them with an equal opportunity to pass their examinations. It is a form of affirmative action that brings about equality.

4.5 CONFLICTING HUMAN RIGHTS IN A DEMOCRACY

(Read Learner's Manual pages 104 to 106)



40 min Group discussion: 15 min
Report back: 20 min
General discussion: 5 min

PROCEDURE

Divide participants into groups.

Each group should consider one problem.

After the discussions the groups should appoint spokespersons to report back to the whole class.

General discussion.

EXERCISE 14

Conflicting rights

Objective

The objective of this exercise is to show learners that sometimes human rights clash with one another, and it may be necessary to decide which should prevail as more important.

Possible responses

1. Here the rights to an environment free from destruction and to culture are in conflict with the right to economic advancement. Some learners may argue that the right to economic advancement should prevail and that the wishes of the local inhabitants who use the dune forest for traditional purposes should give way to demands of the country for more jobs and economic advancement. Others may argue that preservation of the environment and traditional cultural practices should take precedence over economic development because once lost, they can never be regained. They are part of a country's heritage and should never be sacrificed for money.
2. Here the right to education conflicts with the right to freedom of language and culture. Most learners would probably say that although everyone is entitled to an education, and to freedom of language and culture, the government can only provide what it can afford. If the government cannot afford to provide special classes for minority language groups, it should not be required to do so. It is providing the minority with education and that is the most important right in this instance. Other learners may argue that freedom of language and culture is very important and should be protected by providing special classes. Education which ignores this may lead to the destruction of the minority's language and culture. The government must find the money somewhere.

3. Here the right to shelter is brought into competition for funds with the right to legal representation. Some learners will argue that shelter is one of the most basic of human rights and should prevail over the rights of accused criminals to legal representation. Others might argue that the right to legal representation is closely linked to liberty itself, which is one of the most precious human rights even more important than the right to shelter. Therefore, the right to legal representation should take precedence over the right to shelter.
4. Here the rights to equality and education conflict with the right to culture. Some learners may argue that it is wrong for girls to be discriminated against and forced to leave school at an early age while their brothers continue their education. This is clearly a breach of the rights to equality and education and should not be allowed, even if it is a cultural tradition. Cultural traditions should be allowed if people wish to practise them, but people should not be forced to follow a cultural tradition if they do not wish to do so. Others may argue that tradition and culture go to the root of a person's being and should be respected. Even though the majority may not approve of a minority cultural tradition, they should not have the right to force others to conform to their standards. The practice is not unreasonable because in that community the better educated men will get high-paying jobs so that they can support the women and children. The cultural tradition protects and provides for the women. The cultural practice of *ukuthwala* may be raised as an example. *Ukuthwala* is the practice of abducting young girls and forcing them into marriage, often with the consent of their parents. The girls who are involved in this practice are frequently under-aged, including some as young as eight. *Ukuthwala* can be seen as an example of overlapping forms of oppression on the grounds of age, race, gender and culture and is illegal and against the Constitution. Cultural traditions should be allowed if people wish to practise them, but people should not be forced to follow a cultural tradition if they do not wish to do so.
5. Some learners will argue that the government should only be required to provide free basic education at primary and secondary schools. Parents who can afford to pay for their children to attend university should have to pay for their children's university education. Learners in favour of free university education for all might argue that university students are a valuable source of skilled persons who are required to develop the country. Providing them with free education will be an investment in the future of the country.

Participants should bear in mind that very often the conflicts between different rights occur because of economic, cultural or national security reasons.

| | | |
|-----------|-----------------------------|--------|
| 50 min | Introduction: | 5 min |
| | Select role-players: | 5 min |
| | Prepare arguments: | 15 min |
| | Role-play: | 15 min |
| | Discussion and report back: | 10 min |

PROCEDURE

Brief participants on the role-play.

Participants could be divided into teams of two or three for each community, with five or six participants selected to play the village finance committee.

One of the committee members should be elected chairperson to run the meeting.

The chairperson should ask each community spokesperson to make representations and then allow members of the committee to ask questions.

The rest of the learners could participate as observers at the committee meeting.

General discussion on issues raised.

EXERCISE 15

Making choices at the chief's council meeting

Objective

The objective of this exercise is to enable learners to experience the difficulties involved in choosing between conflicting human rights claims.

The exercise is conducted as a role-play at a village council committee meeting.

Possible responses

1. The spokesperson for Kwafunda could argue that the right to education is very important and the key to development in any society. He or she could also argue that they pay more rates than Funamanzi and should be given preferential treatment. Other arguments could also be raised.
2. The spokesperson for Funamanzi could argue that electricity and water are essential for modern communities. Electricity and water affect the quality of life of people in their homes, and also enable people to work and study at home. They should not be discriminated against because they are poor and pay lower rates than Kwafunda. Everyone should be entitled to an adequate standard of living, which includes electricity and water. Other arguments could also be raised.
3. After listening to the arguments, the chief should evaluate the respective merits and come to a conclusion. The chief should then announce the decision.

4.6 IS IT EVER JUSTIFIED TO SUSPEND HUMAN RIGHTS IN A DEMOCRACY?

(Read Learner's Manual pages 106 to 107)

| | | |
|-----------|---------------------|--------|
| 45 min | Group discussion: | 15 min |
| | Report back: | 25 min |
| | General discussion: | 5 min |

EXERCISE 16

Was the suspension of human rights justified?



For additional resources from Civics Academy see: *What are Human Rights?* <http://www.civicsacademy.co.za/video/human-rights>

Objective

The objective of this exercise is to enable learners to understand that sometimes human rights may be justifiably suspended and at other times not.

Possible responses

1. Most learners would probably argue that if a country is invaded by another country, the home country would be justified in suspending all civil liberties and declaring martial law. (Martial law means that the ordinary courts are taken over by the military and that the policing and administration of the country are also taken over by them.) In a total war situation, where the life of the nation is threatened, it is justified to suspend all civil liberties. Some learners might argue that even if a country is invaded by another, certain liberties should not be infringed (eg the right to life, the right not to be tortured), otherwise the country may lapse into cruelty and barbarism. The human dignity of people should still be protected and non-combatants (eg women and children) should not be treated like soldiers.
2. Some learners will argue that if there is widespread unrest and over 1 000 policemen have been killed, the government would be entitled to declare a state of emergency to restore law and order and to protect the lives of the police. In such a case, the government should be allowed to impose detention without trial. It may be necessary to detain large numbers of people because there is no time for the usual court procedures to be followed in a situation where people are being killed and law and order has broken down. Other learners may argue that detention without trial is never justified because it leads to abuses by the detaining authorities. Only potential criminals should be arrested, and they should be charged and brought before the courts. Other steps must be taken to prevent unrest and protect police officers.
3. Some learners may argue that a state of emergency in terms of which a night curfew is imposed in order to prevent members of rival political parties from burning down each other's houses is justified. This limited restriction on freedom of movement and assembly is a small price to pay to protect the lives and property of citizens. Other may argue that the curfew is a fundamental interference with the right of political parties to operate in a democracy. It is not justified to confine people to their homes at night. Many people work during the day and the night is the only free time they have to organise politically. The government should find other ways of controlling the violence.
4. Some learners would argue that freedom of expression includes the right of political leaders to call for the overthrow of the government. Furthermore, large-scale mass action and strikes are merely the exercise of freedom of association and assembly and should be tolerated in a democratic society. The government is not justified in banning public meetings and protest marches. Others may argue that if political leaders are inciting citizens to violence by calling for mass action, strikes and the overthrow of the government, the latter is entitled to take emergency steps to protect itself. The actions of the political leaders go beyond the limits of freedom of expression, association and assembly.
5. Most learners would probably say that the newspaper was merely exercising its right to freedom of expression and the President was not justified in suspending its publication. In a democratic country newspapers should be allowed to call for the resignation of the President without fear of closure or prosecution. Others might argue that if there is no good reason for the newspaper's criticisms, or if they are false, the President should be allowed to take legal action against it.

PROCEDURE

- Divide participants into groups.
- Each group should consider one problem.
- The groups should appoint spokespersons to report back to the whole class after the discussions.
- General discussion.

This limited restriction on freedom of movement and assembly is a small price to pay to protect the lives and property of citizens.

Mass action and strikes are merely the exercise of freedom of association and assembly and should be tolerated in a democratic society.

In a democratic country, newspapers should be allowed to call for the resignation of the President without fear of closure or prosecution.

5. ELECTIONS

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OBJECTIVES

After reading this chapter, you should be able to explain—

1. why voting and elections are important in a democracy;
2. who can vote in a democracy;
3. the role of political parties in a democracy;
4. who should stand as candidates in a democratic election;
5. the importance of free and fair elections;
6. the importance of frequent elections;
7. how voting procedures work;
8. the importance of political tolerance during elections;
9. the importance of accepting defeat after democratic elections.

5.1 ELECTIONS AND VOTING

(Read Learner's Manual page 109)

EXERCISE 1

Sharing your voting experience



25 min Questions: 5 min
Discussion: 10 min
General discussion: 10 min

Objective

The object of this exercise is for participants to share their experience of voting.

Possible responses

- Possible answers may include a school election for a learner representative council (LRC) or an election of the executive of a club. The method that they may have used can be compared to what occurs in voting in political elections: use of a ballot paper and secret ballot vs raising of hands; voting for political parties vs individuals, etc. Participants' answers will vary.
- The purpose of voting is to allow people to have a voice in deciding who should represent them in government. It is also to make people feel a part of government so they will play the other roles of citizens in a democracy (see Chapter 6). Voting is also designed to bring about accountability of government officials who can be held accountable by the voters and either re-elected or voted out of office.

PROCEDURE

Ask class to indicate if they have ever voted.

Discuss what they voted for.

Discuss method of voting.

Discuss why they voted.

Discuss purpose of voting.



For additional resources from Civics Academy see: What are free and fair elections? <http://www.civicsacademy.co.za/video/free-and-fair-elections>
Why should I vote? <http://www.civicsacademy.co.za/video/why-should-i-vote> What are MPs? <http://www.civicsacademy.co.za/video/what-are-mps>

5.2 WHO CAN VOTE?

(Read Learner's Manual pages 109 to 110)

EXERCISE 2

Who should be allowed to vote?



25 min Group discussions: 10 min
Voting: 5 min
General discussion: 10 min

Objective

The object of this exercise is for participants to understand what sort of people should be given the vote in a democracy.

PROCEDURE

Divide participants into groups to discuss the list.

After discussion ask for vote by show of hands.

General discussion on who should be allowed to vote and whether voting should be compulsory.

Possible responses

- Participants will give personal opinions on what characteristics are needed for voting. The instructor should try to list these on a chalkboard. They may include:
 - Voters should have the ability to understand issues – this involves issues such as age (youth or old age), literacy, educational level, mental competence, women (used to be treated by law in some countries like children).
 - Voters should be law-abiding, not criminals.
 - Voters should be part of society, eg citizens, not immigrants and criminals.

Many rural South Africans do not speak English or Afrikaans and may not be exposed to campaign literature, radio shows or political forums in their language. Some might argue that these people should not be allowed to vote, and that if they are, their vote will be influenced by a chief, husband, father or someone else who has influence over them. Others would say that everyone must be given the opportunity to vote and that it is the job of the government and the political parties to conduct educational and political campaigns using languages rural people understand.

- Some countries have laws that make voting compulsory.

Arguments for this would be that:

- it impresses the importance of voting on people;
- only such a law will get apathetic people to vote;
- forcing people to vote would enable people to see its value and in the future they would be more likely to vote of their own accord; and
- it would create more active citizens.

Arguments against compulsory voting include that

- it is against the democratic principle of freedom; and
- forcing people to vote will not create positive attitudes nor encourage people to play other roles of citizens.

Note: South Africans living overseas may vote at an embassy. South Africans travelling overseas should cast a special vote in their voting district before they leave for their trip.

5.3 POLITICAL PARTIES IN AN ELECTION

(Read Learner's Manual pages 110 to 112)

EXERCISE 3**Proportional representation or individual representation: which is better?**

| | | |
|---------------|---------------------|--------|
| | Briefing: | 10 min |
| | Group discussions: | 15 min |
| 50 min | Report back: | 20 min |
| | General discussion: | 5 min |

Objective

The object of this exercise is for participants to decide whether proportional or individual representation is best for a particular country.

Possible responses

- The advantages of proportional representation are:
 - it ensures that all political parties with meaningful support will be represented in parliament;
 - people who vote for minority parties may be represented in parliament;
 - it is fairer than the 'winner takes all' approach of individual representation; and
 - if minority parties are represented in parliament, they are more likely to become part of the decision-making process and to support the new democratic government.
- The advantages of individual representation are:
 - the party with majority support in the country controls parliament;
 - people are able to vote for the best person to represent them in parliament not just anyone imposed on them by the party;
 - individual members of parliament are accountable to their constituencies and not just to the party bosses; and
 - voters have a person in their constituency to whom they can make representations, rather than a person imposed on them by the party.
- Participants' answers will differ depending on which of the answers in 1 and 2 above they favour.
- Most participants would probably favour the idea of three different votes, because this is the most democratic approach in that it allows people to vote for the party with the best programme for each level of government. Learners in favour of a single ballot may argue that a multiple ballot will be too complicated and will confuse voters.

PROCEDURE

Brief participants.

Divide participants into groups.

Each group should answer one question.

Groups report back to whole class.

General discussion.

EXERCISE 4**A speech by the People's Party****Objective**

The objective of this exercise is to teach learners to analyse what politicians say in their speeches.



| | | |
|---------------|--------------------------|-------|
| | Role-play: | 5 min |
| | Instructor's questions: | 5 min |
| | Participants' questions: | 5 min |
| | Discuss beliefs: | 5 min |
| 30 min | List principles: | 5 min |
| | General discussion: | 5 min |

PROCEDURE

Conduct role-play.
 Debrief participants on speaker's beliefs.
 Class questions speaker.
 Discuss speaker's beliefs.
 Draw up list of principles for new political party.

Possible responses

1. The main beliefs of the party seem to be those of socialism and justice for everyone. In the process, however, people will only be free to do things that are considered good for the development of the country. People will receive similar pay no matter what their job is. The mines and banks should be nationalised to serve the public interest.
2. Participants should ask whether it is practical for non-professional or unskilled people to receive the same pay as professional people who spend years getting qualified. Would this not lead to a 'brain drain' of skilled people such as doctors, engineers, architects and lawyers, thus undermining development? Would it not also discourage people from wishing to become qualified in the professions necessary for a country to develop? Would not the nationalisation of the mines and banks lead to a Zimbabwe-like collapse of the economy? Is socialism today likely to be any more successful than it was in the past?
3. This calls for the personal opinions of the participants.
4. This also calls for personal opinions.

5.4 MULTI-PARTY DEMOCRACY

(Read Learner's Manual pages 112 to 113)



**40
min**

Group discussions: 15 min
 Report back: 20 min
 General discussion: 5 min

EXERCISE 5

Some questions on multi-party democracy

PROCEDURE

Divide class into small groups.
 Each group should discuss one question.
 Groups report back to the whole class.
 General discussion.

Objective

The objective of this exercise is for participants to understand the arguments for and against a multi-party democracy.

Possible responses

1. Multi-party democracy means that more than one party participates in elections. There should be at least a second party to the one in power which is allowed to speak out in opposition during and after elections, in and outside of government. Some say a multi-party democracy is not viable unless it is possible that a party other than the one in power has a chance of winning an election. It is important to have a multi-party democracy so that different points of view are put forward and debated in the society. This will result in better decision-making than a one-party system, which may end up as a dictatorship that only considers one set of ideas and policies.
2. **Arguments in favour** of a strong opposition are that the parties concerned will ensure that the ruling party is held accountable. If the opposition is strong, there is always the threat that if there is another election, the ruling party will be voted out. This is good for democracy because a weak opposition means that the ruling party can do what it likes without being held accountable politically – although it may still be held accountable by certain

other constitutional bodies like ombudsperson's offices, Public Protectors' offices and the courts. Strong ruling parties with a weak opposition tend to become arrogant and to ignore the demands of their citizens as they do not fear being put out of power.

Arguments against strong opposition parties are that if they are likely to win the next election each time there is a new election, this will unsettle economic and social development. If this happens too often it creates uncertainty because government policies may change each time a new government is elected. Investors do not like unstable political situations and this may undermine foreign investment in the country and limit development.

3. People usually join the party that their family and friends belong to. They may also feel that the party is more likely to represent their racial or ethnic group's interest. Some parties reach out to people from different racial and ethnic groups to broaden their support. Some countries make it illegal for political parties to discriminate against people from certain racial or ethnic groups. People in a democracy should be allowed to join a political party of their choice, even if it is made up mostly or entirely of people from their racial or ethnic group. This is their right as long as the group does not discriminate against others.
4. Some feel that having many political parties will result in no party ever having a majority and the country becoming divided. Others say this can be good because it may force parties to form coalitions and to compromise and co-operate to get things done. On the other hand, some say that this will mean that the ideas a party campaigned on and people supported will never be implemented. They say government will become deadlocked.

People in a democracy should be allowed to join a political party of their choice.

5.5 CANDIDATES IN AN ELECTION

(Read Learner's Manual pages 113 to 115)

EXERCISE 6

Describing your perfect political candidate

Objective

The objective of this exercise is to make participants think about the type of qualities they would like to see in their ideal political candidate.

Possible responses

Participants will come up with many qualities that may include a person who is honest, hardworking, intelligent, wealthy (so he or she will be less tempted by corruption), experienced, charismatic, a good speaker, full of ideas with which the voter agrees, and who cares about people and others.



| | | |
|---------------|---------------------|--------|
| | Briefing: | 5 min |
| | Group discussions: | 10 min |
| 30 min | Report back: | 10 min |
| | General discussion: | 5 min |

PROCEDURE

- Brief participants.
- Divide into groups.
- Groups draw up lists.
- Groups report back.
- Draw up a composite list.
- General discussion.

The instructor may wish to ask the groups to put their list of qualities on large sheets of paper and tape them on the walls when they present them. Compare the lists and ask which qualities appear on all of them. It may be useful to ask participants how they would determine whether candidates possessed these qualities. Possible methods include: (a) going to political forums to listen and ask questions; (b) reading the candidates' pamphlets and other literature (eg position papers); (c) asking others about the candidate; (d) reading newspapers; (e) watching television; (f) listening to the radio; and (g) attempting to meet the candidate informally for discussions (this may not be possible).



| | |
|---------------------|--------|
| Briefing: | 5 min |
| Group discussions: | 10 min |
| Report back: | 20 min |
| General discussion: | 10 min |
| 45 min | |

PROCEDURE

Brief class.

Each group should discuss one question.

Groups report back.

General discussion on screening principles.

EXERCISE 7

The case of the screening law

Objective

The objective of this exercise is for participants to understand the difficulties involved in dealing with public officials who served under a previous non-democratic regime and who now wish to hold office under a democratic government.

Possible responses

1. Participants' answers will vary:
 - (a) The law would probably ban the doctor from office because being director of the cancer research institute would be viewed as a management or executive position. One might argue that the intent of the law would not be to punish people for doing valuable work like cancer research and that even the secret police deserved to know about first aid. However, others would say she was part of the old regime.
 - (b) In many dictatorships and former communist governments people could not teach or do other work without joining the party. Many argue that people had to survive and that this should not bar them from holding office in a new democratic government. Others say they were collaborating and should be punished for their participation in the party that ran the dictatorship. In this case the law would not seem to apply to them as teachers are not 'senior positions' and membership alone of the party was not a 'management executive position', as stated in the law.
 - (c) The law as written would ban the former head of housing from taking the senior position in the new government. Although not included in the law, the fact that he gave better housing to officials in the dictator's party would probably make it more difficult for him to get an exemption. They may, however, need his expertise. The instructor should point out that this is often the dilemma faced by a new democracy: Do they give up the expertise that might be provided by people who did bad things in the past (eg the police force or public service)?

- (d) Again, the law as written would ban the police official from office in the new government, but whether it should, presents a difficult problem. In this situation he had been generally fair to citizens and had helped to overthrow the dictatorship. This should be weighed against the fact that he did enforce laws banning demonstrations. On balance, should he be exempted from the ban? Participants can come to their own conclusions.
 - (e) The law states that those who informed on others in the old regime should be banned from office in the new government. Since this member did this, it is unlikely that an exception should be made for her. However, some may argue that her collaboration was necessary to support her children, which should be a parent's principal concern. Others may say that not informing on people is more important. Whether the government did or did not use the names she provided is relevant and could also be debated.
2. The reason for such a law is to hold accountable or punish those who helped run and perhaps personally benefited from the dictatorship. The object is to keep them out of the new government where they might bring back the ideas or practices of the old regime. The law also serves as a symbol of change.

Reasons against the law are that it will deprive the new government of people who have the experience and skills which it needs. It also goes against the goal of reconciliation, and may result in many people not participating in the new government or supporting it because they believe it acted unfairly against them.

- 3. By banning 'all informers on the list', the new government may be acting unfairly against some people whose names were incorrectly put on the list. The government should allow people on the list the opportunity to show that they were not informers. Others would argue that there should be hearings and the burden of proof should be on the government to prove that all people on the list were informers before any were banned from holding office. Often a dilemma faced by a new democracy is whether they give up the expertise that might be provided by people who did bad things in the past (eg in the police force or public service).


Often a dilemma faced by a new democracy is whether they should give up the expertise that might be provided by people who did bad things in the past (eg in the police force or public service).

5.6 FREE AND FAIR ELECTIONS

(Read Learner's Manual pages 116 to 120)

EXERCISE 8

Should political parties be required to disclose who funds them?

| | | |
|---|---------------------|--------|
|  | Briefing: | 5 min |
| | Group discussions: | 10 min |
| 45 | Report back: | 20 min |
| min | General discussion: | 10 min |

Objective

The objective of this exercise is for participants to debate whether political parties should be required to disclose who funds them.

PROCEDURE

Divide the participants into groups for and against disclosure.

Groups prepare arguments.

Groups nominate one debater from their group.

Conduct the debate.

Participants vote for or against disclosure at the end of the debate.



40
min

| | |
|---------------------|--------|
| Briefing: | 5 min |
| Group discussions: | 10 min |
| Report back: | 20 min |
| General discussion: | 5 min |

PROCEDURE

Divide into groups.

Each group should discuss one question.

Groups report back.

General discussion.

Others say that there should be limits on the amount that candidates are allowed to spend so that one is not able to spend a lot more than another.

Possible responses

- Arguments in favour** of political parties having to disclose who funds them are: Individuals or companies who give money to finance campaigns often expect favours in return, and if this is disclosed, they will be less able to make such demands. Some parties may receive funding from overseas and disclosure of this will prevent overseas donors making demands for favours which may not benefit the country where the election is held.
- Arguments against** political parties having to disclose who funds them are: People may be embarrassed if disclosures are made concerning the amount of money they have contributed to certain campaigns. There will be less incentive for people to donate to political campaigns as their support for a particular party will be made public and their vote is unlikely to be secret as a result.
- Learners can make up their own minds as to whether or not political parties should have to disclose who funds them.

EXERCISE 9**Were the elections free and fair?****Objective**

The objective of this exercise is for participants to analyse different situations and decide whether or not the incidents go against the idea of free and fair elections.

Possible responses

- A traditional chief has considerable power over his people either through customary law or through the statute laws of South Africa (which prior to South Africa's first democratic elections were passed by the white minority). A chief might or might not have the legal power to order people in his or her area not to go to a meeting, but most people would view it as clearly wrong for him to do so. Laws or election rules may be needed to make it clear to individuals that they have the right to attend any meetings they wish to, to gather as much information on political parties as they need, and to vote as they wish.
- The television station may do this because the candidate is in the news. For example, if there is a scandal involving the candidate it is understandable that his or her name would be mentioned more frequently. The issue is whether the station is purposely mentioning a candidate's name because of its support for that candidate. This would be unfair. Some argue that whoever owns a television channel, radio station or newspaper should be able to use their property to promote their candidate. Others say that because media space is limited this gives an unfair advantage to a certain candidate. For this reason, some countries have fairness doctrines requiring that equal time be given to all candidates.
- Some will argue that if candidates are able to raise money for campaigns it should be equally divided among candidates so that they do not owe favours to those who contribute. Others say that there should be limits on the amount that candidates are allowed to spend so that one is not able to spend a lot more than another.

4. This is obviously unfair and may be a crime as the party has stolen private property owned by the other party.
5. One could argue that this type of statement should be allowed as part of freedom of speech which guarantees the right to say unpopular things. Others would say that this is an unfair slur against women which is building on the prejudices of men and could have a very negative effect on society if it is allowed. They would claim that it is an unfair campaign practice.
6. This sounds like a threat, which should be outlawed as part of any election. However, the man might argue that by 'you will be in trouble' he meant that not voting for the Chauvinist Party would put his wife and the country in trouble, and that it was not a personal threat against her.
7. This sounds like a direct threat that the man will be fired, and even if it is not meant that way, it may be interpreted to mean that the employee will no longer be wanted as a worker there. This sounds like intimidation, which should be outlawed by any election law.
8. Some would argue that whether a person is faithful to his or her spouse should be relevant because it indicates trustworthiness and honesty. Others would say that it is irrelevant and should not be allowed because the issues that should be discussed in a campaign should refer to the candidates' ability to do the job in the office they are standing for and not their personal affairs.

5.7 FREQUENCY OF ELECTIONS

(Read Learner's Manual pages 120 to 121)

EXERCISE 10

How often should elections be held?

Objective

The objective of this exercise is for participants to think about how often elections should be held.

Possible responses

1. Participants' answers will vary. Some learners will argue that a set time should be provided in the Constitution to prevent the head of state from abusing the situation by only calling elections at times when he or she has the most support from the people. Others may argue that as long as there is a maximum time period within which elections must be called on a regular basis, it does not matter if the head of state calls for elections earlier than is necessary, because the people are still given an opportunity to vote the person out if they wish to do so.
2. Participants' answers will again vary. Some learners may argue that elections should not be held too often (eg every two years) because it causes instability in the country, is very expensive, and does not give a new government enough time to introduce the policies it promised during the



| | | |
|-----|---------------------|--------|
| | Briefing: | 5 min |
| | Group discussions: | 15 min |
| 40 | Report back: | 10 min |
| min | General discussion: | 10 min |

PROCEDURE

Participants should be divided into small groups and asked to discuss the questions.

This can be done by each group discussing only one question or each group discussing all three questions.

After the group discussions have been completed, the groups should report back to the whole class.

General discussion.

election campaign. The government should be allowed four or five years in power in order to give it enough time to implement its policies. Learners in favour of very frequent elections will argue that these elections keep the government and party officials 'on their toes' because they know that they will soon be voted out if they do not deliver the goods.

- Participants' answers will vary. Most learners, however, would probably argue that the President should not have sole power to decide when elections should be postponed and the matter should be discussed with the parliament or Congress. They could also argue that the constitution should provide that the President has to hold an election within a certain number of years. Learners in favour of a more authoritarian system would want to give the President more powers, including the power to decide whether or not elections should be postponed.

5.8 VOTING PROCEDURES

(Read Learner's Manual pages 121 to 124)



45
min

| | |
|---------------------|--------|
| Briefing: | 10 min |
| Role-play: | 20 min |
| Debrief role-play: | 10 min |
| General discussion: | 5 min |

PROCEDURE

The role-play should take the form set out in the procedures in the Learner's Manual and in the picture.



40
min

| | |
|--------------------------|--------|
| Briefing: | 5 min |
| Small group discussions: | 10 min |
| Feedback from groups: | 20 min |
| General discussion: | 5 min |

PROCEDURE

Brief participants on questions.

Divide participants into small groups.

Allocate one question to each group.

Small group discussions.

Feedback from small groups.

Discuss exercise.

EXERCISE 11

At the voting station

Objective

The objective of this exercise is for participants to role-play voting at a voting station, and to observe the procedures that were followed. Answers will depend on what occurs in the role-play and how observant the learners are.

EXERCISE 12

What should international monitors do?

Objective

The objective of this exercise is for participants to understand the role of international monitors.

Possible responses

- The President may have invited the international monitors to give the impression that he was not afraid of people looking at the fairness of the election. If he was behind the intimidation and threats, he may have been trying to cover up. Perhaps he did not know about it. If he did not know, an issue arises as to whether he should be held responsible. Most people and most election laws would hold candidates responsible for the actions of their workers, even if they did not know that the workers were intimidating people.

- International monitors may submit written or oral reports. They may also go to the media and publicise the election violations. They could call for cancellation of the election results and scheduling a new election or they might feel that the violations were not significant enough to nullify the results.

International monitors may submit written or oral reports. They may also go to the media and publicise the election violations.

5.9 POLITICAL TOLERANCE AND ELECTIONS

(Read Learner’s Manual pages 124 to 127)

EXERCISE 13

How politically tolerant are you?

Objective

The objective of this exercise is to make participants aware that almost all of us are intolerant to some extent towards people who are different from us.

Possible responses

- An effort should be made not to embarrass people, so it may be best to ask volunteers to indicate what number on the 1 to 5 scale they would put next to each letter.


It may be best to do this on a grid on flipchart or chalkboard:

RATINGS

Not likely to allow Very likely to allow

1 2 3 4 5

- March
 - Public meeting
 - Friends with children
 - Advertisements in newspaper
 - Recruit at work
 - Distribute pamphlets
- Note which activities tended to be least likely to be allowed (low ratings). Usually the more an activity infringes on people’s personal lives, the less likely it is that people will allow the activity.
 - All the actions, except (c), seem to relate to political tolerance. Although not allowing certain people to be friends with your children does not concern political tolerance, it may be the worst kind of intolerance as it can set an example for children who may become intolerant when they grow up.

| | | |
|---|----------------------|--------|
|  | Briefing: | 5 min |
| | Ratings: | 10 min |
| | Question and answer: | 10 min |
| | Group discussions: | 10 min |
| 55 min | Report back: | 15 min |
| | General discussion: | 5 min |

PROCEDURE

Conduct as group activity or individually.

Draw up or hand out rating sheet.

Participants answer Q1 and 2.

Compare answers.


Divide into groups to discuss Q3–5. Each group should discuss one question.

Report back.

General discussion.

Allowing people to express their views is a reflection of political tolerance, but does not mean that one accepts their ideas as true.

4. Besides the effect of intolerance in families, the attitude of people's friends can influence intolerance. When people feel threatened by another group (eg through fear of losing jobs to them, fear of crime, etc), this may result in intolerant attitudes. Education like that in *Democracy for All* is one way of bringing about tolerance. Learners might also discuss whether anti-discrimination laws or laws forbidding ethnic or social slurs result in more or less intolerance.
5. There is a big difference between tolerating people who have ideas that are different from one's own, and forbidding them from speaking out or otherwise attempting to convert others to their ideas. Allowing people to express their views is a reflection of political tolerance, but does not mean that one accepts their ideas as true. There is a difference between tolerating ideas and accepting them as true. Whether or not participants will be surprised by their answers will depend on each individual's response to the ranking exercise.

| | | |
|--|---------------------|--------|
|  40 min | Brief role-players: | 5 min |
| | Role-play: | 10 min |
| | Group discussions: | 10 min |
| | Report back: | 10 min |
| | General discussion: | 5 min |

EXERCISE 14

A political party is denied a hall for a meeting

PROCEDURE

Select role-players.

Brief role-players.

Conduct role-play.

Divide participants into groups to discuss Q2 and 3.

Report back.

General discussion.

Objective

The objective of this exercise is to help participants understand how political intolerance affects elections and to think of ways of overcoming it.

Possible responses

1. The role-play should bring out the intolerance of the Free Speech Party against the Open Party. It should also bring out the arguments for and against the possibility of violence should the Open Party use the hall. Should the possibility of violence result in the use of the hall not being allowed? Or would this amount to allowing political intolerance to interfere with freedom of assembly and speech?
2. This question raises the issue of whether, once someone wins a democratic election, the victory gives them the right to exclude others. Most supporters of democracy would say that those elected should do everything they can to allow the opposition to hold meetings and to state their views because this is consistent with one of the cornerstones of democracy, namely freedom of assembly and expression.
3. Members of the Open Party may be able to go to the police or to the court and ask that their rights to assembly and to hold a meeting be protected.

EXERCISE 15

What are the benefits of a multi-cultural society?



25 min Group discussions: 10 min
Report back: 10 min
General discussion: 5 min

Objective

The objective of this exercise is for participants to think about the benefits of having more than one ethnic and cultural group in a society.

Possible benefits of a multi-cultural society are that a diversity of cultures leads to a variety of languages, arts, literature, food and viewpoints, which enrich a society by making it more interesting. Different cultures may also provide different ideas for solving public problems.

5.10 AFTER THE ELECTIONS: ACCEPTING DEFEAT

(Learner’s Manual page 127)

EXERCISE 16

The President declares the election invalid



35 min Group discussions: 15 min
Report back: 15 min
General discussion: 5 min

Objective

The objective of this exercise is for participants to consider a set of facts and decide how election violations should be dealt with.

Possible responses

1. The President says the opposition party violated many election rules, including encouraging people to vote more than once. Obviously, the President does not want her party to lose the election, so she may be inventing this claim to nullify the elections.
2. There should be an independent body, for example an independent electoral commission, to investigate and decide whether the violations were in fact committed, and if they were, how serious they were. If the violations were very serious, the electoral commission may invalidate the election results.
3. Most people would agree that it is inappropriate for the President to make such decisions because she has an interest in its result.
4. The procedure in 2 above should be used instead.

PROCEDURE

Divide participants into groups.

Each group should discuss all three questions.

Report back by groups.

General discussion.

6. CITIZEN PARTICIPATION

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OBJECTIVES

After reading this chapter you should be able to—

1. appreciate why citizen participation is important in a democracy;
2. describe how to become informed in a democracy;
3. list the different ways of participating in civil society;
4. explain how to participate in party politics during elections;
5. describe how citizens can change public policy;
6. explain how lobbying works;
7. appreciate why citizens owe responsibilities to each other.

6.1 WHAT IS CITIZEN PARTICIPATION?

(Read Learner's Manual pages 129 to 130)

The objective of this chapter is to impress upon people that living in a democracy entails certain obligations. There is more to citizen participation than voting periodically. Democratic government is a partnership between the leaders and the people, and as in any other partnership, each has a role to play. The failure of either party to perform properly may result in the failure of democratic government. Democratic decision-making, in contrast to bureaucratic or technocratic decision-making, is based on the assumption that all who are affected by a given decision have the right to participate in the making of that decision. For citizen participation to work, government must be transparent and citizens must be consulted before decisions that will affect them are taken. Making democracy work requires informed and active citizens who understand how to voice their interests, act collectively and hold public officials accountable.

The UN Public Administration Glossary defines 'citizen participation' as the involvement of citizens in a wide range of policymaking activities, including the determination of levels of service, budget priorities, and the acceptability of physical construction projects in order to orient government programmes toward community needs, build public support, and encourage a sense of cohesiveness within neighbourhoods.

EXERCISE 1

The search for the perfect citizen



| | | |
|------------|---------------------|--------|
| | Compile lists: | 15 min |
| | Compare lists: | 15 min |
| 55 | Report back: | 15 min |
| min | General discussion: | 10 min |

Objective

The objective of the exercise is to get learners to fully appreciate the responsibilities of a citizen in a democracy. At this stage they will be familiar with the demands of a democracy and should be able to list their responsibilities.

Learners should be divided into groups of not more than five and should be asked to list all the responsibilities of a citizen living in a democracy. One of the learners from each group should list the duties identified on a flipchart.

Learners should remain in their groups and compare their list with the one provided in the Learner's Manual on page 130. One learner from each group should be invited to present the list of duties identified by the group and indicate in which respects it deviates from the list submitted in the text. Learners should also be encouraged to state whether they agree or disagree with the text and why they have reached their conclusions.

PROCEDURE

Divide into groups.

Groups compile lists of ways to participate.

Groups compare lists with list in learner's Manual (p 130).

Groups report back.

General discussion.

6.2 BECOMING INFORMED

(Read Learner's Manual pages 131 to 135)

25
minGroup discussions: 10 min
Report back: 10 min
General discussion: 5 min**EXERCISE 2****How to become informed****PROCEDURE**

Divide the class into groups.

Each group should deal with one problem.

Groups should consider:

- (a) their immediate response upon hearing the information;
- (b) if they decide to verify the information, the steps they would take.

Groups report back.

General discussion.

Objective

The exercise is designed to impress upon learners the need to act upon verified information and not simply respond to rumours. It is also necessary to be aware of the sources that one can go to obtain correct information.

1. This problem deals with housing and roads. The government's policy on national roads must be made known by the relevant minister from time to time. This policy will be published in a *Government Gazette* and can be found on the website of the South African government, <http://www.gov.za>. The local municipal authority for the area should have some information. They should be contacted and invited to respond. At provincial level there is a department dealing with roads that may be able to provide information. At national level the government created the South African National Road Agency Limited (SANRAL), which is responsible for the finance, improvement, management and maintenance of the national road network. It is an independent private company owned by the state, commonly referred to as a state-owned company.

The Bill of Rights in the Constitution grants everyone the right of access to information that is held by the state. The Promotion of Access to Information Act explains the requirements and procedures that must be followed in order to gain access to information. In terms of this legislation, the government department and SANRAL must have a booklet that is normally available on the website of the relevant government department or SANRAL should explain how to go about requesting information from the department in terms of the Promotion to Access to Information Act. SANRAL's website is <http://www.nra.co.za>.

2. Documents that are being discussed by political parties in the National Assembly are published on the website of the South African government, <http://www.gov.za>, under the heading 'Documents'. You could also contact the political party concerned and request the information. Some parties respond well to telephonic requests and others do not. It may be best to visit the party's local offices. It may also be fruitful to search the Internet, contact the local newspapers or visit your local library.
3. Contact the local offices of the relevant political party or see if you can find information on the party's website. The local media may also be of assistance, as they may have been involved in advertising the meeting.
4. It would probably be best to contact the media to ascertain whether this information is correct.

5. The Public Protector's reports are published on the website <http://www.pprotect.org>. The Public Protector has provincial offices in each province. If the office is close to you, you could visit the office and ask for a copy of the report. It is also possible to approach the local media, who might have covered the report when it was published.
6. Contact the relevant university first. All universities have a marketing department that will be responsible for updating all stakeholders on what is happening. The university website or social media pages might also contain statements by the university. You could also contact the local media because such an event will normally be covered by local media, print and radio.

EXERCISE 3

Separating fact from opinion

Objective

The purpose of this exercise is to alert learners to the need to separate fact from opinion and to emphasise the necessity to form independent opinions.

This should be an individual effort with each learner working through the passage on their own. It is often difficult to separate fact from opinion and often opinion is disguised as fact. This is done to influence the readers to accept the writer's point of view. The differences between fact and opinion are fairly demarcated in the passage:

Statistics indicate that there has been an alarming increase in the number of armed robberies in the city. (F). However, yesterday police struck a decisive blow for law and order. (O) A group of armed men were gunned down outside a shopping centre when the police received a tip that the men planned to rob a local bank. (F) Some eyewitnesses say that the police returned fire after being fired upon. (F) Others state that when the van containing the armed men stopped, the police flung open the doors and started firing. (F) It does not really matter who fired first. (O) Robbers are robbing and killing innocent people. (O) The only way to stop them is to act decisively and respond in the only language they understand. (O) After the shooting, the five robbers were pronounced dead. (F)

Possible responses

The answers of the learners should be compared with the suggested answers.

1. This article is made up of both fact and opinion. Clearly the opinions put a particular interpretation on the facts. They colour the facts with the opinion of the writer. If the article did not contain any opinion, it would probably be less interesting, but less value-laden, and would not influence people in one direction or the other.
2. It is perfectly legitimate for a newspaper article to contain both fact and opinion. If articles were only to contain facts, newspapers and



| | |
|-------------------------|--------|
| Individual work: | 10 min |
| Individual report back: | 15 min |
| Group discussions: | 15 min |
| Report back: | 15 min |
| General discussion: | 5 min |
| 60 min | |

PROCEDURE

Learners work through the passage on their own.

Report back on fact and opinion (Q1).

Divide into groups.

Groups consider Q2–4.

Groups report back.

General discussion (Q2–4).

magazines would be very boring. We live in a society in which we should discuss and compare opinions and ideas. If writers are not permitted to express their opinions, then a very important means of comparing and challenging ideas would be lost. An American judge once spoke about the concept of a 'marketplace of ideas'. Articles in a newspaper are probably one of the best marketplaces to debate ideas. It is therefore important that people have access to the media in order to be able to promote their ideas. Access to the media has become very easy with the availability of the Internet expanding worldwide.

- Clearly a critical reader must be able to distinguish between fact and opinion. He or she must know when an opinion is presented, so as to be able to give it the weight that it is due.

If we agree that no person should be punished before he or she is given a fair trial, then we must be prepared to afford these rights to criminal accused as well.

- Whenever there is a high crime rate, the public generally demand strict law enforcement and are prepared to overlook any trampling of the rights of accused persons. The difference between a police state and a democracy is that in a democracy everyone is equal before the law and has to act in accordance with the law. If we allow the police to kill robbers, we are allowing the police to be above the law, and also doing away with the necessity for a fair trial before an impartial court. Once such a power is given to anybody, then it is only a matter of time before that power is used in a way that society would not approve of.

If we agree that no person should be punished before he or she has been given a fair trial, then we must afford these rights to criminal accused as well. It would be very dangerous if we were to allow the police to determine whether a person is guilty and then also decide on the punishment to be imposed. No democracy can exist if law enforcement officers do not operate under the law or if the right to a fair trial is not respected.



**45
min**

| | |
|----------------------|--------|
| Briefing: | 10 min |
| Discussion in pairs: | 15 min |
| Report back: | 15 min |
| General discussion: | 5 min |

EXERCISE 4

Discussing the Marikana massacre

Objective

The purpose of the exercise is to ensure that the learners listen to each other before responding. Active listening results in the contentious issues being identified, and by focusing the debate, often leads to solutions being arrived at.

Possible responses

1. Learners answers will vary. Some learners may say that paraphrasing
 - (a) made them listen to their partner’s argument before thinking of a reply;
 - (b) helped them focus on the issue in dispute; and
 - (c) helped them find common ground.

Others may argue that it made them uncomfortable because

- (a) it forced them to listen to the other side before they could think of a reply;
 - (b) it made the discussion stilted; and
 - (c) it made them realise how unreasonable some of their statements were.
2. Paraphrasing can be useful
 - (a) to calm down discussions if they are becoming too heated;
 - (b) to show the other person how unreasonable his or her viewpoints are by making that person listen to a paraphrase of their statements; and
 - (c) to help people who have difficulty expressing themselves to be better understood.

EXERCISE 5


The case of the anti-Pinko political party

Objective

The objective of this exercise is to impress upon learners the necessity of debating ideas with ideas. A speaker who makes outrageous statements should not be shouted down or prevented from speaking. The most effective way of dealing with such a speaker is to expose the flaws in his or her argument.

Possible responses

1. The commissioner would have to decide whether or not he wishes to ban the meeting. If he decides to allow the meeting to go ahead, he may be obliged, at the taxpayers’ expense, to provide protection for members and speakers of the anti-Pinko political party. The right to political activity is the bedrock of a democratic society. Political activity should only be restricted in exceptional circumstances. Here the fact that the contents of the political message irritates the Pinkos may not be sufficient justification to interfere with the right of the anti-Pinko political party. One possible way out is to consider turning the rally into a public debate.
2. It is not the function of the law to prescribe the theme or message to be adopted by any political party. Any such prescription would be an unwarranted interference with the political expression of the party. However, one may be able to restrict the speech if there is a reasonable likelihood of immediate lawless acts being committed by the people being addressed. It is permissible for a political party to be critical of a particular group so long as it does not lead to inter-group violence. In times of tension, attacks upon groups can lead to an increase in the level of the violence.

| | | |
|---|---------------------|--------|
|  35 min | Briefing: | 5 min |
| | Group discussions: | 15 min |
| | Report back: | 15 min |
| | General discussion: | 5 min |


PROCEDURE

- Brief learners.
- Divide learners into groups.
- Ask each group to discuss one question.
- Groups report back.
- General discussion.

3. It must be impressed on the learners that if the rally is allowed, the meeting cannot be disturbed. It is permissible to hold a peaceful placard demonstration outside the venue. It may be permissible to attend the meeting and in an orderly fashion to challenge the viewpoints presented.

6.3 PARTICIPATION IN CIVIL SOCIETY

(Read Learner's Manual pages 136 to 138)

| | | |
|--|----------------------|--------|
|  45 min | Briefing: | 5 min |
| | Brainstorming: | 10 min |
| | Discussion in pairs: | 10 min |
| | Report back: | 15 min |
| | General discussion: | 5 min |

EXERCISE 6

The case of the inadequate school facilities

PROCEDURE

Brief learners on exercise.

Learners brainstorm a list of controversial issues.

Divide learners into pairs.

Pairs choose a controversial topic for discussion.

Pairs report back.

General discussion.

Objective

The objective of this exercise is to get the learners to identify the problem, assess the various possible solutions, and then embark on a campaign designed to upgrade their facilities to the level of the former Model C School. Learners must attempt to structure a project plan that can be used to solve the problem, and also to identify organisations that may be able to assist. Learners should design and set up their own voluntary organisation.

Possible responses

The quick answer to this problem is to mount a legal challenge based on the equality clause in the Bill of Rights. It will point out the inferior facilities provided in township schools as against those provided in schools in wealthier areas, and argue that the education authorities have acted contrary to the equality clause. The facts in the case study also point to the apartheid legacy, where schools that were attended by black learners were not provided with the same resources as the 'white school counterparts'. An argument can also be made that a limitation to the right to equality can be justified in these circumstances and that previously disadvantaged schools should be granted more funding and resources until they have the same resources as the former Model C schools. Emphasis, however, should be placed on the community itself bringing about the change. It may be necessary to form a steering committee comprising teachers, parents and learners of the school and to embark on a programme of pressurising the education authorities to upgrade facilities. An executive should be elected and portfolios assigned. A strategy must be developed that will result in the endeavours attracting the maximum amount of publicity, and as much pressure as possible must be brought to bear on the authorities. Discussions with politicians, reports to the media, and protest action and demonstrations must be considered. Emphasis must be placed on the unacceptability of differentiation based on irrational criteria.

6.4 PARTICIPATION IN PARTY POLITICS

(Learner's Manual pages 138 to 140)

6.5 HOW CITIZENS CAN CHANGE PUBLIC POLICY

(Read Learner's Manual pages 140 to 143)

EXERCISE 7

Lobbying the Commissioner of Correctional Services



| | | |
|------------|---------------------|--------|
| | Role-play: | 10 min |
| | Questions: | 15 min |
| | Letter writing: | 10 min |
| 55 | Report back: | 15 min |
| min | General discussion: | 5 min |

Objective

The objective of this exercise is to get learners to think logically about their grievances and argue their case in a rational and coherent fashion.

The focus is on both oral and writing skills. Emphasise the necessity to be polite but firm in the representations made to the Commissioner. It must be impressed upon the learners that they are communicating with a person who has considerable influence in deciding where the prison should be placed; hence the necessity not to be confrontational.

Possible responses

1. A delegation of two representatives should meet with the Commissioner and his assistant. The rest of the class should be asked to note the arguments made for both sides. They should be told, before the start of the discussion between the Commissioner and the representatives, that they will be required to indicate whose views they agreed with and why. In the letter to be written to the President it would be necessary to put the arguments for the objectors and then rebut the arguments for the building of the prison in the area.
2. The main argument against the prison is that the prices of property would fall significantly as the area would be regarded as dangerous and undesirable. Questions may be put to the Commissioner to determine if other areas have been considered and whether it would not be more desirable to locate the prison in an area that is away from a residential area. Questions should be put about the placement of prisons in other countries. Most modern prisons are not located in the middle of residential neighbourhoods. The Commissioner can also be asked why this area was chosen.
3. The Commissioner can argue that as a result of the increase in the crime rate, there has been a public clamour for more decisive action against criminals. It has thus become imperative to build new prisons in order to carry out the government's programme, which is aimed at restoring law and order. No one likes a prison being built in their area.

PROCEDURE

Select learners for role-play.

Conduct the role-play in Q1.

Ask learners to write a letter to the President.

Report back.

General discussion.

But the reality is that prisons have to be built somewhere. Residents have nothing to fear, as the security adopted will be of a very high standard. In any event, despite the impression created by television programmes, prison breakouts are rare. The prison will also provide employment for the local people.

4. Learners can decide which view they agree with and give reasons for their answers. Their answers will probably be influenced by the arguments set out in possible responses 2 and 3.
5. Lobbying is a legitimate way of influencing policy-makers. However, if improper influence is exerted over policy-makers, then lobbying ceases to be legitimate.
6. The letter should set out some of the arguments mentioned in paragraph 2 above, as well as any others the learners would like to include. It should also set out action the learners think the President should take.



| | |
|---------------------|--------|
| Briefing: | 5 min |
| Group preparation: | 15 min |
| Role-play: | 25 min |
| General discussion: | 5 min |
| 50 min | |

EXERCISE 8

Commission on violent DVDs

PROCEDURE

Brief learners.

Divide class into five groups.

Parliamentary Commission group should choose five Commissioners to hear the evidence.

Other groups should brief a spokesperson to present their organisation's case.

Conduct the role-play:

- (a) Organisations present 3-min arguments.
- (b) Commissioners ask questions.
- (c) Organisations have 1 min to reply.
- (d) Commissioners to make a decision.
- (e) General discussion.

Objective

The objective of this exercise is to debate a contentious issue and respond to the arguments of opponents.

Divide the class into five groups. One group should play the role of the Parliamentary Commission. The other four groups should play the part of the interest groups taking part in the debate. The groups should collectively work out their arguments and select one member to make a three-minute presentation. After the presentation, members of the Commission may ask questions of the group. Any member of the group, other than the presenter, may, after consultation with members of the group, answer the question. After each group has completed their presentation, they should each be given another minute to respond to arguments put by the other groups.

Possible responses

The main argument in respect of each group is summarised in the text.

1. Concerned Parents may refer to the Jamie Bulger incident in Liverpool, in which two 12-year-old boys were convicted of brutally killing a 3-year-old boy. It was alleged that the killers obtained some of their ideas from a DVD they had access to. Some may say that these DVDs have a very negative effect on children.
2. Women Against Violence may argue that the 'Death' DVD degrades women and glorifies violence against women. It should be prohibited as a justifiable exception to free speech.

3. Civil Liberties can base their argument on the freedom of expression clause in the Bill of Rights. The protection of free speech is central to a democracy. Once one exception is allowed, pressure groups will insist on many more exceptions. The end result will be that the right will become severely restricted.
4. Free Market would argue that the most successful economies are the least regulated. It is the responsibility of parents to regulate their children's behaviour. Regulations prohibiting some videos would lead to additional bureaucracy and inhibit commercial enterprise.

6.6 PROTESTS AND DEMONSTRATIONS

(Read Learner's Manual page 143 to 144)

EXERCISE 9

The flag-burning case



| | | |
|------------|---------------------|--------|
| | Briefing: | 5 min |
| | Group discussions: | 15 min |
| 40 | Report back: | 15 min |
| min | General discussion: | 5 min |

Objective

The purpose of this exercise is to demonstrate that in a democracy sometimes a choice has to be made between conflicting rights.

Possible responses

This problem is based on the famous 'flag-burning' case that was decided by the United States Supreme Court. In that case, a person burnt a flag as a protest against the policies of the government. The court held that the protest was a form of symbolic political speech. Before the speech can be restricted, the government must show a compelling reason for restricting and limiting the speech. The fact that the government does not like people burning the flag is not a sufficiently compelling reason. The court held that this form of symbolic speech could not be restricted. That is the view of the United States Supreme Court. A different view may be taken by people who feel that protecting the flag as a symbol of national unity is a sufficiently compelling reason to limit the right of people to burn the flag as a means of political protest.

PROCEDURE

Divide learners into groups of not more than five and ask them to discuss the question.

Report back by groups.

General discussion.



| | |
|---------------------|--------|
| Briefing: | 5 min |
| Group discussions: | 15 min |
| Report back: | 15 min |
| General discussion: | 5 min |
| 40 min | |

PROCEDURE

Divide learners into groups of not more than five each and ask them to discuss the two questions.

Report back by groups.

General discussion.

EXERCISE 10

Parents shut down public schools because of teacher shortages

Objective

The purpose of this exercise is for learners to consider two conflicting rights and weigh up which one is the most important in the circumstances.

Possible responses

1. The rights considered here are the right to basic education and the right to protest peacefully and unarmed.
2. It is important that learners understand that rights may only be limited in terms of the law of general application, to the extent that the limitation is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom. Among the arguments that could be advanced in favour of the parents' position is that despite numerous requests, the department has done nothing to fill the posts. The parents are not infringing the learners' right to basic education, because one needs teachers to teach learners in order for them to enjoy the right to basic education. Education is in crisis. Research in South Africa has shown that over 98% of children of school-going age attend school. Despite attending school, learners receive no education if there are insufficient teachers.


Arguments in favour of the right to basic education could include that parents have a fundamental responsibility to ensure that their children are at school and their homework is done. If parents barricade and close the school, they are preventing the children from exercising their right to basic education. The right to peaceful demonstration and protest does not include doing things that would infringe other rights of persons. Closing down the school is not allowed in terms of the law. Parents are taking the law into their own hands.

6.7 RESPONSIBILITIES TOWARDS OTHER CITIZENS

(Read Learner's Manual pages 144 to 145)

EXERCISE 11

Citizen action against pollution

| | | |
|--|---------------------|--------|
|  40 min | Briefing: | 5 min |
| | Group discussions: | 15 min |
| | Report back: | 15 min |
| | General discussion: | 5 min |

Objective

The objective of this exercise is to make learners think about the strategies that can be used to stop unhealthy pollution in a neighbourhood.

Possible responses

1. The problem facing the community is that their neighbourhood is being polluted by factories and plants which are applying outdated emissions standards that are affecting the health of the people. The right to a healthy environment is a fundamental right. Obviously scientific and environmental knowledge has improved since 1961. The citizens must either ensure that the law is changed and brought into line with international standards or pressurise the companies into bringing their emissions standards in line with the internationally accepted norms. From a long-term perspective and for enforcement purposes, it would be better to change the law to bring it into line with international standards.
2. One method would be to involve politicians, as their help will be necessary if the legislation is to be changed. The environment is a sensitive issue and as the entire community is affected, the issue is controversial enough to attract considerable publicity. There are a number of environmental organisations that would be able to provide valuable support and assistance. Another method would be to contact the press and media. Companies are becoming increasingly sensitive to the needs of the environment. They would also seek to avoid any negative publicity about polluting the environment.
3. The most effective strategy would be to change the legislation, but this is a long-term goal as it would require Parliament to pass a special Act. In the short term it may be possible to get the companies in the area to comply with the internationally accepted norms in order to avoid embarrassing publicity in the media.

PROCEDURE

Brief class on problem.

Divide class into small groups and ask each group to answer one question.

Groups report back.

General discussion.

The environment is a sensitive issue which affects the entire community.



For additional resources from Civics Academy see: What are the key features of a democracy? <http://www.civicsacademy.co.za/video/key-features-of-democracy/>
 Why is civic education important? <http://www.civicsacademy.co.za/videos/?category=civil-society>

