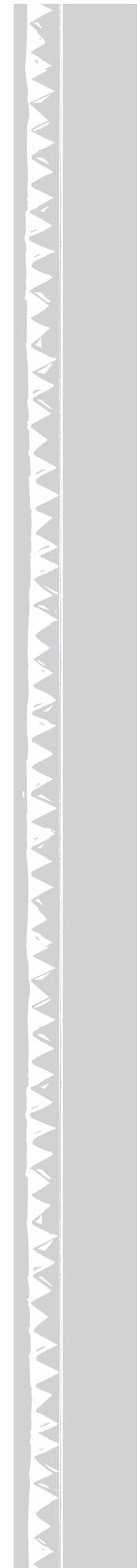


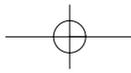
South African Council for Educators

*Handbook for the
Code of
Professional Ethics*

Produced by

**The Unilever Ethics Centre
University of Natal**





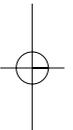
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AUTHORSHIP

This handbook was written by a collective of writers and editors based at the Unilever Ethics Centre at the University of Natal, Pietermaritzburg. As can be seen in the acknowledgements a large number of people have contributed to the creation of this handbook. In such a collective endeavour it is not easy to divide up responsibility for the different chapters. Broadly, the original chapters on which the handbook is based were written by:

Chapter 1 was written by Carol Bertram and Ben Parker.

Chapter 2 was written by Ben Parker

Chapter 3 was written by Ian Jennings.

Chapter 4 was written by Martin Prozesky (managing editor, introduction, moral traditions and secular ethics), Liz Mattson (Buddhist ethics), Patrick Maxwell (Hindu ethics and Chinese ethics), Neville Richardson (Christian ethics), Tahir Sitoto (Islamic ethics and African ethics). Mabogo Percy More helped edit the African ethics section. Liz Mattson did a final edit of the whole chapter

Chapter 5 was written by Ian Jennings and Deane-Peter Baker.

Chapter 6 was written by Mabogo Percy More.

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All the chapters were edited by Carol Bertram, Liz Mattson, and Diane Parker.

All the activities were written by Carol Bertram, Liz Mattson, Diane Parker and Ben Parker.

Ben Parker managed the writing and editing process.

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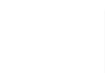
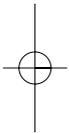
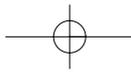
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PART ONE

1. Introduction

So what is the Code of Professional Ethics?

It is not easy being an educator in South Africa. On a daily basis many educators face enormous challenges with few resources and struggle to make a difference to the lives of their learners. In performing their duties, educators are required to act professionally and, specifically, to act ethically. This Handbook is about professional ethics. Before we look more closely at what this Handbook is hoping to do, let's look at a few extracts from newspaper articles that have appeared in the press over the last few years.

Shock report on pupil rapes

(Natal Witness 23/01/2002)

Sexual abuse of school girls by teachers and members of the community is rife, with one case reported where a teacher impregnated 20 girls at one Eastern Cape school.

Teacher accused of raping girl...

(The Citizen 07/08/2000)

A school teacher allegedly raped an 18-year-old pupil in Ikageng, Potchefstroom, when she was sent to his house by another teacher to fetch a document.

School corruption report postponed

(news24.co.za 01/08/2000)

Ncakini High School principal was fired for repeated absenteeism. It was found that he worked only 18 days this year, and three days last year. He earned R128 000 as principal but did not allegedly bother booking off ill or otherwise explaining his absenteeism.

Family to sue over beating

(Mail and Guardian March 30 – April 5 2001)

A Northern Province family is suing the provincial Department of Education after a nine-year-old pupil lost an eye following an alleged beating by a teacher.

Devout boy banished for wearing a beard

(Sunday Times 18 January 1998)

Yusuf Bata, 16, spent his first day of the new school year barred from classes. He was banished to the boardroom, and told he would have to shave before he could be admitted. Yusuf qualified last year as a hafiz – someone who has memorised the Quran. An hafiz is required to wear a beard.

These news clippings highlight the instances of teachers acting in unprofessional ways by taking sexual advantage of a student, by taking time off school, by beating a student, and of schools showing intolerance towards diversity. We are not suggesting that this is the behaviour of the majority of South African teachers. But the reality is that some teachers do absent themselves often, they do beat students and there are often incidents of intolerance, racism and sexism in schools.

How do we respond to these issues? What can we do to make sure that learners and educators are not subjected to sexual abuse and other forms of violence and are safe at schools? What can be done to make sure that educators are professional, and that their rights, and learners' rights, to human dignity are upheld?

The South African Council for Educators (SACE) has responded to these challenges by developing the Code of Professional Ethics (Code).

You probably know that all educators are now required to register with SACE and to sign the Code. When you sign the Code, you are committing yourself to “act in a proper and becoming way” that will not bring the teaching profession into disrepute and to uphold and promote human rights. You are committing yourself to behave in certain ethical ways towards your learners, their parents, the community and your colleagues.

If we were to use one word to sum up the Code, that word would be “ethics”. But the concept of ethics is not a straightforward one – everyone seems to have different ideas about what is ethical! So one purpose of this Handbook is to generate debate and discussion around what it means to be an ethical educator.

What is the purpose of this Handbook?

This Handbook has two key purposes:

1. To provoke thinking, debate and discussion about ethical issues in education.
2. To sharpen your understanding of ethical issues and your ability to act ethically.

Firstly, it is designed to **provoke thinking, debate and discussion about ethical issues in education**. The primary focus is on the ethical dimensions of being a professional educator in the schooling system, but the ethical issues are equally relevant for educators in the work-place, Adult Basic Education and Training Centres, Early Childhood Development Centres, Further Education and Training Institutions and other learning sites.

SACE believes that developing the ethics of the profession means making the Code a part of every educator's professional life. To achieve this, the Code must be more than just a piece of paper; it must influence the way educators act in their relations with other people. SACE believes that the best way to do this is to stimulate educators to start talking to one another about ethics in the profession. This Handbook is one step in that direction.

The Handbook does not try and tell you what to do in any specific situation. The world we work in is far too complex and diverse for a simple set of prescriptions to cover every situation. But if we think carefully about ethics, then we will be better equipped to debate it rigorously and use it in our daily professional lives. As professional educators we have a responsibility to understand what ethics is all about. This Handbook cannot cover the whole discipline of ethics which has a long, large and varied history. All we can do is introduce you to the basic concepts that have emerged in some of the major religious, cultural and philosophical traditions that are of relevance to education in South Africa.

Secondly, our objective is to **sharpen your understanding of ethical issues and your ability to act ethically**. Borrowing from the Norms and Standards for Educators we call this becoming "*ethically competent*". This means that you are able to make ethical decisions and to act ethically in the context of your every day professional life and that you understand the difference between right and wrong, good and bad.

When you make an ethical evaluation are you confident that your position is based on sound reasons or are you just offering an unsubstantiated and personal opinion? Do you know about the different ethical traditions and how they can inform the way you act professionally? Do you know how to distinguish between sound and unsound reasons for ethical decisions and actions? This Handbook does not have all the answers to these questions. But we hope that what follows will help you to answer them!

What does the Handbook cover?

We (the writers) adopt a thematic and problem-solving approach which seeks to encourage you to engage with the issues and to join in the debates that emerge. These ethical problems and dilemmas are drawn from 'real-life' situations and are designed to engage you in some rigorous and critical thinking. We hope that you will find the examples and case studies provide a useful resource for debates with your colleagues.

Moral and ethical issues are often hotly debated and contested. People have different moral beliefs and practices and there are different perspectives that can be used to engage in ethical evaluation. We wrote this handbook very aware of the challenges of trying to "teach ethics". It should be obvious that ethics is not a subject in which there is a single clear answer to a question. To ask if a person is good is not like asking if $2 + 2 = 4$, or asking if the sun will rise tomorrow morning, or at what temperature a pot of water boils.

The way we, as educators, relate and behave towards others is a matter of significant concern to each of us, to our profession and to society – especially parents.

As you will see we do not agree with an attitude that says:
“ethics is just a matter of opinion and no one person’s opinion is better than any other”.

We believe that ethics does matter and there is much research showing that schools with a strong ethos and ethically motivated educators and learners perform well.

The Handbook begins with a general introduction to the idea of evaluation in ethics. Evaluation is a central activity within education. The kind of evaluation we will discuss in this Handbook is similar to and different from the kinds of evaluation which are common in education. Our focus is on the ethical evaluation of the conduct and character of educators in their professional lives and the role that the Code plays in this evaluation.

In what follows in Part One, we look at what is meant by ethics and morality and then investigate the origins of the SACE Code. We move on to look at what is meant by ethical competence or what makes an educator an ‘ethical professional’. In Part Two, we examine ethical evaluation, and we introduce you to the religious, cultural and philosophical sources of ethics. We show how the SACE Code draws on these sources to provide a vision of an ideal educator based on a human rights approach that is grounded in African and Western traditions. We go on to show that this human rights approach is not exclusionary or dogmatic or inflexible and does not imply that other ethical approaches are bad or wrong. Part Two is designed to provide you with knowledge and skills that you can use to interpret and implement the SACE Code.

Finally in Part Three, we return to the SACE Code and take a close look at the individual clauses in the light of what we have learnt in Parts One and Two.

How should this Handbook be used?

We have divided the Handbook into three parts and there are activities (usually case studies) throughout. We hope that this Handbook will stimulate debate and discussion about ethical issues in education. The activities are designed to encourage you to read and discuss this Handbook as part of a group. You could use the Handbook as a resource for staff development, using the content and activities to spark off debate around the issues of professionalism and ethics in your school. In this way, the personal professional development of educators can be linked to the ethical development of the whole school creating an ethos that builds professionalism and accountability.



Activity 1

This first activity is designed to stimulate discussion with your colleagues.

Read the following case study and then answer the questions that follow:



One Thursday afternoon, four young teachers on the staff of Hope High buy some meat, some salads, a bottle of brandy and some beer for a braai they are planning to have at a picnic spot near to the school. They plan to leave for the picnic directly after school closes on Friday. They decide to bring everything (alcohol and food) to the school and store it in the home economics fridge during school hours. The fridge is locked and its contents closely supervised by the home economics teacher, who is part of the group. At the end of the day, before school formally closes, they will all have an administrative period. They agree to meet in the Home Economics centre immediately after they have completed their work and leave from there.

At the end of the day, the teachers meet in the centre. The learners have all gone home and work is over for the day. They start packing for the picnic. One of the young male teachers decides that he should have a cold beer to get his thinking clear for the braai. Soon all four teachers are drinking a beer, joking and laughing. The deputy principal happens to be walking past the centre and hears the noise. She walks into the room and after seeing what is going on, asks them if they know they are infringing the Employment of Educators Act by drinking on school premises. The teachers all laugh at her and continue with their drinking and joking.

The deputy principal immediately reports to the principal and tells him what she has seen. She wants advice on what to do. The principal asks her to please keep quiet about the incident. He tells her he wants to protect the school's name. He promises that he will ask the teachers to leave the school premises immediately and that he will deal with the matter on the following Monday morning. The deputy principal is very upset by the actions of the principal. She is not at all satisfied with the way he reacted to her report. That afternoon she calls the local newspaper and tells them that four of the staff members at Hope High were under the influence of alcohol during school hours and on school property. On Monday morning the principal is confronted by the chairperson of the governing body as well as an official from the provincial Education Department.

Discuss the following questions:

1. Was it wrong for the teachers to bring food and alcohol to the school premises?
2. How did the actions of the four teachers undermine the authority of the deputy principal? Were they 'right' or 'wrong' actions? Could they have done anything to avoid what eventually happened?
3. On what ethical grounds was the deputy principal upset with the principal? Did she have a right to do what she did?
4. The teachers say they were doing nothing wrong. The school day was over, all their responsibilities were complete and they were 'off duty'.
The deputy principal says that it is illegal to bring alcohol onto the school premises, and that actually drinking it on the premises is an even worse offence.
With whom do you agree? Is the deputy principal correct to say that it is illegal to bring alcohol onto school premises? Even if it is not illegal, could it still be a "moral offence"?

PART ONE

2. Ethics and the Code

Relating to people

We relate to other human beings every day of our lives. We see neighbours, parents, children, husbands, wives, brothers, sisters, friends in our homes, in their homes, on the street, in the work-place, and at religious and social meetings. We relate to these people in different ways. Think about how you relate to your brothers and sisters. It is probably very different from the way you relate to your parents. Also, relationships change. We relate to the same person in different ways at different times. Sometimes we are angry or cruel, at other times we are loving and kind.

All these different ways of relating to other people are demonstrated in the way we behave. The way we talk to our parents or to our students shows how we “feel” towards them and what attitudes we have to them as people. For example, two students come to you to ask for an extension on an assignment. You like the one student who works hard, and so you treat her request kindly. The other student is disruptive in your classes and you find her aggressive. You don’t take time to hear her story and refuse her request. These different ways of relating are linked to the judgements we make of our own and other people’s behaviour and character.

We make these kinds of evaluations all the time. Most of the time our judgements are unconscious, and seem to come naturally – we do not spend time thinking through them carefully. If somebody were to promise me something and then breaks the promise, I would judge them to be dishonest and probably not trust them in the way I did before. I would not trust a teacher who always arrives at work drunk, never prepares, misses classes, shouts at and beats the children! In each of the above examples we are “evaluating” these actions in respect of their ethical or moral character. Is keeping promises a right or good way to act? Is breaking promises a wrong or bad way to act? Is it bad or wrong to beat the learners?

So all the time we are making evaluations about people's behaviour. However, not all the evaluations we make are ethical (we will look at this in the next chapter).

What do we mean by ethics and morality?

Ethics is a large field of study with a history that stretches back thousands of years and moral systems can be found in every society. We can not expect to do more than scratch the surface in this Handbook. To keep things simple, we will use ethics and morality to mean the same thing. One place to start is with a definition. The Oxford English Dictionary defines ethics as

“The department of study concerned with the principles of human duty”

and

“The moral principles by which a person is guided”.

The Oxford English Dictionary defines morals as

“of or pertaining to the distinction between right and wrong, or good and evil, in relation to the actions, volitions or character of responsible beings”.

These dictionary definitions tell us that ethics and morality are about “making distinctions” between right and wrong, good and evil. As educators, we are used to making distinctions. We make distinctions when we assess our students by ranking their achievements as more or less successful. We also make distinctions when we are teaching and we talk about facts being true or false, right or wrong. In the classroom, we make distinctions between learner-centred and teacher-centred approaches. I know that, in science, it is important to distinguish between two chemicals like sodium and nitrate and to understand their different properties. If I don't make these distinctions, I could harm my learners and myself!

When we study ethics, we have to learn how to make distinctions that have a moral weight. They are saying something about what is good or evil, right or wrong.

The SACE Code and what educators “ought to do”

Another aspect of the Oxford English Dictionary definitions is the reference to actions and characters. Ethics does not happen in a vacuum. It happens in and through our relationships and interactions with other people. At work, in our professional lives, we relate to colleagues and learners on a daily basis.

It is within this context that the SACE Code tells us how we ought to behave in our working lives as professional educators. The *“ought to”* indicates that the Code is providing moral prescriptions. It is telling us what to do as educators in our relations with other people – from an ethical perspective.

The Code tells us as educators that “*we ought to*”:

- act in a proper and becoming way such that our behaviour does not bring the teaching profession into disrepute;
- acknowledge, uphold and promote basic human rights, as embodied in the constitution of South Africa;
- exercise authority with compassion.

Many people have a negative reaction when someone orders them to behave in a certain way – especially when these prescriptions are given a moral and/or a legal authority. We will return to this issue later, but for now it is important to remind ourselves of how this Code was constructed. The Code was not created and imposed by the state or some other authority. It was created by educators for educators.

The establishment of SACE

The South African Council for Educators (SACE) was recognised in 1997 by the Minister of Education following a collective agreement within the Education Labour Relations Council (ELRC) about the need for a semi-autonomous body to take care of the functions described in section 12(5)(a)(xiv) of the Education Labour Relations Act of 1993 (and included in the subsequent Educators’ Employment Act of 1994), namely

The registration of professional educators, and the keeping of a register or roll of such educators for the purpose of regulating qualifications, standards and professional discipline of teachers, and their admission to the education profession.

Initially, then, SACE’s primary function was to register educators. In the second half of 1997, SACE resolved to extend its responsibilities to include the professional development of educators and especially the ethical dimensions of professionalism. These objectives are spelt out in the Employment of Educator’s Act of 1998 where, in addition to its registration functions, SACE is given the functions of promoting the professional development of educators and establishing a code of professional ethics for educators.



The South African Council for Educators Act 2000 consolidates these functions into three objectives:

- to provide for the registration of educators
- to promote the professional development of educators
- to set, maintain and protect ethical and professional standards for educators

In order to maintain and protect ethical and professional standards for educators, SACE

“Must compile, maintain and from time to time review a code of professional ethics for educators”

and

“Must determine a fair hearing procedure and may caution or reprimand, impose a fine not exceeding one month’s salary, remove from the register for a specified period or indefinitely... the name of an educator found guilty of a breach of the code of professional ethics”.

The SACE Code of Professional Ethics was developed and agreed upon by all the unions and the employer. The Code was not “imposed” on educators. It was developed through a “bottom-up” process in which educators were directly involved. This “social agreement or contract” gives the Code powerful legitimacy and credibility from an ethical perspective, as we will see later.

The context of the work of SACE

SACE is pursuing its mission in a context with strong positive and negative features.

On the positive side, the context is one of increasingly integrated schools benefiting from a growing equity in the allocation of resources and improved training for teachers. We have a school curriculum (Curriculum 2005) which aims at developing worthwhile knowledge, skills and attitudes. The Curriculum emphasises human rights and democracy and the life skills that are required to prosper in a globalising economy. There are more and more schools that are performing “miracles” with the most meagre of resources.

On the negative side, South Africa has inherited from apartheid a schooling system that is characterised by extreme inequalities between schools along racial, gender and geographical fault-lines. Many schools do not have the basic necessities for effective education. There are still many instances of sexism and racism. There has been a breakdown in the culture of learning, teaching and service in many schools. Many schools face enormous problems such as aggressive behaviour, a lack of discipline, vandalism and gangsterism, teenage pregnancy, AIDS, rape, drug and alcohol abuse.

There are many examples of educators who work hard, teach well and provide good role models for their learners. But there are also educators who do not act in a “proper and becoming way” and who bring the profession into disrepute.

The challenge for every educator, and indeed for SACE, is to turn around the status and image of the profession – to create a culture of teaching, learning and service through professional conduct that will directly benefit the learners and enhance the flourishing of our democracy and the well-being of all South Africans.

Although the Code is a contract between the individual educator and the Council, the Code describes a web of relations between the educator and those people and bodies with whom the educator works: learners, parents, colleagues, the community, the employer, the profession and the Council. The Code describes how the educator **ought to** relate to these people and bodies and tells us what educators are:

obligated to do (must do)
and
prohibited from doing (must not do).

“**Ought to**” does not mean that educators are already behaving in these ways. Nor does it mean, of course, that educators are not behaving in these ways. In fact, “**ought to**” is saying nothing about what **is and is not** happening, or even about what **will** happen. It is saying that if we were to behave in these ways then we would be ethical professional educators. In other words, it is saying something about an ideal future.

When we describe the Code like this, it makes it seem very prescriptive. But this is not really the case. The Code is stated in very general terms and provides broad guidelines. It does not tell us what to do in any specific situation. The Code is not like a rule-book that says you must wear formal clothing to school or defines what is meant by offside when playing soccer.

The Code is like a map that provides a broad sketch of the moral countryside of the professional educator. It is up to each educator to explore this countryside carefully as part of their professional life. Although this responsibility belongs to each educator, we must be careful not to “individualise” educators. Educators are part of an organisation. For teachers, the key organisation is the school. Teachers practice their ethics in the everyday life of the school. A teacher who tried to be ethical in a school in which no-one else was interested in ethics would have a hard time! We must not forget that ethics is about the way we relate – and as teachers our most important relationships are based around the school.

Do good and avoid harm

The key values mentioned by the Code in our relations with other people include:

- promoting their well-being and human rights
- treating them with dignity and respect
- acting with integrity, honesty and self-discipline
- building harmonious relationships that are non-racist and non-sexist

The key values mentioned by the Code in our relations with the Council/profession and employer include:

- demonstrating commitment to our work
- compliance with the Code and other legal requirements
- acknowledging our responsibilities and obligations as professionals
- recognising legitimate authority
- acting in a transparent and accountable manner

These are all “positive” actions that are aimed at improving our relations with others. The Code also mentions the kinds of actions we should avoid:

- humiliation
- harassment
- physical and psychological abuse

Broadly, the Code requires that our actions should promote the well-being of others and avoid causing harm. At one level, the Code is telling us something simple: Do good (promote well-being), not bad (avoid harm). And do what is right (promote well-being) and avoid what is wrong (harmful).

But how do I know which of my actions will promote well-being and which of my actions will cause harm?

In some instances this is obvious. If I shoot or rape a colleague then I am causing them harm. But there are also many “grey areas” where the right thing to do is not so obvious. An educator may need to speak harshly to a learner in the classroom. How do we tell when this is a case of humiliation or a case of justified disciplining?

In order for an educator to act in accordance with the Code in all the various interactions they have with others, the educator must be able to evaluate their own actions and make their own judgements about what is right or wrong. And these personal evaluations should be part of common discussions in the school or work-place about ethics. For this to happen, educators have to understand and be committed to the ethical principles and values that underpin the Code and they have to raise and discuss ethical issues in the workplace.



Activity 2

Read through the article and think about the questions that follow.

Shrink probed over teacher sick-leave

(Cape Argus 09/09/2000)

A Cape Town psychiatrist is being investigated for allegedly writing false sick certificates for a number of teachers who have booked off for “stress”.... The psychiatrist, who cannot be named, is allegedly known in education circles for booking off teachers for “stress” – often when they need to study.

A Cape Flats principal, who did not want to be named, alleged that it was common practice for teachers wanting time off to go to the psychiatrist for a certificate. He said sometimes they were booked off for three months. “The department will only send in a substitute if a teacher is booked off ill for more than 10 days. Teachers can go off on study leave but the department will not send in a substitute. So instead, they go to the doctor who books them off for stress” he said.

Here are two responses to this article:

Teacher A: *I have no problem that these teachers are taking their sick leave to study. After all, they are owed two days of sick leave a month, surely it is their right to take that time?*

Why shouldn't they use these days to study?

After all, they are studying so that they can become better teachers, which will improve the profession in the long run. The Department is being unfair by not sending in teacher substitutes.

If there is no one to teach the children, that is the Department's problem, not the problem of the teacher who is off. If the Department will not give them time to study, then they have the right to take that time.



Teacher B: *These teachers are being dishonest, and they are showing no responsibility to their learners whom they should be teaching. It is their learners who are suffering here! They are causing harm to their learners by not teaching them – their first responsibility is to teach, not to study! They are just being selfish – they should study at night or on the weekends. Many of them are not studying to improve the profession.*

1. Study these two responses. Each teacher is focussing on different values. What do **you** think? Are these teachers doing the right thing to get falsely booked off school so that they can study?
2. Do teachers have a “right” to take time off school to study?
3. Can you think of circumstances when it may be justified to be dishonest?
4. With whom do you agree: Teacher A or Teacher B?

Choosing to be ethical

The Code by itself will not improve the way educators behave. Even the disciplinary measures that SACE can bring to bear on educators guilty of misconduct will not automatically bring about an improvement. SACE cannot be watching every educator all the time to see if they are acting in compliance with the Code. And even if SACE could observe everyone all the time and force them to act in accordance with the Code, we would not want to say that these educators are choosing to be ethical. There is a big difference between being forced to do the right thing and freely choosing to do so.

Forcing a person to be good violates that person’s freedom and autonomy. If you have to force a person to do something, then they are doing it against their own free will. A crucial feature of ethical behaviour is that a person wants to act in the right way. Doing something because it is the right thing to do is very different, morally, from doing something because we are being forced to do it.

In the case of our children, we may force them to do the right thing but this is because we do not believe that they will choose to do the right thing of their own free will. And in the case of children, one has to take account their of age. They may not be old enough to understand the ethical principles and values at stake. In chapter 8 we will look at the issue of age and moral development in more detail.

A key feature of being a professional is that one has some autonomy in how one does one’s work. But this autonomy is limited. The SACE Code and the legislative power behind it does mean that professional educators must act ethically or they will be transgressing the Code and liable to punishment. Our point is that a professional educator should want to be ethical rather than reluctantly being forced to be ethical.

For the Code to be effective it has to be something that educators believe in and want to achieve, not something that is forced down their throats. It has to have the consent of educators and they must freely choose to act in compliance with the Code and the principles and values that underpin it. This is one reason it was so important for SACE to construct the Code in a consultative manner leading to a **‘social contract’**.

Being ethically competent

The knowledge and skills required by an educator are spelt out in documents such as Curriculum 2005, the National Curriculum Statement, the Further Education and Training Curriculum Framework and the Norms and Standards for Educators. These documents also describe the values which an educator is expected to teach. The Code of Professional Ethics goes further and describes the values which should govern an educator's working life. Part of being a professional educator is to demonstrate that one believes in and practices these values, or more broadly that one is ethically competent.

What do we mean by being ethically competent? We can draw on the definition of applied competence used in the Norms and Standards for Educators to give us a definition of ethical competence.

An ethically competent educator can:

- demonstrate the ability, in an authentic context, to consider a range of *ethical* possibilities for action, make considered decisions about what *is the right action to follow*, and to perform the chosen action (*practical competence*);
- demonstrate an understanding of the *ethical* knowledge and thinking that underpins the action taken (*foundational competence*); and
- demonstrate the ability to integrate or connect *ethical* performances and decision-making with *ethical* understanding and with an ability to adapt to change and unforeseen circumstances and to explain the reason behind these adaptations (*reflexive competence*).

This is, of course, just a definition and does not show you what is meant by ethical competence. Your understanding of ethical competence will grow as you become more ethically competent. This handbook can do no more than help you start this journey.

Values lie at the heart of professionalism

Where do we begin this journey? Values are obviously a central word in any discussion of ethics or morality and values lie at the heart of professionalism. Think of one of the oldest professions: Medicine. Doctors have to take what is called the Hippocratic Oath. Hippocrates wrote the oath around 400 years before the Christian era. Here are some of its value commitments:

I will apply ... measures for the benefit of the sick according to my ability and judgement; I will keep them from harm and injustice.

Whatever houses I may visit I will come for the benefit of the sick, remaining free of all intentional injustice, of all mischief, and in particular of sexual relations with either male or female patients, whether slave or free.

What I may see or hear in the course of treatment ... I will keep to myself.



The oath commits the Doctor to accepting his/her obligations to help others and especially not to harm anyone. If a Doctor has sex with a patient, or allows someone to die who could have been saved, then they are breaking their oath and showing that they are not professionals. Their conduct is “unprofessional”. One can see that the Hippocratic Oath is committed to similar ethical principles as the SACE Code. It advocates promoting well-being and avoiding harm.

It is interesting to note the reference to “slaves”. Our ethical approach to life is strongly influenced by our culture. In the case of Hippocrates, the culture of his society regarded slavery as a normal and accepted part of the social order. Slavery was not seen as being unethical or harmful! We will address the relationship between culture and values later.

The Hippocratic oath plays an important role in the relationship between a doctor and a patient. A patient should be able to trust a doctor to avoid harm and promote well-being.

This trust is not only of comfort to the patient but also provides the doctor with the freedom to make their own decisions and to act decisively. Would you want feel confident if your doctor had to consult a committee of experts before making any decision?

The SACE Code plays a similar role in the lives of educators. The Code provides a basis for trust between educators, learners, parents and the community. Parents trust teachers to look after and educate their children. Learners trust educators not to mislead or mis-inform them.

The preamble of the SACE Code of Professional Ethics lays the foundation for this trust by advocating a strong ethical approach to the education profession:

The educators who are registered with SACE:

- 2.1 acknowledge the noble calling of their profession to educate and train the learners of our country;
- 2.2 acknowledge that the attitude, dedication, self-discipline, ideals, training and conduct of the teaching profession determine the quality of education in this country;
- 2.3 acknowledge, uphold and promote basic human rights, as embodied in the Constitution of South Africa;
- 2.4 commit themselves to do all within their power, in the exercising of their professional duties, to act in accordance with the ideals of their profession as expressed in this code; and
- 2.5 act in a proper and becoming way such that their behaviour does not bring the teaching profession into disrepute.

How, as educators, do we “act in a proper and becoming way?” How do we decide which actions promote well-being? How do we avoid causing harm? To answer these questions, we have to go back to the idea of “making distinctions”. One way of making distinctions is to provide a list of core values (and their opposites) that we can use as a basis for making ethical distinctions. There have been many attempts to draw up such lists and a broad range of values have been suggested as suitable “guiding lights”.

Some of the more common core values put forward include:

CORE VALUES	OPPOSITES
Freedom	(Oppression)
Fairness	(Unfairness)
Honesty	(Dishonesty)
Responsibility	(Irresponsibility)
Compassion	(Cruelty)
Respect	(Disrespect)
Justice	(Injustice)
Beneficence (doing good)	(Maleficence – causing harm)
Dignity	(Indignity)

The Values, Education and Democracy report, an initiative of the Minister of Education, Professor Kader Asmal, identifies six core values with strong relevance to education in South Africa:

Equity
Tolerance
Multilingualism
Openness
Accountability
Honour

In addition, the Manifesto on Values, Education and Democracy that grew out of the earlier initiative identifies ten fundamental values in the Constitution that impact directly on education:

Democracy	Social Justice and Equity
Equality	Non-racism and non-sexism
Human Dignity	An Open Society
Accountability	Rule of Law
Respect	Reconciliation

Two other values that have come to the fore in education in South Africa in recent times are the values of peace and unity. The Minister of Education, Professor Kader Asmal, places great importance in many of his speeches on the value of peace. The President of SADTU and of COSATU, Mr Willie Madisha, often emphasises the importance of unity as a core value.

There seem to be a number of candidates for inclusion as “core values”!

Throughout the Handbook we will show how these values *ought to* play a central role in schooling. For example, we lay great emphasis on the importance of good relationships amongst educators, and between educators and parents, learners, the profession and the department. The ‘health’ of these relationships depends in part on good communication that often requires being multilingual; respecting the dignity of other people and avoiding being racist or sexist; and, the accountability of educators.

These values provide a quick way of making moral distinctions. We can distinguish between behaviour that is tolerant or intolerant, honourable or dishonourable, respectful or disrespectful. For example, if you value honesty, then you will judge behavior that is dishonest as wrong.

Unfortunately, these lists only provide us with a first step on the road because they can be interpreted in so many different ways. My concept of “fairness” may be different from yours. Two people could agree that “dignity” is an important value but mean completely different things.

In the interim research report commissioned by the Department of Education on the Values, Democracy and Education report, the researchers noted:

Educators, parents and learners describe the current values in schools in different ways. Their ideas for values that should be important in schools were similar in name, but the meanings attached to these values varied greatly.

This implies that even if we could agree on a list of core values, this would not mean that we in fact shared these values in any meaningful way. Our different faiths, cultures and belief systems would lead us to interpret these “named values” in different ways.

Our next step is to look more closely at what we are doing when we are making moral distinctions and ethical evaluations. What are we doing when we say that someone is acting disrespectfully? One way of exploring this is to look more closely at evaluation, which we do in the next chapter.



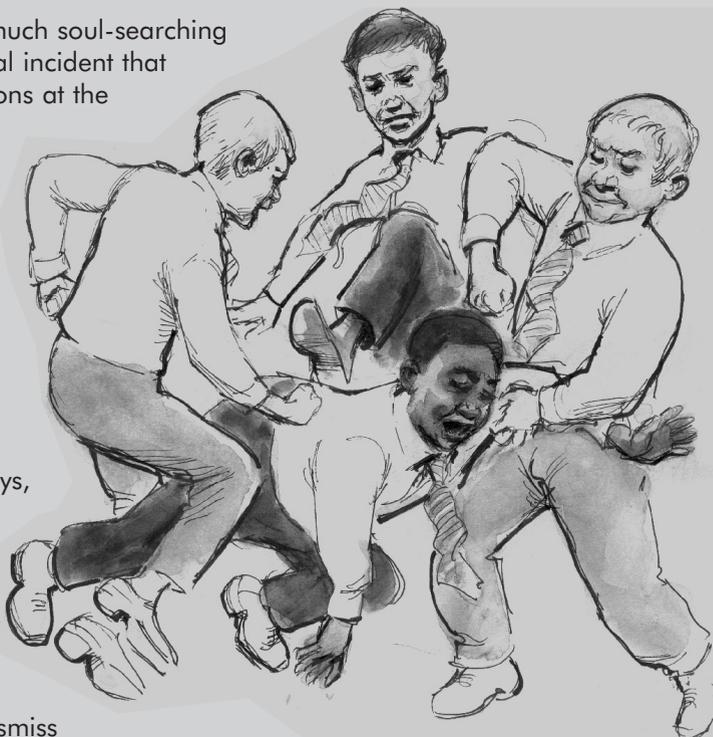
Activity 3

We know that racism is wrong but how do we identify racism? What values underlie racism? How should we respond to racism?

Here are two newspaper reports about two schools that have approached the issue of racism in very different ways:

Richboys High school has much soul-searching to do in the wake of a brutal incident that has highlighted racial tensions at the school. The soul-searching that the formerly all-white school is going to have to do comes in the wake of a brutal incident between Richboys High school students. The exact sequence of events is not entirely clear – but what is definite is that a seventeen-year-old black student was severely beaten by three boys, and is in danger of losing the sight in his left eye as a result. The three boys, all white, have since been expelled.

The official reaction of the school authorities was to dismiss the incident as “just overactive boys”.



According to the South African Human Rights Commission (SAHRC) this was how the principal described the violence in a letter sent to the parents. It was one of three complaints laid with the SAHRC by parents of learners at the school who were irate at how the vicious attack was “trivialised”.

The principal has had several allegations levelled at him of acting in a racist manner – or, at least, of being thoroughly insensitive to racial dynamics. For example, another complaint laid with the SAHRC was that the principal had recently made a speech to a group of fifteen-year-olds in which he was reported to have said “white students must study very hard because black students will get all the jobs because of affirmative action”.

When challenged on this by the SAHRC the principal said that “this is the reality and the students must be able to face it”.

Richboys High is in many ways typical of formerly all-white schools now struggling with the realities of becoming truly multiracial. Black faces there may be at the school, but in many ways the practises and culture of the school have hardly changed. Structures like school governing bodies continue to be dominated by whites – and as in the case of Richboys High, there are no black teachers on the staff. A Grade 8 learner believes that the conflict between the boys was ‘a racial thing’ and said: “It’s what Richboys High needs. When something like this happens it’s a wake-up call – you must watch out for the little things that lead to racial violence”.

Too often we only hear negative reports about schools, so it is nice to read something positive for a change! Read the following report on how Unity High is coping with change in a very positive way:

With its pragmatic approach to transition, Unity High school can point the way for other schools battling to change with the times. Although situated in a predominantly white residential area of Bloemfontein, 97% of its pupils are black. In 1993 Unity High began admitting pupils of other races. When interviewed, the principal told us: “We did it to survive and because it was morally correct.. We took a decision that we would integrate and transform our school but on one condition -- that we would not drop standards.” The principal is quite happy with a “school that more or less reflects the demographics of the country”.

Over the last six years, Unity High swelled its pupil population from 450 to 1 030. “We did away with selection tests because we found they did not reflect a child’s potential. We also did away with biblical studies and physical training and introduced extra English lessons.” Unity High pioneered the first Sotho second language curriculum, and pupils are free to choose Sotho, Afrikaans or Chinese as their second language.

The school, which the principal describes as a “leader in the transformation of education in the Free State”, also began providing extra maths lessons, took the “offensive bits” out of the curriculum and made the exam papers more user-friendly. “We didn’t just go for what was politically correct. We face reality here.”

This “hands-on” approach appears to be the secret to Unity High’s successful navigation of change. “Although we try to keep the original ethos of the school we are constantly changing to meet new needs,” says the principal. Programmes on integration are run regularly for the multicultural teaching corps. There is also a resident psychologist who has an open-door policy to deal with parents’, educators’ and pupils’ problems.

A transformation committee deals with “loaded” issues such as Memorial Day, where all wars and freedom struggles are remembered. “It’s become a Remembrance Day for all students of Unity whose family members may have been killed in any kind of violence.”

1. The first article reports that there were complaints that the vicious attack was “trivialised” by the principal who reportedly said that the incident was “just overactive boys” involved in a fight. Was this a justified response or an example of racism?
2. The Richboys High principal did not realise that his remarks to the white learners could be interpreted as racist. Do you think they were racist?
3. In the Richboys High article the school is described as having black learners but an all white staff. In what ways could this add to the tension in the school? Would it help to have black staff at the school? How would you go about improving the situation at Richboys High?
4. What values is Unity High promoting that make its experience of racial integration a positive one?
5. If you compare the two schools, what lessons can you learn about how schools can approach racial integration in an ethical manner?

What have we learned so far?

- Ethics and morality is about making distinctions between good and bad, or right and wrong.
- SACE was established by the Minister of Education in 1997 to register all professional educators. It's duties were expanded to promote the professional development of educators particularly the ethical dimensions of professionalism.
- SACE is working in a context where many schools still lack a culture of learning, and there are unequal resources in schools.
- The Code is a contract between the individual educator and SACE. The Code describes how educators ought to relate to learners, parents, colleagues, the employer, the profession and the Council.
- The key values promoted by SACE are to do good and avoid harm.
- The Code cannot force an educator to be ethical. The educator must freely choose to behave ethically.
- Values lie at the heart of the profession.
- Values provide a quick way of making ethical distinctions. We judge behaviour to be right or wrong according to the values which we hold.
- However, even if people agree on certain values, we may interpret these values differently.



PART TWO

3. *Evaluation, values and tolerance*

Evaluation is a central activity in education. Perhaps you have even heard people say that “the assessment tail wags the curriculum dog”, or that because teachers “teach to the test”, evaluation determines the curriculum.

Anyone who has worried about their school or class’s pass rate knows the importance of assessment and evaluation in education. Every time we pick up a red pen to mark, we are evaluating our learners. And whether our learners pass or fail is a reflection of our own success as teachers, as we in turn are evaluated by ourselves, and our peers.

As a teacher, you have plenty of experience in two kinds of evaluation – the evaluation of your learners’ progress and your own competence as a teacher. But there are many different kinds of evaluation and we are going to explore some of them in this chapter so that we can tell the difference between ethical evaluation and other kinds of evaluation.

First, let’s quickly look at a definition of the term. The Oxford English Dictionary defines evaluation as a process of assessing and deciding the value of something. But when we decide the value of something, we need criteria (you’ve all heard of assessment criteria!). The criteria we use in ethical evaluations are our ethical values – the beliefs we have about what is right and wrong, the principles that keep us “on the straight and narrow”, even when we are tempted to stray.

In this chapter we will think about the process of ethical evaluation using ethical values and principles as our assessment criteria. We will talk about what happens when different people, or groups of people, have different value systems (which they do!) and whether or not we can still find common ground. We will pay special attention to the idea of tolerance as an ethical value enshrined in the South African Constitution and therefore also in the SACE Code of Conduct.

Evaluation

Evaluation as an everyday activity

What do you think of other people? Have you ever looked at someone and thought they were a better person than you? Your friend who is always calm in tough situations. The student who found your lost wallet and gave it back to you. The neighbour who has made great sacrifices for other people – people who didn't really deserve them. Ever looked at someone and thought they were evil? The local warlord? The big boy in the class who bullies the smaller kids? The hypocritical priest? The ex-lover who played games with your feelings?

And what do you think of yourself? Are you ever impressed with yourself? Do you ever feel guilty or ashamed? Do you ever wish you'd behaved better towards someone else?

If you can relate to any of the above – any of it at all – then you're in the business of *evaluation*. And our guess is that you will be, for the simple reason that it's part of being human. Even the person who says he never judges anybody or anything is in the business of evaluation. Firstly, he's probably lying. Secondly, by refusing to judge, he's saying that *judging is bad*. And isn't that a judgement? He's still taking a stand. He's still evaluating.

Some things make you happy and some things don't. Some things make you feel proud, and others don't. Some things impress you and some things don't. Sometimes it's a "gut feeling" and you just *know* something is right or wrong without having to think about it. Sometimes you have to think more carefully and wrestle with your conscience a bit before you can reach a decision. Sometimes you might seek the advice of a more experienced "expert" (for example, a priest, an *inyanga* or a psychologist) or a trusted friend to help you decide. However we do it, we are all constantly evaluating ourselves, our surroundings and one another.

But this book is supposed to be about ethics, so what's the connection between evaluation and ethics?

Ethical evaluation

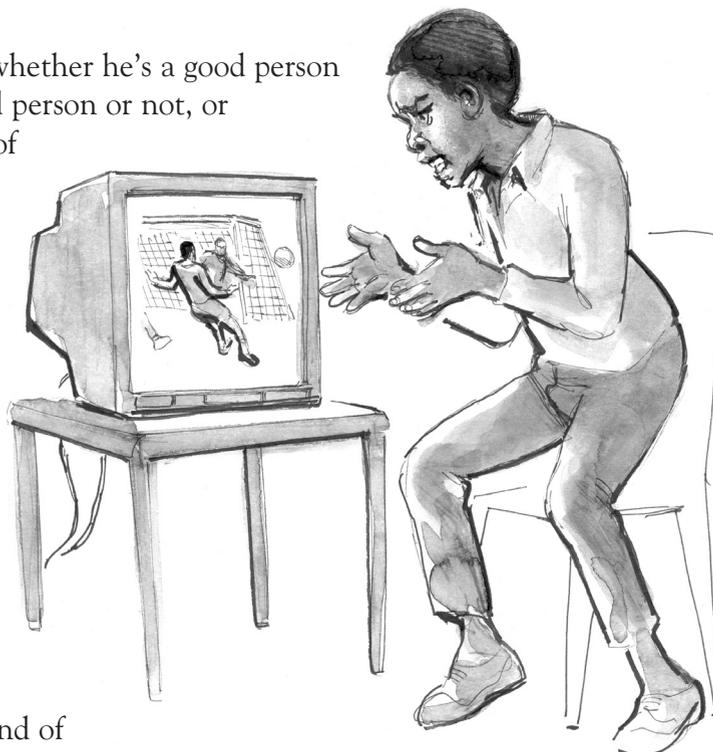
Ethics is certainly about evaluation, but not all evaluation is ethical. Think about that song that's been played to death – the one that makes you want to throw something at the radio whenever you hear it. Or think about how angry you get with the striker of the soccer team you support who always shoots wide and misses the goal, even when he's under no pressure. Clearly, you're applying negative evaluations to the song and the footballer, but it's not clear that these are *ethical* failings. It would certainly be true to say that you *value* good songs and good footballers – in other words, that you approve of them – but it surely isn't true to say that it's *unethical* to write a stupid song or kick the ball over the goals.

So, in thinking that the song is terrible and the footballer is useless, you are evaluating, but you're not evaluating ethically. In thinking that the song is terrible, you're evaluating *aesthetically* – in other words you're judging as to whether something is artistically good or not. In thinking that the footballer is useless, you're evaluating

according to the standards of a sport, not judging whether he's a good person or not. And it's judging whether someone is a good person or not, or whether an action is right or wrong that is typical of **ethical** evaluation.

As we have said, we are all constantly **evaluating** our surroundings. We evaluate people, we evaluate the things people do, we evaluate the attitudes people have, we evaluate the things people make – in short, we evaluate everything. We always have an opinion on whether things measure up to our standards or not.

But ... only some of this evaluation is **ethical**, and therefore only some of this evaluation is our concern here. We're not concerned with the kind of evaluation that involves having an opinion on whether something is artistically good enough, and we're not concerned with the kind of evaluation that involves having an opinion on whether something is good in terms of the rules of a sport. We're also not concerned with whether something is **stupid** or not – even though that is clearly evaluation of a kind!



What we **are** concerned with is the kind of evaluation where a person, an action, an attitude, or even a system, is regarded as **good** or **right**, in the way that we regard kindness as **good**, or democracy as **good**, or looking after your family as **right**. As you might imagine, discussion of this kind of thing is not new. As long as there have been people on this planet, there have been discussions about what it is to be a good person and what it is to be a bad person. One of the most common (and oldest) ways of discussing this is to talk about **virtues** and **vices**.

What are virtues and vices? Put simply, virtues are those qualities which make us think somebody is ethically good or admirable, and vices are those qualities which makes us think that somebody is ethically bad or despicable. Of course, not everyone agrees about which qualities are virtues and which qualities are vices.

If you are religious, you know what virtues are promoted and what vices are discouraged by the scriptures and teachers of your religion. For many of us, religion is an important source of ethical guidance. But we should not therefore assume that you need to be religious in order to be ethical.

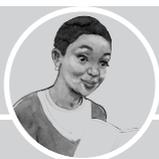
The ancient Greek philosopher, Aristotle, was one of the first non-religious thinkers who tried to describe what ethics is all about. To this end, he drew up the following list of vices:

Cowardice	Envy
Aggression	Vanity
Dishonesty	Selfishness

What do you think of Aristotle's list of vices? He drew up this list over two thousand years ago in Greece. Is the list still useful to us in modern South Africa? Could it be used as a set of guiding principles for the ethical conduct of educators?

In the discussion so far, we have mostly considered virtues and vices in terms of what makes a person good or bad, or what makes a person's actions right or wrong. Some people argue that our ethical systems should apply not only to people, but also to whole societies and their actions. Just as we can judge an individual person as good or bad, we can also ask: Is Cuba a good or bad society? Was apartheid an ethical system? Was America's bombing of Afghanistan right or wrong?

But what makes a person good and what makes a society good are not necessarily the same. For example, many people would say that the number one virtue of a society is *justice*. But it would be strange to say that the virtue of justice was the most important quality of individual humans (in fact it's a little difficult to work out what that would mean ...). For many people, justice is the number one virtue of a society, because for many people the *worst* thing that can be said about a society is that it is *unjust*.



Activity 4

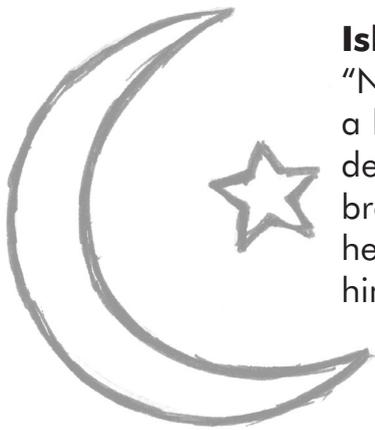
As an exercise to test the validity of Aristotle's view of ethics, take each vice and write an example of how an educator could demonstrate this vice in his/her daily work at school. You could organise your ideas in a table, as in the following example:

Vice	Example
Cowardice	<i>You see a gang of school bullies beating up an innocent learner. You are afraid of the gang so you pretend you haven't seen the incident.</i>
Envy	
Aggression	
Vanity	
Dishonesty	
Selfishness	

When you have completed your table, think about whether or not Aristotle's list of vices could be considered *universal*. In other words, are the things on his list vices for all people in all places at all times?

Virtues and vices are linked to our character – they help describe the kind of person we are. Another approach to ethical evaluation is to use principles that we can apply to our actions. Most religions contain a set of fundamental principles and there is a lot of agreement between the different religions on these fundamental principles.

For example, if you are a Christian, you've probably heard people say "Love thy neighbour as thyself", but did you know that the five biggest world religions all share this fundamental principle? Take a look:

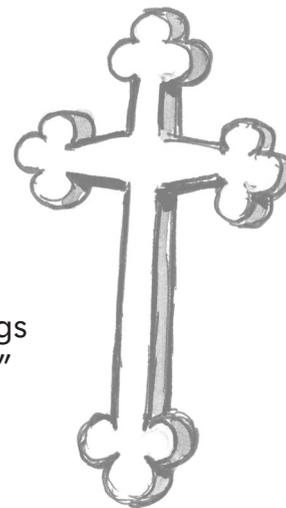


Islam

"No one of you is a believer until he desires for his brother that which he desires for himself." (*Sunan*)

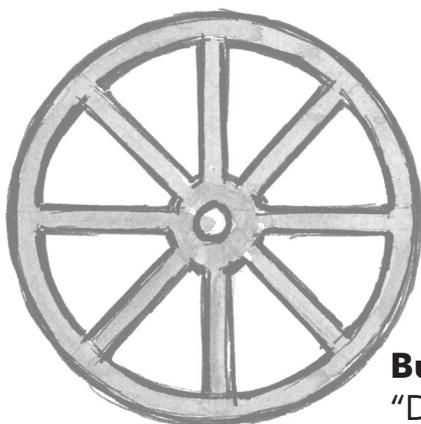
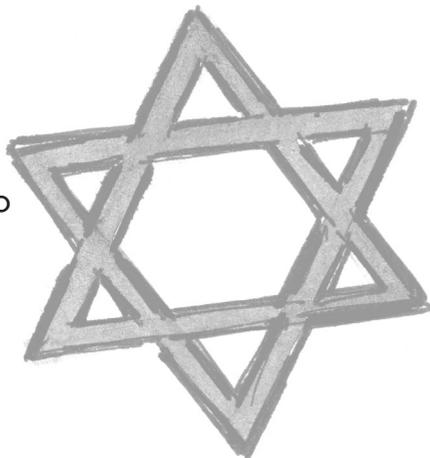
Christianity

"Do for others what you want them to do for you. This is the meaning of the Law of Moses and the teachings of the prophets." (*The Bible*)



Judaism

"What is hateful to you, do not do to your fellow man." (*The Talmud*)



Buddhism

"Do not hurt others in ways that you yourself would find hurtful." (*Udanavarga*)



Hinduism

"This is the sum of duty: do nothing to others that would cause you pain if it was done to you." (*The Mahabharata*)

Have you come across this teaching in your own religion? If you follow a belief system that is not shown in the extracts above, does it have a similar teaching?

If you are non-religious, can you find any reason to doubt or disagree with this teaching from the scriptures? Few people can argue with this very simple principle – that a good way of judging whether something is right or wrong, is to ask yourself whether you would mind if it was done to you. This principle does not even ask us to be especially good or virtuous. It simply requests that even if we can't do “good works”, we should at least do no harm.

A principle that is shared by many people across the world, such as the one discussed above, becomes what we call a **universal** principle. This means that everyone in the whole world should act according to this principle, and we can evaluate people, cultures and nations according to this principle, regardless of personal, cultural and national differences. For example, if one country invades another country and enslaves its people, we can be quite sure that the invading country would not like to be invaded itself or have its people sold into slavery. This is a very simple way of assessing that invasions and slavery are universally ethically wrong.

You'll find that a serious discussion of ethics often returns to the question of what principles we ought to be following in our lives. Similarly, when we feel that something is ethically wrong, we often explain this by pointing out how the wrong action has violated (or gone against) a certain ethical principle.

Most of us have a list of principles, virtues and vices derived from our religion, culture or personal philosophy in our heads. These ‘lists in our heads’ help us evaluate whether something is ethically right or wrong. The things on this list, to put it simply, are our values.

But where do these values come from? Why should all educators just accept these ethical principles? Aren't ethics a matter of opinion? And what if our opinions differ from the Code and from one another? In the next chapter, we will consider these questions.



Activity 5

Question One

In this chapter, we have talked about different kinds of evaluation and how they are based on different kinds of criteria. So how do you recognise when a situation calls for ethical judgement?

The following quick exercise will give you some practice in telling different kinds of evaluation apart. For each decision in the list below, tick off which criteria you would need to use. In most cases there will be more than one.

Decision	Criteria								
	1	2	3	4	5	6	7	8	9
Nominating a learner as head of the SRC									
Choosing a representative for the governing body									
Choosing a captain for the soccer team									
Choosing the winner at a beauty pageant									
Choosing a boyfriend / girlfriend									
Choosing a friend to talk about a personal problem									
Choosing a representative for an inter-school debate									
Choosing a doctor or dentist									
Choosing a representative for an inter-school marathon									
Choosing a learner to help you keep the classroom clean									

Key:

- | | |
|-----------------------------------|-------------------------------|
| 1. intelligence | 6. personality and charm |
| 2. effort and perseverance | 7. athletic or sports ability |
| 3. physical strength and fitness | 8. Communication skills |
| 4. obedience and conformity | 9. ethics |
| 5. physical beauty and sex appeal | (honesty and trustworthiness) |

Question Two

What do you think is the number one virtue of a society? And what is the number one vice? Perhaps you see an irreligious society as worse than an unjust one. Perhaps you consider a violent society to be worse than these alternatives. Draw up a list of what you see as the most important virtues of an ethical society and a list of the worst vices of an unethical society. Try to include at least ten points in each list.

When you have completed your list, spend some time thinking about what this list tells you about your own personal values. Do you live up to these values in your everyday life? Are you someone who makes your society a better place or a worse place? For example, if non-racism and gender equality are on your list of virtues, do you personally treat all races and sexes with equal respect?

Another question to think about: How does your school measure up to the virtues in your list? In some ways schools are like small societies with leaders and policies and practices that we can evaluate as good or bad, right or wrong. Does your school promote and practice the virtues on your list? Does it promote or practice any of the vices? Is your school a just school? Is your school a violent school?

Civilian casualties rise as US cluster bombs hit Afghanistan

China accused of human rights violations in Tibet

Taliban vows escalation of conflict against the West

Japan apologises to World War II victims

Woman accused of witchcraft killed by Northern Province community

Land grabs continue in Zimbabwe

More peace talks in Northern Ireland

Values

We have said that ethics is about evaluating human character, human actions, and human societies from a moral or ethical point of view. And we now have a good idea of what we mean by values. Values express our basic orientation to the world. They are a bit like spectacles. We see the world “through” our values.

Or you can think of values as being like a compass guiding you through life.

Remember in the introduction we used the analogy of a map and an explorer?

We said that the Code provides a very basic outline of a map but that it is up to you to explore the

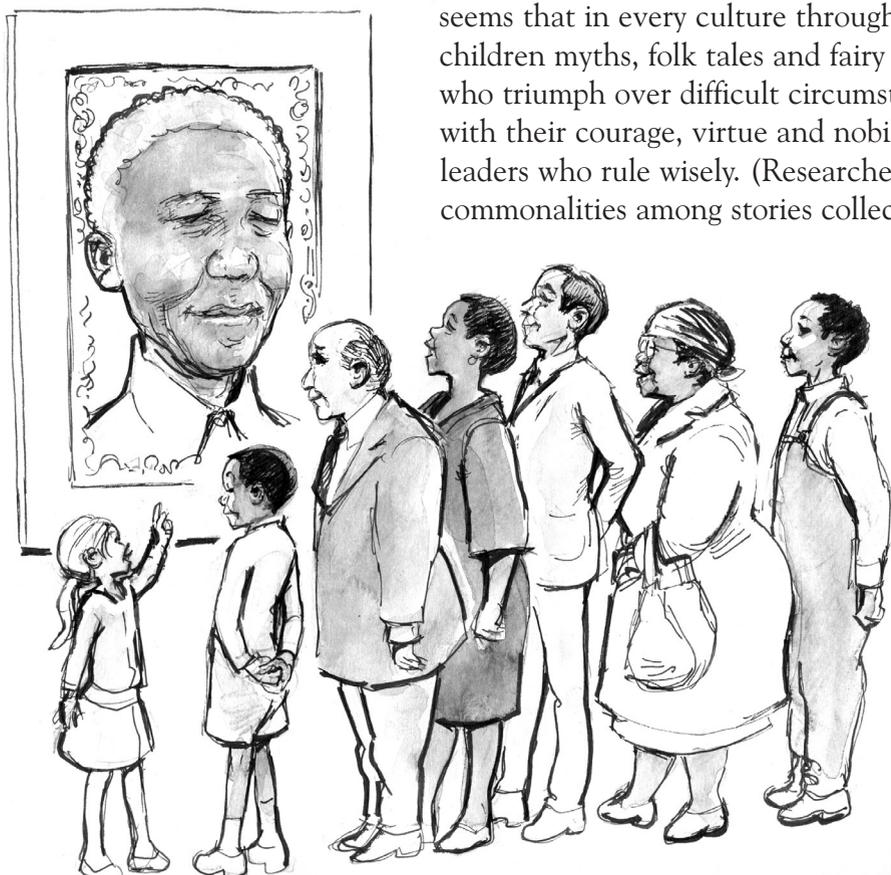
real landscape. In other words, you can move from reading the description provided by the Code to exploring the real world from an ethical point of view.



If the Code is like a map, then values are like a compass that helps us to read the map. They are “fixed” points that provide direction and help us to find our way, even when the journey gets difficult and complicated. Think about it: no matter which direction you move in, North is always North and South is always South. In the same way, values (if they are good, tried and tested values) stay in the same place and we can use them as reference points when we get lost and confused.

Where do values come from?

Every society has a long history or tradition of values, customs and beliefs that inform their present-day values. People have always clustered in groups of some sort, perhaps starting with families and kin, then tribes, clans and eventually whole societies. In order for a society to flourish, it must be built on values that give guidance and direction to the conduct of life within the group. For example, the value of hard, honest labour (sometimes known as the “work ethic”) helps a society to become self-sufficient and to build its economy. Values also unite societies as conflicts can be settled according to accepted value systems. As societies develop, some of these values and principles become embedded in constitutions, codes and laws which are legally binding on every citizen.



Most cultures create exemplars or archetypes of good character. It seems that in every culture throughout the world, adults tell children myths, folk tales and fairy tales about heroes and heroines who triumph over difficult circumstances and defeat evil villains with their courage, virtue and nobility, often going on to become leaders who rule wisely. (Researchers have found amazing commonalities among stories collected from all over the world.)

Similarly, much of the history we teach in schools is centered around characters we admire. Nelson Mandela is a central character in the history of South Africa. Already, he is held up as a role-model by people all over the world who admire his tolerance and dignity and his unwavering commitment to freedom, justice and human rights.

Another rich source of values is religion. Just as we admire the fictional and real-life heroes of our culture, we also draw inspiration and guidance

from the life stories and messages of the prophets, teachers and healers who stand at the centre of the world's great religions. In South Africa, a whole range of religious or faith-based moral traditions thrive and co-exist, including the Judeo-Christian, Islamic, Hindu, African and secular humanist belief systems. These traditions have some important morals in common (as we have seen) but also differ in significant ways.

Religion, especially in its rich diversity, can be an important source of values for educators and our Constitution specifically protects freedom of religion. This means that no religion can dominate or oppress other religions. After apartheid and the imposition of Christian National Education, South Africans are now careful not to allow one religion to have a strong influence over schooling.

If you are religious, you might be thinking that your religion teaches you what's right and what's wrong, so there's no need for any further discussion. Further discussion may even be dangerous if it leads you to question your religious beliefs. On the other hand, if you're not religious, you might be thinking that ethics is an attempt to convert you to religion, in which case you don't want to study it. Ethics is not an attempt to get you to reject your religion. Nor is it an attempt to secretly convert you. It's an invitation to you to think more deeply about the values you hold, whatever they are, and compare them with the values held by others.

We're not suggesting that you don't have any values, or that you don't have the "right" values. But many of us go through life not very sure what our values are because we seldom take the time to sit down and **consciously choose** the values we wish to live by. Let's see if this is true in your case. Answer the following question as quickly as you can:

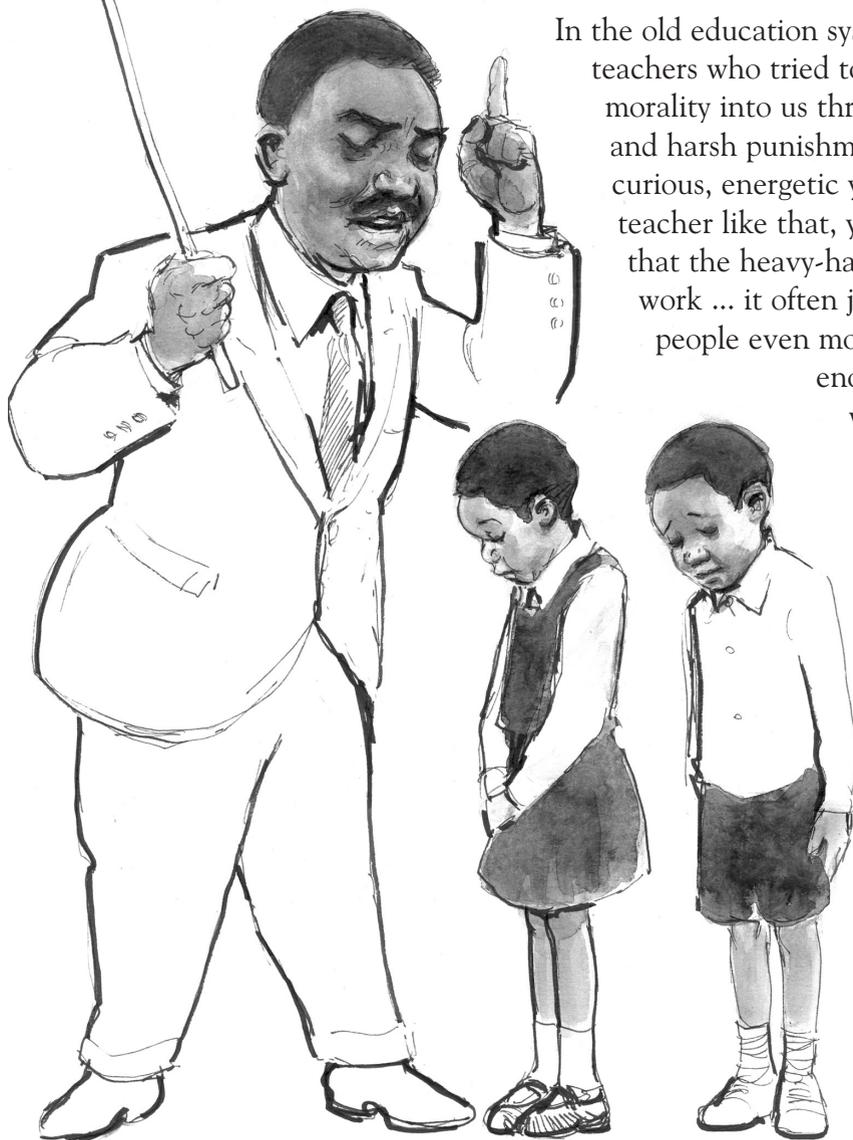
Do you think South Africa should bring back the death penalty?

How quickly could you answer? Did you instantly know your answer because you're sure about your principles? Or did you rely on an unsubstantiated opinion? Could you give sound reasons justifying your answer?

Only once you've become conscious of what values are important to you and what values you reject, will you be in a position, as a professional educator, to be an "ethical role-model". We often talk about educators as role-models for their learners. What does this mean? Does it mean preaching morals to your learners every day?

Does it mean making your learners feel ashamed of their human failings?

Does it mean forcing them to believe what you believe?



In the old education system, many of us had teachers who tried to beat their view of morality into us through stern lectures and harsh punishment. If you were ever a curious, energetic youngster with a teacher like that, you probably know that the heavy-handed approach doesn't work ... it often just makes young people even more rebellious. And it's enough to put you off the whole idea of morality for life. So how do we make ethical enquiry something that appeals to young people? How do we capture their attention, interest and admiration for ethics? How do we make ethics "sexy"? Let's consider that next.

What does it mean to be an “ethical role-model?”

We often hear the adage that “teachers should practice what they preach”? In other words, teachers should provide an example for their learners of a person living a life based on strong moral values. This is important because there’s a big difference between telling people what to do, and actually doing it yourself so that they can see and understand for themselves how and why it’s done. You might also have heard the rather insulting comment that “Those who can, do, and those who can’t, teach.” This saying might seem undermining to the teaching profession, but it carries an important message when it comes to ethics: You can’t teach ethics until you can “do” ethics yourself. But how do we “do ethics”?

Earlier we said that part of being a professional educator is to be “ethically competent”. To be regarded as ethically competent and professional you must be able to:

- ✓ demonstrate the ability to make ethical evaluations based on sound reasons;
- ✓ use these ethical evaluations to make good decisions and to guide your practice in your everyday professional life;
- ✓ show that these abilities are grounded in an understanding of different ethical traditions and theories; and
- ✓ reflect on your own ethical evaluations and practices and adapt them in the light of changing circumstances.

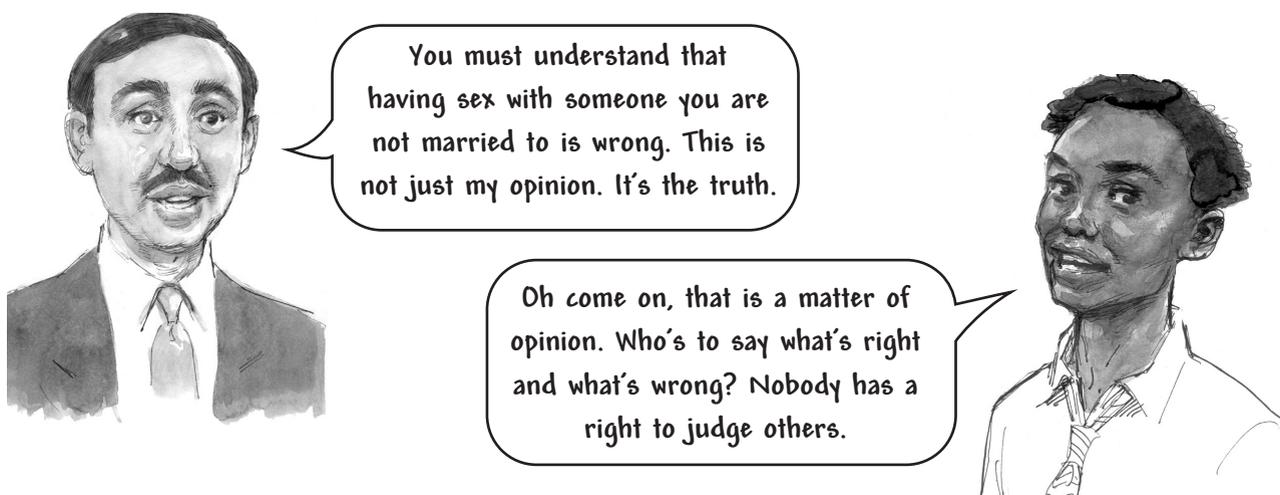
It’s very clear from the above description that being ethical is not just a matter of following a set of rules, or obeying instructions or commands to the letter. It would be counter-productive to be prescriptive about values in education in South Africa, as we have seen with Christian National Education. One consequence of South Africa’s diversity of religions and value systems is that there is bound to be disagreement over values, and this must be taken into account in our definition of ethical competence. In a country as diverse as ours, William Blake’s words ring true: “One law for the lion and the ox is tyranny” and DH Lawrence’s advice makes sense: “The law must arise anew each time from within”. In other words, ethical competence is not about blindly following rules or laws; it’s about responding to each new situation as it arises in a way that lives up to the values you have consciously chosen.

But if there are so many different value systems, so much “room for manoeuvre”, does that mean ethics is just a matter of opinion? Can we ever say it’s a “fact” that something is right or wrong? Are there any hard and fast values that apply more universally than others? Surely in some cases we must lay down the law, regardless of our religious and cultural diversity?

Let’s begin to answer these questions by looking at the nature of an ethical disagreement more closely.

Is ethics just a matter of opinion?

Take a look at this encounter between a teacher and a student:



It's important to understand what's actually at stake in this kind of argument. Please note that we've arbitrarily chosen the issue of extra-marital sex as a topic for the above argument. We could have chosen any issue in which somebody (often an authority figure) tries to convince somebody else (often a younger or less powerful person) that they ought not to do something or other. So don't focus too closely on the question of whether having extra-marital sex is right or wrong. Focus instead on the **form** the argument takes. We will look more closely at the **content** of the argument later.

Notice that the teacher is suggesting that what's right and wrong is not a matter of opinion, but a matter of *fact*. Notice also that the student is suggesting that what's right and wrong is a matter of opinion. Who is right here?

Unfortunately, the answer is a bit complicated. It may indeed be a matter of opinion as to whether extra-marital sex is wrong or not. (We are not going to try to convince you either way.) And when you're arguing with an authority figure, it's always useful to remind them that their opinions are not the only ones that count. (Authority figures sometimes forget this). But it doesn't help your argument to say that everything is a matter of opinion and nobody has a right to judge anybody else. The idea that 'right and wrong are purely matters of opinion' is an idea that contradicts itself. Let's see why ...

Look carefully at the following sentence:

Student: "What's right and what's wrong are matters of opinion *and* nobody has a right to judge anybody else."

There's something odd about this sentence, isn't there? Look at the second part of the sentence – the idea that it's wrong to judge other people. Is this idea also just a matter of opinion? If the student is serious that *all* points of view on moral issues are merely matters of opinion, then his own point of view must surely be a matter of opinion as well.

And if it's just his opinion, why should his teacher, or anyone else, take it seriously? The student is saying there is no claim to truth while he is trying to make a claim to truth.



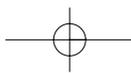
The belief that all moral issues are a matter of opinion is called **relativism**. Relativists say that all opinions have equal worth and there are no universal values or criteria we can use to judge whether an opinion is true or not. This is a difficult belief to live with. It means you cannot say anything is right or wrong, not even things like violence, rape, torture, or murder.

Imagine if someone tries to hijack you. If you were a relativist, you'd have to think, "Hey, if this guy thinks it's OK to shoot me and steal my car, well, what right do I have to judge him?"

So to say that some ethical dilemma is just a matter of opinion is to *de-value* it. If we take disagreements over ethics seriously then we should respect the value judgement of the other person and explore the principles and reasoning that lie behind it. For example, going back to the sexually active student and the moralising teacher, if the student was really interested in considering a different point of view, he could ask *why* his teacher is so convinced that sex before marriage is wrong. The teacher's reasons might not convince the student – in which case they would have to "agree to disagree". But at least the student would consider his ethical question from more than one point of view before reaching a decision.

The ethics of pre-marital sex and, more broadly, the ethics of promiscuity have become very important as the HIV/AIDS epidemic takes its toll on South African society. What are your views on pre-marital sex and promiscuity?

Making ethical evaluations is often a complex activity. Moral principles that sound good in words are often difficult to apply in practice. And even if two people do both accept the same ethical principle, they might still *interpret* it differently. For example, you and I might agree with the Code's principle that educators should exercise authority with compassion. But do we have the same understanding of authority? And what do we mean by compassion? And even if you are certain about your own understanding of authority and compassion, you might still find that with one class your compassion is appreciated, while in another class learners doubt and challenge your authority when you show too much compassion.



So you might find that you have to keep reflecting on your ethical choices and actions, and evaluating them, and adjusting them to each context. That's why we can't be prescriptive about ethics and tell others what to do. We can only refer to principles and let each person work out the details for themselves.

Ethical principles are guiding ideas that steer us in the right direction. But we are always finally responsible for how we *interpret* and *apply* these principles in our professional lives. As we have already discussed, our personal, religious and cultural values will determine how we do this.

But if we can't be prescriptive, and if it's up to each one of us to choose, interpret and live out our own principles, how do we handle the fact that everyone will do this in different ways? This is where a very important principle comes into the picture – the principle of tolerance.

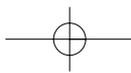
The value of tolerance, and tolerance of different values

We have said that it's good to be sure of your principles and values. If someone asks you what you think of the death penalty, or sex before marriage, or some other ethical question, it's good to have a quick answer based on your strongly-held principles. But this doesn't mean shutting your mind to different points of view. If your principles are really that strong, you shouldn't be alarmed when someone questions or challenges them. We all know that when something is really strong (whether it's a person or a country), it is not easily threatened. Good principles are like that too.

Disagreements about ethics need not cause harm if there is tolerance and respect for the other's view point. Tolerance is the idea that one must not disregard other people's points of view – even about important moral issues. And the value of tolerance has become even more important now that we live side by side with people who are very different from us. Think about it. Two hundred years ago, your ancestors, no matter whether from Africa, Asia or Europe, were not very likely to spend much time with people different to them. If they ever met people who spoke a different language, or (even less likely) people of a different race, they certainly wouldn't have had to *live* with them.

Living in enclosed cultures in this way, it was easy for our ancestors to imagine that their way of doing things was the correct way – and, of course, to imagine that everybody else on the planet was evil, or stupid, or both. Within this “closed society”, there was usually a high level of agreement on core values and morals. This meant there was little need for tolerance as there were few people who disagreed.

People were not in the habit of considering that perhaps others had valid points to make. And, because different cultures did not mix, this *intolerance* didn't really matter, just as it hardly matters now if you think Martians are scum.



For various reasons, the earth's cultures and religions have come into increasing contact, and sadly often with violent results. And as you know, South Africa has been the scene of particularly violent and damaging confrontations, which continue to this day. Recent events like the September 11 2001 attacks on America and the subsequent bombing of Afghanistan, the ongoing conflict between Palestine and Israel, the military tensions between India and Pakistan are all strong signs that religion still plays a major role in conflict and violence.

Much of this conflict, although not all of it, could be solved by an appreciation of the value of tolerance – the belief that the right thing to do is to take other peoples' opinions, religions and cultures into account, and not to judge them.

Tolerance depends on the principle that everyone has the right to follow the path they believe to be the correct one.

As you might well be thinking, tolerance is not just a matter of respecting other cultures. After all, some of the most intolerant behaviour one encounters comes from *within* one's own culture. Sometimes we're a bit scared to criticise other cultures (at least publicly) for various reasons, but we're quite happy to have a go at those who are different from us, but whom we still consider to be part of our own culture.

A very real threat to freedom comes from the fact that people have a habit of rejecting that which is unfamiliar. If a society is not tolerant, then there cannot be true freedom. Political institutions are strongly influenced by the society of which they are part. In fact, the way of life of the community largely determines the way political institutions work, so it's clear that if the community is an intolerant one, then no matter how tolerant the laws or the political institutions of that society are, it will not be a tolerant society. South Africa's constitution is regarded as one of the most tolerant constitutions in the world, but this will mean little if our society is intolerant.

When we point out the importance of tolerance, we don't mean to suggest that it is the *only* value we ought to live by, or even that it is the most important one. But when we make moral evaluations as professional educators it is important that they evolve in a continuing discussion and debate between educators, and between educators and other role-players in education.

In the context of a school, it is vital for there to be an "open moral atmosphere" in which tolerance is practiced and different moral perspectives and principles are welcomed. A school with a "closed moral atmosphere" will probably have a single dominant moral authority or viewpoint which is imposed on educators and learners in an authoritarian manner. The other alternative, of course, is a school with an "amoral atmosphere" – where educators and learners act with no regard for morality.

We can distinguish, from an ethical point of view, between three kinds of schools:

Closed moral atmosphere – where one set of values is imposed on everyone

Amoral atmosphere – where there is no concern or regard for morality

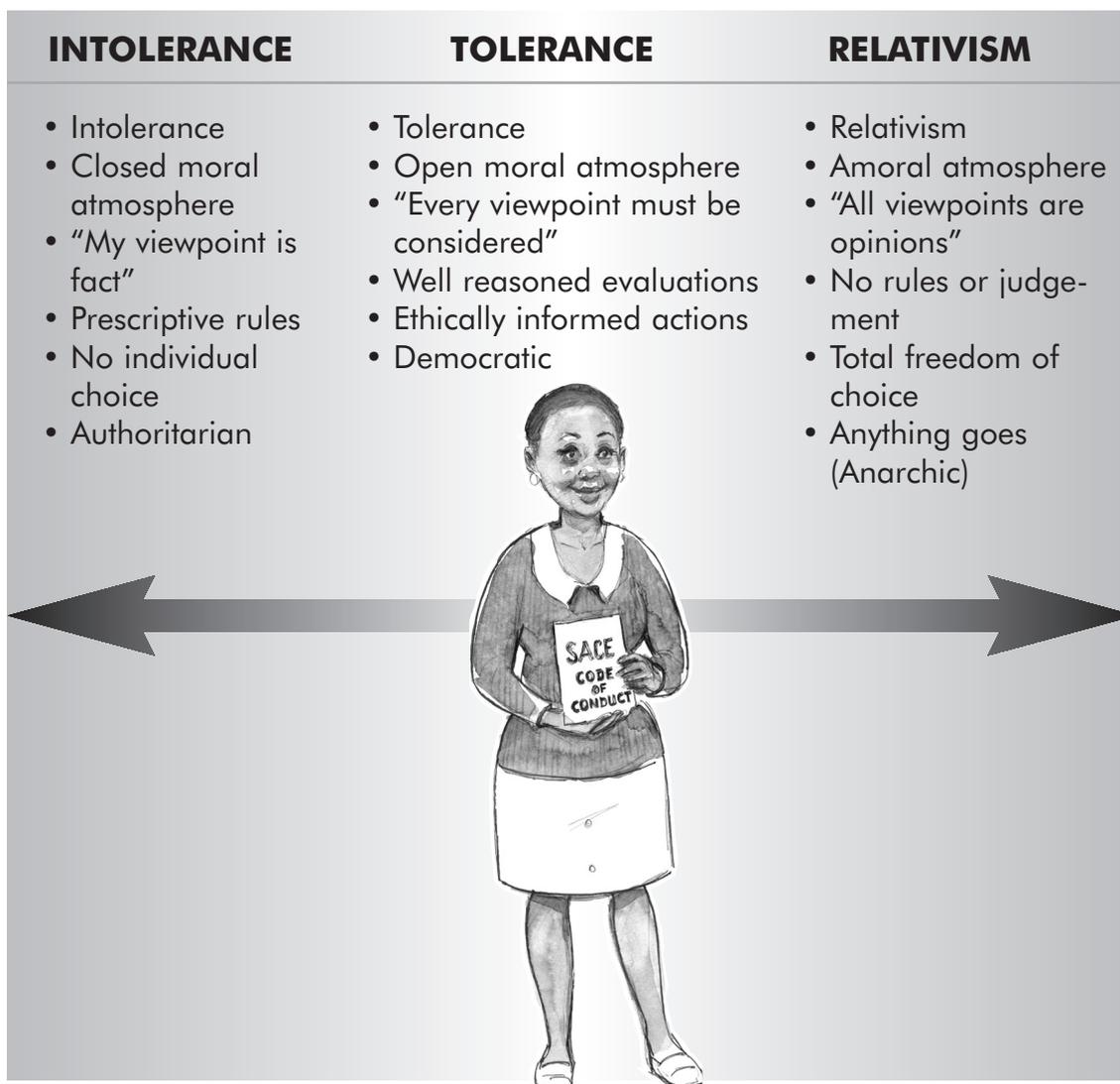
Open moral atmosphere – where different values are encouraged and there is a general commitment to being an ethical school and ethical evaluations are made on the basis of sound reason.

Part Two*Evaluation, values and tolerance*

Of course, most schools will not fit neatly into these “ideal” categories. Schools will display characteristics of all three categories but you will often find that a school tends towards one of these categories. In Activity Three we asked you to read about two different schools. In which category would you place Richboys High? In which category would you place Unity High?

We have already pointed out the dangers of relativism and it’s important to stress that tolerance does *not* mean believing that all morals are a matter of opinion and that “anything goes”. It’s important to know the difference because tolerance is usually a good thing for our society, while relativism threatens our important goal of developing thoughtful and informed values. It is also very important to point out that tolerance is not always a good thing! There are some things we should never tolerate. Murder, rape and other forms of violence are all beyond toleration. Being tolerant in an ethical manner requires walking a narrow path between intolerance and relativism.

We can map intolerance, tolerance and relativism on a continuum to show that intolerance and relativism are opposite extremes and tolerance is a balanced position mid-way between the two extremes. The goal of the SACE Code of Conduct is to situate the ethical educator in this mid-way position, as the following diagram illustrates:



Insisting that your own viewpoint is a “fact” (intolerance), or insisting that all viewpoints are “just opinions” (relativism) are both forms of intellectual laziness. They allow you to walk away from the difficult problem of coming to an ethically sound conclusion. There is an answer to the question, “Who is to say what’s right or wrong?” The answer is: “anyone who can offer good reasons to support their judgement of right and wrong!”

This leads obviously to the next question “What constitutes good or sound reasons?”.

How can we tell when our evaluations are based on “sound reasons”?

One way of finding sound reasons is to look at the different religious, cultural and philosophical traditions that provide justifications or sound reasons for ethical evaluations. That is the subject of the next three chapters.



Activity 6

Question One

How tolerant are you? How principled are you? This exercise will help you to find out more about what you can and cannot tolerate. Look at the continuum below and then read through the list. For each item on the list, decide where you would place it on the continuum.

**Will never
accept or
tolerate**

**Don't accept
but will tolerate**

**Accept and
support**



- | | | |
|---|---|---|
| <ul style="list-style-type: none"> • Murder • Smoking dagga • Feminism • Sex before marriage • Rape • Child abuse • Pornography • Drinking alcohol • Women wearing trousers • Children swearing at each other • Children swearing at adults • Homosexuals | <ul style="list-style-type: none"> • People who drink and drive • Learners who steal school property • Men who wear women's clothes • Learners who carry weapons to school • Racism • Sexism • Black consciousness • Affirmative action • Abortion • Contraception • Men who refuse to use condoms | <ul style="list-style-type: none"> • Male teachers who sleep with their female learners • Men who are unfaithful to their wives • Women who are unfaithful to their husbands • People who say there is no such thing as HIV/AIDS • Teachers who beat learners • Learners who cheat in tests |
|---|---|---|

Question Two

Some societies believe that pornography is bad and should not be tolerated. As a result they 'censor' pornography. Read this case study and answer the questions that follow:

Mr Hustler, an educator at Nowhere High, is teaching the Life Orientation Learning Area to a Grade 9 class. In his role as an Interpreter and Designer of Learning Programmes, Mr Hustler designs a lesson that will focus on the human rights issues of freedom of speech and human dignity. Mr Hustler shows the students a five-minute extract from a hard-core pornographic video. The video is very explicit and shows both men and woman completely naked and engaged in a variety of sexual acts that include various forms of sadism and masochism, sodomy and sex with animals (bestiality).

Mr Hustler poses a dilemma to the students. He explains to the students that he believes that the video is 'obscene' and 'offensive' and harms the dignity of human beings, especially woman. At the same time he also believes that the video should not be censored because he believe in the right to freedom of expression. He asks the students to consider how they would balance the tension between these two values: *dignity and freedom of expression*.

After the lesson, a group of students, led by Ms Fairlady, complain to Mr Hustler that they have been seriously offended by the video. Mr Hustler tries to explain his reasons for showing the video but the students are not satisfied. The students then approach the principal to lodge a formal complaint against Mr Hustler on the grounds that he has seriously offended their religious and moral beliefs. The principal calls a meeting of the students and their parents to discuss the issue. After much debate the students and parents decide to make a formal complaint against Mr Hustler with the South African Council for Educators on the grounds that he is guilty of misconduct because he has not acted in a "proper and becoming manner" and has "brought the teaching profession into disrepute."

SACE takes up the matter and Mr Hustler is called before a disciplinary inquiry. At the inquiry, Ms Fairlady is asked to put forward the reasons for the student's complaint. Mr Hustler is asked to respond and to defend his actions.

Ms Fairlady argues that many of the students found the video very offensive and that it specifically harmed the character and integrity of women. In particular, a number of the students believed that the video had insulted and denigrated their religious beliefs.

Mr Hustler argued that the video was an important educational tool and that he could not teach the students about human rights such as dignity and freedom of expression and issues such as sexism and censorship if he did not make it clear what he was talking about. He also points out that the very fact that the students protested shows that issues about censorship and freedom of expression are very real and that he has achieved the learning outcomes specified in C2005.

1. Do you think Mr Hustler harmed the students by showing the video?
2. Do you agree with Mr Hustler that he needed to show the students “what he was talking about”?
3. Imagine you are a member of the disciplinary inquiry. Would you find Mr Hustler guilty or not guilty of “not acting in a proper and becoming manner” and of “bringing the teaching profession into disrepute”?

Question Three

Racial intolerance is a major challenge facing South African schools. Some ex-model C schools have admitted black learners, but then the white teachers and learners make the lives of the black learners very difficult. Read through these extracts and then answer the questions that follow. These extracts give you the point of view of both the black students and the school principal.

The students' view:

There are black learners who believe they are better off now that they no longer attend school with white learners. “I took the decision in my life to hate each and every white I came across – not only the elders, but also the kids.” A Grade 11 learner made this decision after two years of schooling at Withoek High school. He is one of 10 black learners who left this former model-C school because of what they call “unequal” treatment. They are now schooling at an all-black school just a few blocks away from Withoek High.

They were not victims of racial violence, but claim that their daily experiences at Withoek smacked of racial discrimination and intolerance. Take transport, for example. “On the bus” One learner remembers, “they [the white learners] threw tins at us and said ‘We don’t want kaffirs here’. The teachers on the bus said nothing.” More subtle, but no less offensive to these learners, was that “There were specific seats for us to sit on in the front of the bus. The ‘kaffirs’ could not sit at the back.”

They believed they were marginalised in assembly as well. “The prefects would make us form our own line to go into assembly. Say you were doing grade 9, you couldn’t stand with your class. We had to stand together like a ‘bunch of darkies’ – that’s what they called us. We had to sit together in seats reserved only for us.”

Language was also experienced as a source of exclusion by these learners. Even though Withoek High is a parallel medium school (with blacks almost exclusively being taught in English, and the white majority in Afrikaans), Afrikaans dominated school life. The learners claim that the principal only addressed the school in Afrikaans – unless “something was lost or broken, then the principal would start speaking English in assembly,” says a Grade 12 learner. “The blacks would be asked to stay behind.” The tuckshop was also an issue. “They wouldn’t allow us to be served first – we had to be last.”

The learners have bitter memories of a school concert. "We practised our gumboot dance for two weeks," recalls Sizwe "and even had costumes specially prepared." The concert was taped on video – but their performance was not recorded. The camera was facing the audience while the black pupils did their dance on



stage. Likewise with the photographs of the concert: "We had money to pay for photos [of our performance] but there were none of us," says Sizwe. "We were very disappointed."

Interracial relations between girls and boys were also fraught with tension: "The principal said black boys should stay away from white girls," complains Lucas. "A white girl called Jennifer was my friend. The principal called her into his office. Later she told me he had a problem with her being my friend."

The learners claim they were given little support or understanding from the school leadership. Typical responses from the principal would be that their complaints were "nonsense" or "rubbish", say the learners.

The principal's view:

"We are the only school in town with white, black, Indian and coloured learners," says the principal. It is also the only school in the town to offer both English and Afrikaans as parallel mediums of instruction. Afrikaans students (mainly white) and English students (mainly black) learn in separate classes. Says the principal: "We look at it as two separate schools on one campus." But the principal admits that integration is a problem. The school has no black teachers, and the two black parents who were asked to join the school governing body didn't accept. But he believes learners of different faiths and cultures are accommodated: Muslims take Friday afternoon off for their prayers, and a Swazi learner was permitted to wear earrings for six weeks despite school rules because "he said it's part of the initiation ritual he went through". But Rastifarians wouldn't be acceptable. Relations between learners of opposite sexes and different races is another sticking point for the principal: "As soon as you look at relationships – like a black guy with a white girl – it's going to be difficult," he says. "We're not used to it. That's one part that all the cultures must understand. Race is a countrywide issue. It's not the school's problem. Parents teach their children racism."

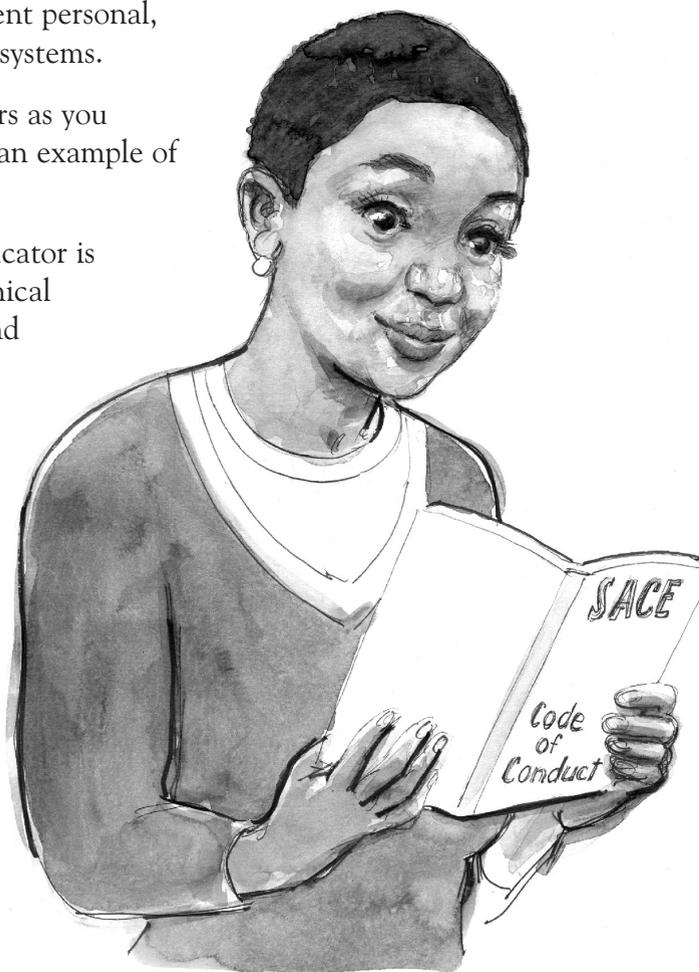
Part Two*Evaluation, values and tolerance*

"We've got a project [about racism] in our life-skills classes. But that will only work if we start with the parents. Once we shift the mindset of the parents, then we can start with the students." The principal is pessimistic about the chances of ever achieving racial harmony: "I don't believe you'll ever reach a point where the school community is fully integrated." He insists that what is most important is that "All the learners here have the same objective, and that is to get quality education at our school. If quality education is not part of your culture, then you won't come to our school."

1. Do you think Withoek High is intolerant?
2. Do you think the problems at Withoek High could be solved if everyone showed more tolerance, or do you agree with the principal when he says, "I don't believe you'll ever reach a point where the school community is fully integrated"?
3. Try and identify the values held by the students and those held by the principal. Do you think that the students and the principal share the same values? If not, in what ways do their values differ?
4. How would you go about improving the situation at Withoek High?

What have we learnt so far?

- Evaluation is an ongoing, everyday activity but only some evaluation is ethical evaluation.
- Ethical evaluation is based on ethical principles, which are the criteria for assessing what's right and what's wrong.
- Some ethical principles are seen as universal, while other are drawn from different personal, cultural and religious value systems.
- The principle of "treat others as you would like to be treated" is an example of a universal value.
- An ethically competent educator is guided by clearly chosen ethical principles in all decisions and actions, and models ethical behaviour for his/her learners.
- An ethically competent educator is never intolerant of other viewpoints, nor does s/he accept all viewpoints as matters of opinion. Rather, s/he insists that all ethical viewpoints are supported by sound reasons, and encourages ethical dialogue.



PART TWO

4. Comparative Ethics

Introduction:

The diversity of moral systems in South Africa

If ethically competent educators are people who welcome and encourage openness and dialogue, then they will find themselves interacting with the many different religious traditions that exist around them. For example, imagine the following situation:

Your School Governing Body has asked you to chair a committee that will decide the school's policy on religious practices. You arrive at the first committee meeting and are introduced to seven parents: a Christian minister, a Muslim doctor, a Jewish accountant, a Hindu pre-school teacher, a Buddhist student, a Zulu sangoma, and a Confucian herbalist. You now have to chair the meeting in such a way that everyone's views will be heard and respected.



How would you feel? What would you do? Do you know enough about each of these people's backgrounds to feel confident about your role in the meeting?

South Africa has clear legislation and policy on religion at public schools. The National Education Policy Act of 1996 section 4 (a) (vi) states that every person has the right:

to the freedoms of conscience, religion, thought, belief, opinion, expression and association within education institutions.

And, the South African Schools Act of 1996, section 7 states:

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

One of the major challenges slowing down implementation of this policy is that many educators know very little about the different religions in South Africa. The reality in South Africa is that a number of different religious and cultural moral traditions exist side by side. While we can't hope to bring them all into agreement with one another, it is surely a sign of respect to our fellow citizens to make sure we are well informed about their ethical beliefs and practices. This chapter provides a brief introduction to the moral traditions that have the most influence on South African society and culture. We will look first at the global map of moral traditions, and then at the local map so that we have an understanding of how different moral systems from around the world came to be here. Then we will take a brief look at the moral systems that have the strongest influence in South Africa.

The world map of moral traditions: ethnic moralities, trans-ethnic moralities and secular/global moralities

The moral traditions influencing South Africa have their origins in different parts of the world, going back to the dawn of human history. For thousands of years, humans lived in isolated local cultures and shared no contact with other cultures. These local cultures were founded on shared language, territory and a sense of kinship, and tended to fuse religious beliefs with moral values. The modern western distinction between the sacred (religious) and the secular (non-religious) was unheard of in those times. A New Zealand scholar Lloyd Geering classifies these highly localised moral traditions as **ethnic moralities**. Some examples are traditional African societies, the ancient Israelites and the Maori people of New Zealand.

But about 2500 years ago, this global picture started to change with the appearance of some highly influential figures who taught a sense of moral community and responsibility that extended beyond local ethnic boundaries. In China there were Confucius and Lao Tzu; in India the Buddha; in ancient Persia the prophet Zoroaster, and in ancient Israel the great Hebrew prophets Jeremiah, the Second Isaiah and

Ezekiel. Not long after this, we encounter the secular ethics of the western tradition in the work of the Greek philosophers Socrates, Plato and Aristotle. Some centuries later, two hugely influential teachers followed – Jesus of Nazareth and the Prophet Muhammed. Geering calls these *trans-ethnic moralities* as they were able to spread beyond the local cultures in which they emerged because they were recorded and circulated in written form, leading to the growth of major new movements that often merged with and/or replaced the older ethnic moralities. (For example, the religion of the ancient Egyptians vanished before the advance of Christianity and Islam).

Over the past few centuries a third type of morality has emerged, first in western Europe and North America and gradually spreading to most parts of the world. Here we find ethics being shaped largely by human reason, scientific knowledge, secular western philosophy and democratic ideals such as Human Rights. This third phase of morality is marked by a strong distinction between religion and morality, and the belief that religious ethics are often problematic – for example, they tend to foster division and persecution rather than unity and tolerance. Geering describes this quest for a universal system of ethics as *secular/global morality*.

The South African Constitution and education policy, including the SACE Code of Conduct, have been shaped by a secular/global morality grounded in our history and our people. In our schools, Christian National Education has been replaced with a more secular, culturally inclusive policy that requires schools to cater for all religions. But what existing local moral traditions must be brought together in this new secular global morality? How would you cope chairing the meeting described at the beginning of this chapter if you do not have an understanding of the different religions? To consider this question, we need to take a brief look at the diverse moral traditions that exist in South Africa.

South Africa's moral traditions

Like the global map of morality, the South African map presents great diversity. The majority of South African people follow the ethical values of traditional African societies and the Christian tradition (and very often a combination of these two systems). Other influential moral traditions are Judaism, Islam, Hinduism, and, to a lesser degree, Buddhism and Chinese Ethics.

An historical outline presents the following picture:



Sadly, the earliest ethical tradition in southern Africa – that of the San and Khoi people – is no longer a strong, living presence in our country. According to historians, it was followed by the set of moralities that we refer to as African ethics. As is well known, the concept of *Ubuntu* is one of the core ethical values that African cultures provide, placing a high value on our human relatedness to one another.

The next ethical system to make itself felt was Christian ethics in the form of Calvinism, followed by other strands such as the Methodist, Anglican, Roman Catholic and Pentecostal. All share a common reliance on the moral values taught by Jesus Christ and the Bible, but with some important differences (for example, about the morality of contraception and divorce). And in the 20th century, we see a remarkable rise in the incidence of African initiated religious movements and churches, some of them consciously blending together both African and Christian heritages, and all of them with a strong emphasis on morality,

From the late 1600s onwards, a large Muslim community was growing in the Western Cape, bringing with it the moral teachings of Islam revealed in the Holy Qur'an. Another Muslim community took root in KwaZulu-Natal in the 19th century. However, due to the racially divisive policies and practices of the last three centuries, the teachings of Islam have largely been confined to these groups, and are only now beginning to spread to other population groups.

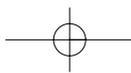
From the late 1800s onwards, a Jewish community emerged gradually in South Africa, highlighting the ethical teachings of the Hebrew Bible – already an important part of South Africa's Christian ethics.

Then in the middle of the 19th century, the arrival of people from India, mainly in KwaZulu Natal, brought Hindu morality to our shores. This heritage made a powerful political impact in South Africa and in the rest of the world through the influence of Mahatma Gandhi and his advocacy of non-violent resistance.

The traditional African, Christian, Islamic, Jewish and Hindu moralities are the most popular and influential in South Africa. Alongside these faiths exist smaller groups who follow different faiths, such as Buddhism, the Hare Krishna movement, Rastafarianism, the various forms of Chinese religion, and the many different aspects of the "New Age" movement.

Most recently, various kinds of secular ethical systems have made their influence felt – particularly the principles of liberal humanism, Marxism and feminism. These ethical systems have had a profound effect on the politics of our country, and are strongly represented in current government policies.

At a glance, it is clear that the dominant feature of the South African moral landscape is diversity. However, we can also see a significant point of convergence and agreement about certain core values. It is an unmistakable fact that, despite their grounding in very different understandings about the sources of good and evil, the great ethical systems of the world, and those found in South Africa, have at their heart the same basic moral message.



This message is firstly an emphasis on the need for active concern for others, especially those who are vulnerable, and secondly, a common warning against selfishness and harm to others. The emphasis on values such as honesty, justice and sexual responsibility create further common ground.

In the following sections of this chapter we will look in more detail at the most widely-followed value systems that shape morality in our country.

African ethics

Traditional African ethics are the only “ethnic morality” (according to Geering’s terminology) that has survived in South Africa. But even this ethical system has fused with other systems, particularly Christianity, to create new moralities, such as the Shembe movement and the African Zionist Church, which are unique to southern Africa.

When talking about an original or traditional African ethics, it’s important to bear in mind that very little has been written on the subject until recently. Most of what we do know is gleaned from writings on related subjects such as religion, local culture, myths and proverbs, but we still find many important questions about African ethics left unanswered. It is only in the last thirty years that work has been done on the development of African ethics as part of African philosophy. African philosophers are grappling with questions about the exact nature of African ethics and coming forth with answers that generate a lot of debate. So in this section, we will be drawing very general descriptions and raising more questions than answers.

Perhaps the most obvious question to ask about traditional African ethics is whether an “ethnic” morality based on a way of life that existed hundreds of years ago still has any relevance in a modern, multi-ethnic society. Ask this question to any group of people and you will receive a wide range of answers. Among those answers, you might pick up some of the following attitudes towards African ethics:

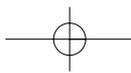
“African religion is inseparable from African tribal culture.”

“It’s all a lot of backward superstition about ancestor worship.”

“African ethics puts so much emphasis on the community that there is no place for the individual.”

“It is because we have forgotten our ancestors that Africa is in such a crisis.”

These are common perceptions in South Africa, given that our past education system did not encourage us to value indigenous local wisdom, and our culture has now largely embraced modern western values. But which of these perceptions are valid? Let’s take a closer look at what we do know about African ethics before we make judgements about its relevance.



What is 'African ethics'?

When we speak of African ethics, it's important to remember that no African culture has remained completely intact or unaffected by other cultures. However, we can speak of an ethical system that emerged within traditional cultures and which exists today, often in combination with other ethical systems such as Christianity and Islam. The other important thing to remember is that Africa is a vast and diverse continent so we cannot make any sweeping generalisations about "Africans".

Nonetheless, there is agreement among scholars that because of some striking commonalities and patterns among most African communities, it is possible to generalise without causing confusion and ambiguity (Kwenda, 1999:8). For instance, the notion of ancestor veneration occurs again and again in the literature on African culture, religion and thought, allowing us to conclude that ancestor veneration is central within most African societies. For this reason, we will use the theme of the ancestors to guide our reflections on African ethics.

Who or what are the ancestors?

In African tradition, ancestors are humans who have passed on to the world of the deceased. Thus they are perceived as the "living dead" or "spirits within the realm of the divine". Others simply refer to them as departed "elders". Ancestors are not ordinary humans; they are those who lived a good and honourable life and were regarded as custodians of knowledge and wisdom within their families and communities. But above all, to qualify for "ancesthood" the departed must have descendants who can look after them when they have departed to the "other world". So in African tradition, the community includes both the visible and the invisible worlds, and the ancestors are the vital link of communication between these two worlds. But what are the moral and ethical implications of this worldview?

The ancestors as exemplars of morality

Given the importance of ancestors within African societies, it is not surprising that they are perceived as "the guardians of traditional ethics and morality" (Uka, 1991:187). This view stems from the understanding that the ancestors lived exemplary lives and they continue to show an interest in the affairs of their community once they have departed. Ancestors remain concerned about the moral integrity of their communities because they know that if moral codes are broken, the community becomes vulnerable to harmful spirits, misfortune and subsequent destruction.

So for traditional African cultures, the question of what is right and wrong is evaluated on the basis of whether it has the approval or disapproval of the ancestors. In other words, when trying to reach an ethical decision, the question becomes, "Will my conduct invite the pleasure or earn the wrath of my ancestors?"



Ancestor veneration is a common theme in modern African novels where “the curse of the ancestors” is equated with the breakdown of moral virtues and ethical standards within African societies. For example, in Nigeria, Chinua Achebe wrote *Things Fall Apart* and in South Africa A.C. Jordan wrote *Ingqumbo Yeminyanya (The Wrath of the Ancestors)*. The underlying theme in both novels is that the moral crisis in Africa comes about through neglect of the ancestors, and that to avert further disaster Africans must uphold traditional moral values “lest things fall apart”.

The fact that we are using the theme of the ancestors to guide our reflections on African ethics should not be interpreted to mean that the ancestors are the one and only basis of African ethics or that they are the ultimate moral authority. There is considerable debate amongst African philosophers about the foundations of African ethics. Some African philosophers believe that African ethics is founded upon religion. Others believe that moral values in Africa do not come from religion but from the basic existential conditions in which people live and are grounded in considerations of human well-being. Unfortunately, we do not have the time to explore these debates in detail.

The general character of African ethics

If African ethics and morality are influenced by the ancestors, how best do we define the general nature of African ethics? The importance of the ancestors suggests that humans, whether dead or alive, are at the centre of existence. But the human-centred approach does not imply that other forms of life are less significant. On the contrary, humans are central only in the sense of being “nurtured or mothered” by the other levels of existence (Kwenda, 1999:10), or as “beneficiaries” and “users” of the universe and what it contains (Mbiti, 1969:39).

So African morality places a high value on respect towards the natural and animal worlds. For instance, some Africans believe that they have special relations with animals, plants and some sacred sites, which might become respected symbols, totems or family emblems, or which might be used for medicinal and healing purposes. Thus the African worldview values the “interconnectedness” of all life – not only between the human and non-human worlds, but also between the human and spirit worlds (Kwenda, 1999:10; Murove, 1999:111).

Three key features of African morality emerge from the above discussion:

1. The value of life
2. The value of human beings
3. The value of communal social organisation

These values constitute an ethical orientation whose central concern is the management of life and maintenance of human well-being within society. Individual ethical choices are always made within the context of the community (which includes the natural environment and the spirit world). So the morality of individual actions are evaluated in terms of the effect they have on the life of the immediate and extended community, and the question becomes, “Are my actions and conduct advancing the common good of the community?”

In southern Africa, this view finds expression in the concept of *Ubuntu* and the similar Shona notion of *Ukama* which stress the relatedness between humans, environment, God and ancestors (Murove, 1999:213). We will look at this concept next, and the implications it has for ethical choices.

What is *Ubuntu*?

The term “*Ubuntu*” derives from the Nguni words “*Muntu*” (singular) and “*Bantu*” (plural) meaning a person or humans. Both of these words are variations from the stem “*ntu*” which refers to the principle of “*Being*”. “*Ubuntu*” (Zulu), “*Utu*” (Swahili), “*Vuthu*” (Venda and Lovedu) and “*Botho*” (Sotho) all refer to the primordial law of harmony, love, justice, order and peaceful co-existence of all human beings that emanates from “*ntu*” (Being).

Unfortunately, like many fundamental concepts, Ubuntu does not have a single definition. For our purposes, we can define it broadly as “humaneness” which encompasses values like brotherhood/sisterhood, sharing, treating other people as human beings and respecting their dignity.

Ubuntu is thus an ethics according to which moral practices are founded on a concern with, and consideration and enhancement of, human well-being. What is morally good is what brings dignity, respect, contentment and prosperity to each person and to the community as a whole. We will see later that this strong emphasis on the well-being of the extended community as a whole is similar to one of the major secular approaches that emerged in England – utilitarianism.

The well-known Zulu saying, *Umuntu ngumuntu ngabantu* (You are a person through others) suggests that the well-being of the individual is only possible through the community where the community is understood as a “web of relationships”. With such a high value placed on sound human relations, in traditional societies no one was a stranger and hospitality was extended to all in a spirit of sharing.

Because morality is the creation of the community and emerges from its social institutions, it is “lived within the community” so the conduct of individuals directly or indirectly affects the whole society. Thus tradition demands that those who have done shameful or immoral acts must be “cleansed” before they can be accepted back into the community. Likewise, an individual accused of cruelty, murder, cheating or stealing was ostracised from the community. Traditionally, ostracization or banishment from the community is a harsh punishment and a strong deterrent to anti-social behaviour (Mbon, 1991:103), thereby protecting and preserving the community. But how does this emphasis on tradition and community affect the freedom of individuals or groups to challenge traditional authority structures so that the community can change with the times?

What about individual autonomy? What about change?

A common perception of African ethics is the idea that the emphasis placed on community well-being might militate against individual autonomy. In other words, is the individual allowed an independent moral consciousness that might differ from the traditional beliefs and practices of the community? To deal with this controversial question, some African philosophers assert that African culture and traditions are not fixed but do meet the challenge of change so that traditions from generation to generation find creative ways of ensuring self-continuity. For instance, virginity testing and male circumcision are often cited as examples of customs that have stood the test of time. However, some urban or modernised Africans view these customs as outdated and unethical, claiming that they violate an individual’s human dignity and therefore must be abolished.

Is the erosion of the old traditions the cause of moral crisis within African societies? Should we be preserving traditional African customs and the moral values of the ancestors to ensure the well-being of our communities? Or should a country that has enshrined individual human rights in its Constitution discard moral beliefs and practices that elevate the will of the community over the will of the individual?

These are the main ethical dilemmas that present themselves when we consider African ethics. Looking at recent debates amongst African philosophers, there seems to be a growing consensus that a strong emphasis on the community does not mean that individuality is submerged by communalism.

Whatever your personal position might be, the African moral tradition (in its original and its modified forms) exerts a powerful influence on ethical evaluation and decision-making in South Africa. Because the community's history and life experience are the main resources of African ethics, the details of ethical beliefs and practices will vary from community to community, depending on social customs, religious beliefs, regulations, social taboos, proverbs and symbols. But when considering the ethical priorities of this tradition, these are the significant aspects to bear in mind:

1. The collective wisdom of the ancestors and elders is the point of reference for moral decisions or choices that the individual or community makes. In moral dilemmas, the main concern is, "To what extent will the outcome of a chosen action earn the pleasure or wrath of the ancestors or community?"
2. Morality is the creation of the community and emerges from its social institutions. Morality is "lived within the community" so individual actions and conduct have a direct and/or indirect effect on community well-being. For this reason, ritual cleansing must follow any shameful or immoral act, and more serious offences can lead to ostracization from the community.



Activity 7

You are the principal of a secondary school in a remote rural area. Your soccer team is doing very well this season. They have swept aside all their opponents and reached the finals of the regional competition. A week before the final, a majority of the parents of boys in the team and a majority of the SGB parents come and see you. They explain that the opposition in the final has home ground advantage and that no one has beaten them at home because they have secured the services of a powerful sangoma. They argue that your school team must undergo a ceremony to secure the protection and blessing of the ancestors and that it is crucial that all the players in the team are present at the ceremony.

The situation is complicated by the presence in your team of three boys who belong to a very strict Christian church. You know that they will not be able to participate in the ceremony because they believe it will offend their God.

There may be no completely satisfactory solution to this situation. The majority want to express their faith and the minority can not tolerate this particular expression. Perhaps the best one can do is to ensure that all the various role players have a clear understanding of the genuine clash in values that is taking place and if a compromise can not be found, then there will be peaceful agreement to disagree.

- How would you explain to the parents the need for tolerance and a peaceful resolution?

Judeo-Christian Ethics

Christianity is now the most widely followed faith in the world, with around one-third of the earth's population, and in South Africa as many as 70 per cent of our people belong to this tradition. In this section, we will begin by looking at the common heritage of Judaism and Christianity, and then go on to examine Christian ethics in more detail.

The Judeo-Christian Tradition

The Judeo-Christian tradition has a history that goes back well over 3000 years. It is a religious and ethical orientation involving an older tradition known nowadays as Judaism and the much larger, younger tradition of Christianity. At the same time it must be clearly understood that neither Judaism nor Christianity is a single, unified movement with an agreed set of moral teachings. On the contrary, both of them have important internal distinctions and structures.

Many Jewish people in South Africa follow what is known as Orthodox Judaism, but others belong to Reform Judaism. Christianity is even more fractured. Not only does it have five major historical divisions – Roman Catholic, Eastern Orthodox, Anglican, Protestant and Pentecostal, but the two latter divisions are in fact blanket terms for a very large number of separate churches.

In addition, the Judeo-Christian tradition is marked in matters of both belief and practice by very significant differences between conservative, liberal and radical interpretations. So, for example, we find Christians of equal sincerity and dedication both opposing and supporting things like abortion, the death penalty and contraception. While we will indicate some of the key differences, it is even more important to identify the common ethical features, starting with those that are shared by Jews and Christians.

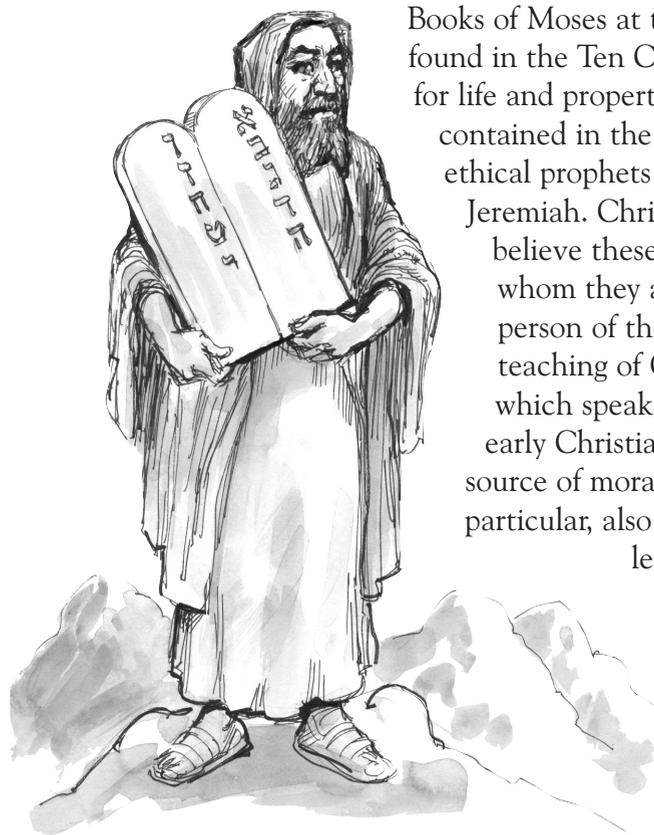
Four Key Features of Judeo-Christian Ethics

The first point to understand is perhaps obvious: for Christians and Jews, morality is part of the religious life. Moral goodness is believed to have its source in the perfect goodness of God, and God is seen as by far the most important of all realities.

Secondly, they believe that the God they worship has given humanity moral guidance.

For Jews this takes the form of the Torah or holy law contained in the Five Books of Moses at the beginning of the Hebrew Bible, the heart of which is found in the Ten Commandments. These commandments emphasise respect for life and property and are supplemented by the great many other laws contained in the Torah, and also by the moral values taught by the great ethical prophets of ancient Israel, such as Elijah, Amos, Isaiah and

Jeremiah. Christians accept the authority of the Hebrew scriptures but believe these scriptures find their true meaning in Jesus of Nazareth, whom they accept as the incarnation of God the Son, the second person of the Holy Trinity. For them, this means that the example and teaching of Christ have divine status, so that the New Testament, which speaks of his life and message and of the development of the early Christian movement, naturally has pride of place as the primary source of moral values. Catholics and Eastern Orthodox Christians, in particular, also strongly emphasise the authority of the church and its leaders.



A third feature of the Judeo-Christian ethic is its emphasis on both a high standard of personal moral behaviour and on social justice, which takes the form of special concern for the vulnerable, such as the poor, the oppressed, the sick and the outcast.

In the fourth place, this ethical tradition provides us with excellent examples of both of what Lloyd Geering has called ethnic and trans-ethnic religion. The ancient Hebrews can be seen as a distinctive ethnic culture as defined by Geering, due to its particularist character – for example, the concept of Jewish people as the “Chosen People” with its own “Promised

Land” (i.e. Israel) – which continues to appeal very strongly to many members today. We see this most clearly in the passion for a Jewish homeland in Israel with an undivided Jerusalem as capital. At the same time, we see in Judaism a tendency to a more universal ethics that applies to all people – a key feature of what Geering calls trans-ethnic morality. This universalising tendency is also present in Christianity, which from very early on sought to transcend ethnic, national and other confines.

In what follows, we concentrate on the moral teachings of Christianity because of their great historical influence in South Africa and the wider world. Christian ethics deals with the conscientious living of the whole Christian life. For some this is a matter of law and duty; for others it is experienced as a loving invitation and free response. But for all Christians, at the heart of this ethical tradition is the teaching and example of Jesus Christ, whose life history we turn to next.

The life of Jesus of Nazareth

Jesus lived in Palestine in the first half of the first century. As a young man probably in his late twenties, he began to engage in activities which attracted crowds of curious onlookers. He used these gatherings as opportunities to challenge and teach the people on matters related to the interpretation and living out of the Jewish Torah (“Law” understood as guidance for life). Central to his teaching was the “news” that “the Kingdom of God” was imminent, that with its climactic arrival all human institutions and authority structures would be swept away, and all people judged according to their treatment of the poor, needy and those who suffer.

His diagnosis of the social and economic malaise pointed not at the Roman occupying power, but at the Jerusalem Temple authorities. Those who were supposed to be appointed by God for the good of his people were on board a religious gravy train. They collaborated with the Romans and enriched themselves through the taxes of the people and the sale of animals for the sacrificial offerings which were at the heart of the Jewish religious practice.



Some of his followers became convinced that he was the Messiah, the king to be sent by God to lead his people to freedom, independence and prosperity. They could not understand, however, his emphasis on love and service to the point of suffering and even death. After all, should a great king not speak and act rather in terms of military force, victory and power?

Core moral guidelines in Christianity

If we were to seek core moral guidelines in these Christian origins, we would have to highlight the following points:

1. A new relationship with God as father, in place of rigid adherence to religious laws.
2. The importance of good relationships and practical care among Christians as essential to moral growth (“Love one another as I have loved you” – John 13:34).
3. Concern for the political and economic affairs of human society, especially challenging corrupt authorities.
4. A rejection of violence – the pursuit of Christian ends through non-violent means only (“Love your enemies and those who persecute you” – Matthew 5:39 & 44).
5. A readiness to forgive those who offend, injure or harm (“seventy times seven” – Matthew 18:22).
6. A willingness to suffer and even die for one’s convictions (“...whoever loses his life for my sake will save it” – Luke 9:24; “The greatest love a person can have for his friends is to give his life for them” – John 15:13).

But the moral guidelines that can be drawn from the life and example of Jesus of Nazareth are not necessarily the same as those espoused by the church or by Christians throughout history. It is a matter of enduring debate among Christians as to what was actually meant and intended by the words of Jesus, and whether or not the church lives up to his early example, particularly when faced with questions of social justice. But in order to understand the role of the church in defining and disseminating Christian ethics, we must take a brief look at its history.

Early developments in Christianity: spiritual and secular power

Two to three decades after Jesus’ death a converted Jewish enthusiast named Paul, previously a fanatical persecutor of the earliest Christians in Palestine, travelled around Asia Minor, Macedonia and Greece, establishing small Christian communities as he went.

Paul urged the Christians in Rome itself not to seek confrontation, even to be obedient to the state authorities (Romans 13), but also to live as those who do not belong to the contemporary culture and society. To be a Christian was clearly to live against the stream.

Jesus had opposed the powerful and wealthy religious leaders of Israel and had openly challenged their corruption. He had paid for this with his life. His earliest followers were very soon in conflict with the same authorities.

In the early fourth century (312 CE) a great change took place which profoundly affected Christianity in the Roman Empire and the social and moral role which it was to have through all the centuries up to the present day. Constantine, the emperor, realised that the Christian faith, which had been outlawed in the Roman Empire, was sufficiently strong and widespread to become a unifying force in the Empire. He espoused Christianity and made it the official religion of the Empire.

Successive emperors consolidated what Constantine had started and Christianity found itself in a totally new role as far as secular power was concerned. No longer did the power structures of society oppose and persecute Christianity, but a process now began whereby the state embraced Christianity and, in time, the church became the supporter, legitimator and collaborator of the emperor and the power structures of the Roman Empire. The church was even faced with the question of whether it should bless armies and declare certain wars to be “just wars”. This was a situation which Jesus and his early followers could never have envisaged.



Christian ethics today

Christianity today, twenty centuries after its origins, presents a very confusing face to the world. Far from there being one single institutional church, speaking with one authoritative voice, there are many different forms of the church. It has changed itself to fit many cultures, and it has also withdrawn from many cultures. The church today takes the form of massive, economically and politically powerful institutions such as the Roman Catholic Church, yet it also manifests as small groups of ordinary people. Examples are the “Base Ecclesial Communities” of Latin America and the African Independent Churches, which mushroom in and around the cities of South Africa. These small informal gatherings, usually led by untrained lay people, are somewhat akin to the church before Constantine, while the large formalised institutional churches are developments of the church after, and as a result of, Constantine.

Christian voices have been heard on opposing sides of many moral divides. Last century a glaring example was slavery. Many churches and individual Christians supported slavery on the grounds that slavery was accepted in the Bible. Other Christians, like William Wilberforce, fought hard to bring slavery to an end. Some modern examples that spring to mind are capital punishment, abortion, women's rights and homosexuality. In South Africa during this century there were voices claiming Christian authority in support of apartheid, especially as a bulwark against "communism", and there were voices in opposition claiming Christian authority against apartheid. There were even claims that violent force against "terrorism" was justified on Christian grounds, and there were contrary claims that revolutionary violence ("the armed struggle") against apartheid was justified on Christian grounds. The *Kairos Document* (1985) made the observation that there were two basic churches in South Africa, cutting across all Christian denominations – the church of the oppressor and the church of the oppressed.

Where, then, in this complex modern world is Christian moral guidance to be found? Christians usually turn initially to the scriptures, and certainly the Christian Bible contains much moral law but its teachings often pose as many moral problems as they solve. If we were to attempt to obey all the Biblical laws indiscriminately, we would find ourselves in total confusion. Some of the laws are archaic (e.g. "Do not boil a kid in its mother's milk" Exodus 23:19, Deuteronomy 14:21). Some of the directives are contradictory – compare the vengeful *lex talionis* ("an eye for an eye and a tooth for a tooth") of Exodus 21:24 and Deuteronomy 19:21 with Jesus' injunction to forgiveness ("turn the other cheek") in Matthew 5:38. Furthermore, no direct word is found in the Bible on many of our pressing modern problems – the population explosion and genetic cloning are two obvious examples.

The fundamental difficulty is that the Bible is ancient. It springs from a very different world from ours. Just as the critics of African ethics question the relevance of an ancient and "ethnic" moral system, so we can equally question the ability of the Bible to provide direct, detailed, ready answers to our modern questions. In addition, the sixty-six books that comprise the Bible emerged over a time period spanning at least one thousand years. Is it realistic therefore, to expect consistency in moral guidance throughout the Bible?

So when seeking moral guidance, Christians must bring to their reading of the Bible their own reason and experience. Churches, Bible study groups and friends who share Christian values are also a good forum for discussion and advice. Many Christians also turn to prayer and meditation, finding a "still, small voice" of guidance in solitude, silence and deep reflection.



Activity 8

You are the subject advisor for Life Orientation. You are visiting a school that used to be a Catholic Church school and still has close links with a nearby monastery. Many of the teachers are monks and nuns from the monastery. You listen to one of the lessons being given by a teacher who is a devout Catholic. She is giving a lesson on HIV/Aids and explains to the learners that the only way to avoid becoming infected is to abstain from sex until you are married and then to be faithful to the one partner.

One of the learners says that this is impossible because everyone has sex before marriage and if they are sensible they will practice safe sex and wear a condom.

The teacher responds by saying that condoms are evil because they prevent life and that to wear one is to go against the will of God.

It so happens that this teacher is also the senior mathematics teacher in the school and is respected by everyone for the wonderful matriculation results she achieves year after year.

1. How would you go about explaining to the teacher the importance of separating her own personal religious views from her professional position and views in the classroom?
2. If she feels unable to adopt a professional viewpoint, would you then advise that she no longer teach Life Orientation?
3. What does having a professional viewpoint mean in this situation? Does this mean following school and government policy, legislation and regulation and the C2005 Life Orientation curriculum?
4. What ought you to do when your personal values come into conflict with your professional duty?
5. How would you ensure that the teacher actually knows about the relevant policy and curriculum?

Islamic Ethics

In South Africa Islam has a minority status, but globally it is the second largest and fastest growing faith, and its following includes about 40 per cent of Africa's total population. To appreciate Islamic ethics it is vital first to understand Islam, a religion that has its origins in seventh century Arabia and has grown to become a global faith with approximately a thousand million followers spread all over the world.

The word Islam itself means peace; however, in its religious sense it implies “engaged surrender”, or submission to God's will or *Allah*. The central belief in Islam involves the acceptance of God's unity or oneness, the acceptance of Muhammad as God's prophet and messenger, and the sacredness of the Holy Qur'an revealed by God to Muhammed. *Shari'a*, commonly referred to as Islamic law, derives from the Qur'an and for most Muslims serves as the “legal and ethical system” of Islam (Sachedinna, 1999).

The general character of Islamic ethics

Since Islam does not strictly separate “religious” from “worldly” pursuits, its ethics stem from the religion itself (Faruqi, 1989). Given the centrality of the doctrine of the unity of God, ethics in this tradition tend to be God-centred. In other words, it is God's will and “law” that becomes the basis for evaluating human conduct and ethical behaviour. Human actions in such a “God-centred” worldview are often driven by the goal to serve, submit and surrender to *Allah's* will.

Sources of Islamic ethics: The Qur'an, Muhammad's example and *Shari`a*

The Qur'an

The Qur'an not only gives general guidelines about the beliefs and religious practices of Muslims, but is also the central source for deducing Islam's ethical and moral guidelines (Izzi Dien, 1992:26). These moral guidelines emanate mostly from Quranic passages that describe the attributes of the Muslim God. For instance, the Qur'an presents God as a possessor of “the most beautiful names” or attributes (Ahmed, 1993:36). To cite a few of these attributes, God is called “the most merciful”, “the compassionate”, “the forgiving”, and “ultimate peace”. From these descriptions, we can see that “good” Muslims are those who are perceived to be developing these attributes within their own selves.

Prophet Muhammad's example

In the Muslim tradition, Prophet Muhammad is virtually inseparable from Islam. Thus his conduct, teachings and example constitute a major source for Islamic ethics. As the embodiment of human perfection, Muhammad's conduct and behaviour becomes the norm and standard through which the “ethical ideals” of the Muslim community are often judged. For instance, Islamic ethical attitudes towards the environment derive mostly from Muhammad's teachings and personal conduct.

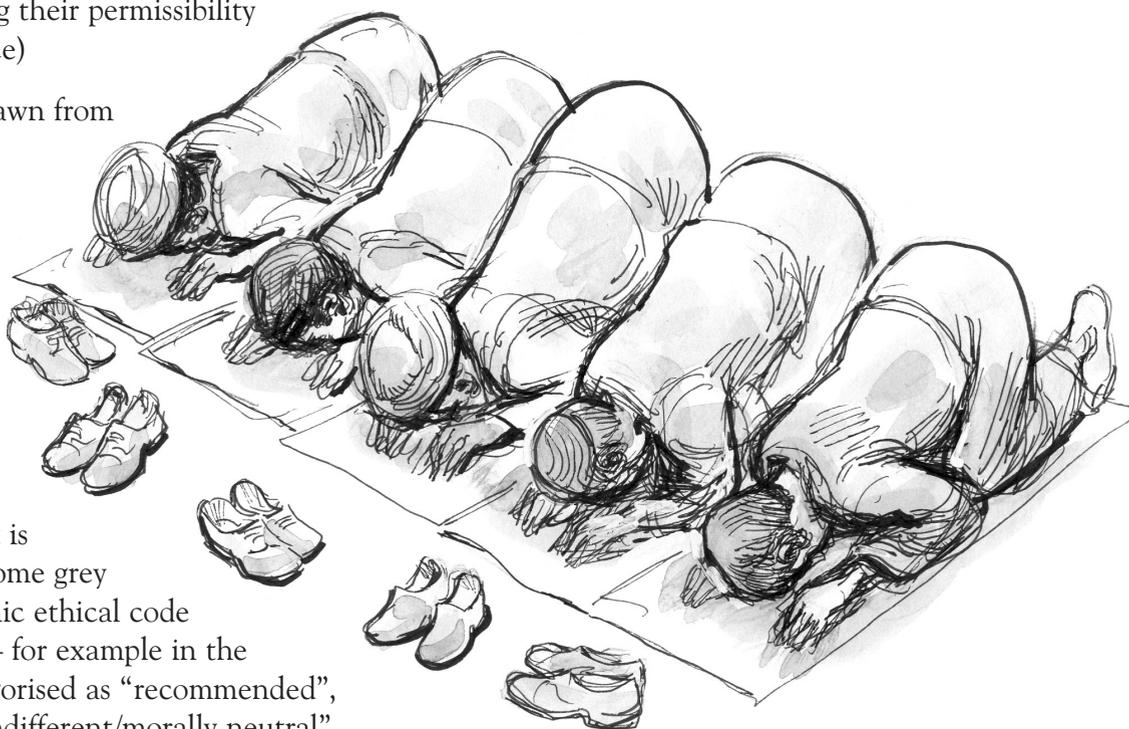
An example is Muhammad's injunction: "In avenging the injuries caused to you, do not destroy their means of subsistence, neither their fruit trees, nor their date palms" (Booker, 1998:81) which makes it clear that even in times of war, the natural environment should be protected.

The *Shari`a* (Islamic law)

The *Shari`a* is a vital resource for the systematic regulation of Muslim life and activity. It contains all rules concerning prohibitions and what is permissible, covering a range of activities from ritual observances to daily social transactions (like commercial and family laws). Thus for most Muslims the *Shari`a* represents the very will of *Allah* that must be carried out through its application in daily life (Moosa, 1994: 218). To facilitate this acting out of God's will, the *Shari`a* classifies human actions into five basic categories. These are as follows:

- Obligatory acts (for example the prescribed five daily prayers, fasting in the Muslim month of Ramadan, alms to the needy, pilgrimage to Mecca and defending one's faith)
- Recommended acts (like visiting the sick, kindness to animals, respect for the environment)
- Reprehensible but not essentially forbidden acts (like silence against injustice, smoking)
- Forbidden or reprehensible acts (stealing, bribery, cheating, dishonesty)
- Indifferent or morally neutral acts (actions on which the Qur'an, Muhammad's example and Islamic law are either vague or silent regarding their permissibility or non-acceptance)

Two points can be drawn from the above. First, the classification suggests that there is a close relation between ethics and law in Islam. Forbidden acts may be punished and acts classed as obligatory may in some cases be enforced. Secondly, it is clear that there are some grey areas where the Islamic ethical code becomes ambiguous – for example in the actions that are categorised as "recommended", "reprehensible" or "indifferent/morally neutral".



In these cases the law becomes neutral so that actions which may be judged undesirable or harmful are nevertheless exempted from civil penalties.

An ethic of action

Amongst other descriptions, Islam is often described as an “action based” religion. In other words, beliefs must be accompanied by necessary actions. The ethical implication is that intention to do good is not sufficient. From the Islamic perspective, good intentions must translate into good actions. For example, if a teacher notices that there is a child with a drug problem in her class, it is not enough for her to sit and think about how much she would like to help that child. The teacher must take some kind of action. To support this view Muslims often cite numerous statements from Muhammad, and perhaps the most popular is the following:

Whoever amongst you sees an evil or wrong, change it by your hand, and if unable to do so, talk against it, and if unable to talk against it, then at least reject it with the heart, and rejection by heart is the weakest form of faith.

What constitutes true morality? A modern debate within Islam

Like all religious traditions, Islam inspires different forms of worship and therefore generates diverse views on ethics and morality. For example, some Muslim countries such as Saudi Arabia and Sudan have made *Shari'a* the law of the land and even in countries with secular democracies, some Muslims still insist that *Shari'a* should govern them. Can it be assumed from these cases that Muslim ethical conduct is only achieved through the enforcement of God's law? And is an enforced morality a true morality? Does the Islamic tradition have other perspectives which place more value on free will?

A response to this question takes us back to Muhammad who represents the “ethical ideal” for Muslims. Some Muslims argue that Muhammad's own personality reflected a compassionate and forgiving God rather than a wrathful and punitive God, and they advocate a less legalistic ethics with more emphasis on compassion. This approach to Islamic ethics is found mostly within the Sufi or spiritual/mystical dimension of Islam. While the Sufis accept the significance of Islamic law, they argue that an enforced morality cannot serve as the basis of true morality. True morality for them is achieved when humans act out of love rather than fear of God's anger, punishment and retribution. Such love is achieved when individuals are detached from the material and physical world and have moved towards a closer union with God. In other words, true morality cannot be realised through rigid application of Islamic law, but through the voluntary surrender of the individual or community to God's will.

To sum up it can be noted that morality in Islam is based on the following basic beliefs and principles:

- Allah is the source and creator of all goodness, truth and beauty.
- Humans are representatives or “agents” of God on earth.

- Allah as a just God does not place unnecessary burdens on humans.
- The ultimate goal is to attain the pleasure of Allah.

Accordingly, Islam has laid down religious and social duties that have moral and ethical implications. Whether through rigid adherence to the law or voluntary and heartfelt surrender to God's will, these are meant to assist Muslims in their quest towards moral progress and the improvement of human relations.



Activity 9

You are a district superintendent. One of the secondary schools in your district is a former Model C school that still has a largely white and Christian staff. Over the last three years the number of Muslim students has increased dramatically. At the beginning of the school year, the principal, the Senior Management Team and the School Governing Body implement a policy that commits the school to:

1. Having assemblies twice a week, during school time, which all educators and learners must attend. At the assembly, in addition to an address by the principal, there will be a reading from the Bible, a Christian Hymn and a Christian prayer.
2. No Muslim students will be allowed exemption from school rules in regard to school uniforms and personal appearance.

As a consequence of this policy, on the first day of the school year, a number of Muslim boys are sent home for having beards (*sunnah*) and girls *hijab* (head scarves).

The Muslim parents immediately take up the matter with the SGB and the principal. They are told that the policy was agreed to by a majority of the SGB and is supported by the majority of parents. These parents then approach you as the District Supervisor. You quickly realise that while you must implement the law, you also need to go beyond this to address the underlying issue of religious intolerance.

1. What would you do to make sure that the SGB understands and implements policy?
2. How are you going to promote freedom and respect for the different religions?

Hindu Ethics

Hinduism is the third largest religion in the world (after Christianity and Islam) with 900 million followers, including over 80 per cent of India's population. "Hinduism" is really a recent Western name for the oldest of the Indian religious traditions. The preferred Hindu name for their own spiritual heritage is "the eternal way", which reminds us that, unlike Christianity and Islam, Hinduism had no specific historical founder.



The diversity of Hinduism

Hinduism is a cultural and historical tradition so rich and complex that some see it as a "federation" or plurality of religions rather than a single religious stream. An amazing variety of religious beliefs, practices, customs and trends can be found within the wider Hindu universe. To give just three illustrations of this variety:

1. There are a number of ways or paths in Hinduism that will enable the seeker to achieve final spiritual liberation from the problems of suffering, bondage and ignorance. A Hindu may choose whichever path fits his/her circumstances. The three main paths are:
 - The path of works done in the right spirit, a spirit of unselfishness;
 - The path of inner spiritual realisation;
 - The path of loving devotion to a personal God (e.g. Shiva, Vishnu) or the great Goddess.



Following one or more of these three paths will eventually bring the seeker to a genuine realisation of, and encounter with, the one Divine Reality (which of course has many names and many different manifestations: Shiva, Vishnu, Krishna, Durga, Ganesha, Lakshmi and so on).

2. There are many Hindu Scriptures, and a Hindu may choose to focus on one (or more) of these Scriptures as his or her preferred holy book; this might be the popular Bhagavad Gita, the time-honoured collection known as the Four Vedas, or the Ramayana with its colourful stories and characters.
3. It is sometimes said that *ahimsa* (practising non-harmfulness toward all living creatures, a theme stressed by Mahatma Gandhi) is universal in Hinduism. This is not really the whole truth; once again, we encounter a number of different viewpoints! While many Hindus (especially Gandhi) have indeed followed a consistently non-violent lifestyle, other Hindus have supported what the West sometimes calls the "just war" teaching – i.e. certain types of wars are acceptable provided they are carried out in a spirit of restraint and in self-defence. Some Hindus interpret the Bhagavad Gita as teaching non-harmfulness, while others see it as supporting the "just war" teaching.



Hinduism, then, is a diverse complex of traditions, and this diversity continues into modern Hinduism, as we will see below.

Hinduism as a Way of Life

With its diversity of paths and religious orientations, we can see that Hinduism is a tolerant and flexible spiritual tradition. However, this freedom of choice lies mostly in the realm of beliefs and ideas and does not always extend to religious practice and social organisation. Religious and social practice in Hinduism is crucially important and is often seen as more fundamental than rational understanding. This practice or “doing” can take many forms: popular worship, various ritual performances, yoga, prayer, chanting, good deeds, participation in festivals, pilgrimages, and, very importantly, fulfilling one’s role as a family member. These activities are strongly based on tradition, custom and conformity, which stands in contrast to the freedom and flexibility allowed in one’s choice of paths, scriptures and deities.

Some people see Hinduism as the most “otherworldly” or spiritual of the world’s religions with its vast pantheon of deities and the frequent emphasis on renunciation of the world and the ego (or self-interest). Many Hindus do pursue their spirituality by leaving behind the “things of the world” and there is a strong tradition in India of providing support (in the form of food and donations or *dana*) to those communities and individuals who renounce worldly pursuits and devote themselves to spiritual practice. Yet the otherworldly model clearly does not do justice to the full range of Hindu values as can be witnessed by the “four goals of life”, which are:

- moral and ritual action.
- economic and political activity.
- desire and pleasure (including sensual and sexual desire).
- ultimate spiritual liberation.

One of the most significant teachings of the Bhagavad Gita is that you do not need to leave the world and society behind in order to find God. According to the Gita, you may continue to act fully in the world, but you should do so in a spirit of “action without attachment” i.e. action without desire, without ambition, without selfishness and without vested interest.

Karma and Dharma

If one wants to understand the basic workings of Hindu morality, a good place to start is with the two important themes of “karma” and “dharma” as these two themes have been accepted by all branches of Hinduism. To start with a simplified account, we might say:

1. Karma means *actions* (i.e. any actions, whether right or wrong) as well as the consequences of these actions;
2. Dharma means *right/appropriate actions* (including moral actions, and appropriate ritual actions).

Karma is linked to the idea of reincarnation, which holds that when your body dies at the end of this life, the real eternal “you” (or eternal self) lives on in body after body, life after life. The general circumstances of each reincarnated life (i.e. one’s physical health, material wealth, etc.) are governed by the law of karma, which can be understood as an automatic moral/spiritual law of cause and effect. In the words of the traditional saying, “As you sow, so shall you reap”. Act morally, and this will affect your future lives for the good; act selfishly and negatively, and in your future lives you will experience negative and miserable circumstances. The law of karma does not mean that there is no human freedom or that everything is always pre-determined. Although what a Hindu is right **now** is a result of past (and unchangeable) forces and influences, from this moment on the Hindu is relatively free to shape his or her own future destiny. Thus moral considerations lie at the heart of Hindu teachings.

When the West first encountered Hinduism, the question was soon raised: Doesn’t a belief in karma lead to a lack of concern for human suffering? If we are all working through the consequences of our own past actions, why interfere and help those who are suffering? If something bad happens to you, you must “deserve” it and why should I help you? But for Hindus, karma is a universal law and it is not for humans to understand or judge its justice. The clear moral duty for Hindus is to help people in need, and by doing so sincerely, they improve their own karmic situation.

While karma refers to a universal law of cause and effect, the concept of dharma suggests something towards which Hindus can strive. It has two meanings:

1. Applied to the universe, dharma implies a coherent order or pattern which governs the universe and the natural world and is sometimes translated as “**truth**”.
2. Applied to the human and social realms, dharma implies proper action, right action or moral action, and is sometimes translated simply as “**duty**”.

The link between these two meanings is simply this: “dharmic” action is right action *that conforms to the order* that lives in all things.

Some dharmic virtues are universal and obligatory for everyone (e.g. truth-telling, self-control, patience, hospitality, kindness and honouring parents), while other applications of dharma are “contextual”, depending on class or caste you belong to and the stage of life you are passing through.

The four **classes/castes** you may belong to, from high to low, are:

1. (a) Brahmins [e.g. priests].
- (b) Rulers/warriors.
- (c) Farmers/traders.
- (d) Servant (workers).

2. The four *stages-of-life* you are passing through are:

- (a) Spiritual student.
- (b) Married householder.
- (c) Contemplative forest-dweller.
- (d) Sannyasi (a devout holy wanderer).

Dharma, then, is often contextual: the dharmic obligations of a married warrior will not be identical to the dharmic obligations of an elderly (and celibate) brahmin wanderer.

The most useful sources of Hindu values would include certain Hindu Scriptures as well as the living examples of Hindu teachers and holy people. In Scriptures like the Great Epic, the popular Ramayana, and the Gita can be found many useful models of practical dharma – people whose lives are characterised by virtues like courage, unselfishness, faithfulness, honesty, and so on. The heroic Rama and his wife Sita (in the Ramayana) are two of the best known of these morally admirable characters.

Revitalising Hinduism

During the last century or so, many Hindus have set out to revitalise their tradition. This revitalisation includes at least two elements.

Firstly, calling people back to certain fundamental teachings of Hinduism:

- There is one ultimate Divine Reality.
- Hindus need to combine their religious practices with genuine spiritual development.
- Unselfishness and compassion are key Hindu virtues.
- Spiritual liberation is the result of increasing closeness to God.

This emphasis on religion as a force for good is echoed in the most popular of the modern Hindu festivals, Diwali, which symbolises the triumph of light and goodness over darkness and evil.

Secondly, Hindus are criticising what are seen as regrettable developments and innovations that emerged during Hindu history:

- The widely criticised caste system.
- Child marriage.
- Widow-burning.
- A relative lack of humanitarian concern in previous centuries.



Mahatma Gandhi, Dayanand Saraswati (of the Arya Samaj), the well-known Vedantist sage and leader Swami Vivekananda, and Swami Prabhupada (of the devotionally-minded Hare Krishna) are just a few examples of modern Hindus who consciously revitalised their tradition. Gandhi is of particular interest: he taught that the moral dimensions of Hinduism should take precedence over all other dimensions, and he acted out in his own life the practice of *satyagraha* (putting truth into practice in an actively concerned yet non-violent manner).

One modern Hindu thinker, troubled by the moral conservatism of some aspects of Hinduism, has called for Hindus to progress from a “must-consciousness” and a traditional atmosphere of duty, to an “ought-consciousness” and an atmosphere of virtue. In other words, don’t do things because you feel that you “must” do them; do them when you yourself understand and sincerely accept the call of genuine moral obligation.



Activity 10

You are the vice-principal of a secondary school in which the majority of staff and students are generally sympathetic to a Christian outlook on life. In recent years, your school has seen an increase in the number of Indian students (these include both Hindus and Muslims, as well as a few Indian students from conservative Christian backgrounds).

Some of the Hindu students feel that there is much ignorance about India and Hindu cultural life, and they ask permission to put up a number of relevant posters and documents in the school resource centre. They are granted permission to do this.

Sections of the display contain:

1. A poster listing the advantages (in terms of both personal health and the economical use of agricultural resources) of a vegetarian diet.
2. Photographs of some of the images of God (e.g. Shiva, Krishna) that are used in popular devotional worship in Hindu temples and homes.
3. The following quotation from a modern Hindu teacher: “Zoroaster, Krishna, Buddha, Jesus and Muhammad each gave the world valuable spiritual lessons about God-realisation”.

Some Christian and Muslim students complain that the display shows an insensitivity towards their own deeply-held religious convictions, and an argument develops among the students. (Questions that arise include the following: Are the Hindus trying to portray what Christians and Muslims might see as "Idol-worship"? Are the Hindus implying that the different religions of the world are "on the same level", or that they are all valid ways to God?)

The argument becomes confrontational, and the Muslim and Christian students go to the principal and tell her that they will organise a protest unless the Hindu students make a formal apology.

The following day, when the students arrive at school, a group of Muslim and Christian students confront the Hindu students and try to prevent them from going to class.

You (as vice-principal) are asked to try to resolve the situation. You are a teacher with many years' experience. When you arrived at the school you were a Methodist Christian, but now you happen to be agnostic about all forms of religion.

1. What would you say to the students in your efforts to find a way forward?
2. Does your school policy address issues of religious intolerance?
3. The protesting Christian and Muslim students are guilty of aggressive behaviour that clearly violates school policy and regulations. However, their behaviour is partly driven by their belief that their religion is somehow being 'harmed' or 'denigrated' or 'profaned'. How would you go about educating them that this is not the case? That Hindus have a right to freedom of expression and religion and that this kind of toleration ought not to be seen as a threat to their own religion.

Buddhist Ethics

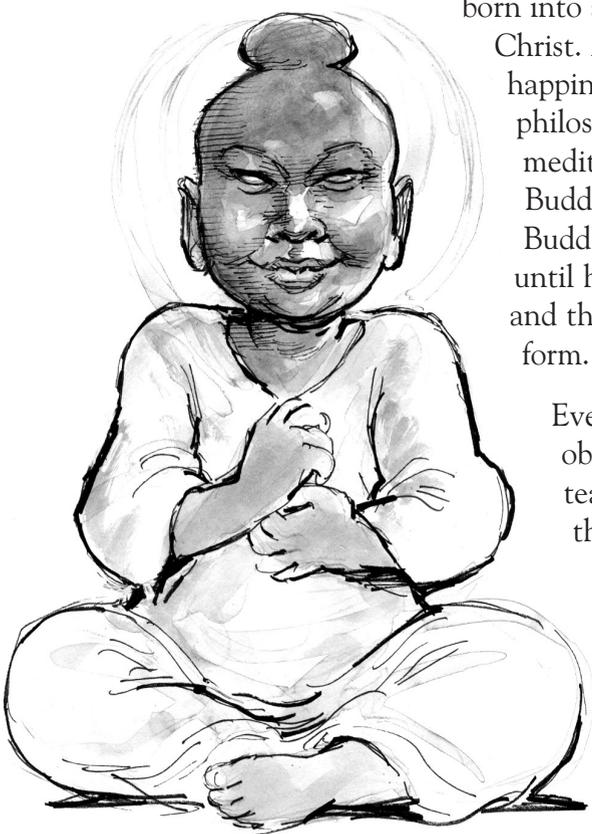
Buddhism is the fourth largest religion in the world (after Christianity, Islam and Hinduism). Like the other religions we have discussed, Buddhism takes many different forms, depending on the culture and context in which it is practised. In South Africa we have a small number of Buddhists from eastern countries (e.g. India, Burma and Thailand) and, more recently, a small but growing number of South African followers. In this section we will look briefly at the life and teachings of the Buddha, and then focus on the possible reasons for Buddhism's growing popularity among westerners and its impact on modern ethics.

Buddhism has been described as a pragmatic religion. It does not speculate about the origins of the universe, there is no worship of a God or deity, and it provides a set of practical methods (e.g. moral precepts and meditation techniques) for followers to apply in their everyday lives.

Buddhism places a high value on direct experience and asks its followers to take nothing on faith, but to test the teachings for themselves. The teachings provide an in-depth analysis of the human condition and point towards the possibilities of spiritual transformation.

The life of the Buddha

The word Buddha means “the awakened one” and is the name given to Siddhartha Gautama, a man who became enlightened (or awakened) so that he saw and understood the true nature and purpose of life. Siddhartha Gautama was born into a royal family in Northern India about 600 years before Christ. At 29, he realised that wealth and luxury did not guarantee happiness, so he explored the different teachings, religions and philosophies of the day until, after six years of study and meditation, he became enlightened. After his enlightenment, the Buddha spent the rest of his life teaching the principles of Buddhism – the *dhamma*, or “truth” – to his disciples and followers until he died. Over the next few centuries, the Buddha’s teachings and the oral traditions of his followers were collected in written form.



Everything that the Buddha taught was based on his own observation and he encouraged his disciples to accept his teachings only if they could be verified with experience, with the famous words: “Be a lamp unto yourself”. It is clear from this instruction that for Buddhists, ethical choices will always be based on personal experience and reflection, however they are also guided by the Buddha’s teachings on *sila* (morality) which is said to lay the foundations for the spiritual path. In order to understand Buddhist ethics, it is first necessary to understand the basic teachings contained in the Four Noble Truths and the Noble Eightfold Path.

The Four Noble Truths

The first sermon the Buddha gave after his enlightenment was about the four noble truths. The first noble truth is, in the Buddha’s words, “There is suffering” – in other words, life can be frustrating and painful. Even if things are fine with us at the moment, if we look around we see other people suffering, and we always know that we ourselves will some day grow old, get sick and eventually die. Nothing in this world is permanent, and we will one day lose everything and everyone we love. The second noble truth is that suffering has a cause. We suffer because we are constantly struggling to prove our existence and permanence by clinging to things that make us feel more real and important and less alone (e.g. money, status, relationships) and rejecting things that remind us of the hardship and impermanence of life (e.g. poverty, ageing, loneliness, death).

The third noble truth is that the cause of suffering can be ended. We end our own suffering by dropping all our expectations about how things should be, and seeing things “as they are”. This is the fourth noble truth: the way to end the cause of suffering, which is known as the Eightfold Path.

The Noble Eightfold Path

The path to liberation from suffering has eight points, which are divided into three elements: Wisdom, Morality and Meditation, as follows:

Wisdom	1 Right Understanding
	2 Right Thought
Morality	3 Right Speech
	4 Right Action
	5 Right Livelihood
	6 Right Effort
Meditation	7 Right Mindfulness
	8 Right Concentration

Right Understanding requires that Buddhists have heard, understood, experienced for themselves and accepted the truth of the Buddha’s teachings on suffering and impermanence contained in the Four Noble Truths.

Right Thought proceeds from Right Understanding. Having accepted that we create our own suffering by clinging to self-importance, Buddhists try to abandon their self-centred expectations, hopes and fears. Once they no longer need to manipulate the world or other people to fit their expectations, their intentions are more pure and they are more likely to treat themselves and others with respect and compassion.

Right Speech flows from Right Thought. Once one’s intentions are pure and one is no longer trying to manipulate people, one can speak with honesty and kindness. Right Speech means not telling lies, not gossiping or slandering, not swearing and not wasting people’s time with frivolous chatter. It is about being truthful and productive with one’s speech.

Right Action is about decent behaviour and contains the following five precepts:

Do not kill (humans or animals)

Do not take what is not given

Avoid sexual misconduct

Do not lie

Avoid intoxicating drink and drugs

Right Livelihood refers to how one makes a living. The fundamental Buddhist principle of harmlessness means that one should not engage in any occupation that causes harm to people, animals or the environment. Right livelihood also means living simply, consuming only what is needed and sharing wherever possible.

Right Effort is about commitment to the spiritual path and the daily practice of meditation. For Buddhists, it is not enough to understand and accept the Buddha's teachings. One must also work hard to purify the mind of "unskilful" thoughts and habits (e.g. greed, hatred, laziness, anxiety) through meditation.

Right Mindfulness is a quality cultivated by meditation and (ideally) practised in all the details of daily experience. The Buddhist's goal is to be mindful at all times, doing one thing at a time with focused awareness. Mindfulness is also sometimes described as "appreciative awareness" – being present in the "here and now" and appreciating the beauty and wonder of the world and the people around us.

Right concentration or *samadhi* is a state of mind achieved first in meditation, and then gradually developed as a more permanent state of mind. Buddhists struggle to describe the experience of *samadhi* as it is a realisation of "the ultimate nature of reality" and therefore goes beyond words and concepts.

It is clear from the Eightfold Path that morality and ethics are a central concern in Buddhism. The teachings on right speech, action, livelihood and effort give clear guidance to Buddhists on how to conduct their daily lives. Like Hindus, Buddhists believe in reincarnation and karma, which means that all beings will bear the consequences of their actions, whether for good or ill, in this lifetime and future lifetimes. There is therefore no concept of sin or guilt, but Buddhists know that they carry the final responsibility for all their ethical choices.

Buddhism in the west

Buddhism has gained popularity in the west over the last 30 years, with hundreds of Buddhist centres established throughout America, Europe, South Africa, Australia and New Zealand. As a result, a new form of "lay Buddhism" is emerging, less "religious" and more philosophical than its traditional forms in the east, addressing the issues and concerns of contemporary western culture and engaging with its dominant influences, such as the Judeo-Christian tradition, psychotherapy and modern science.

Why should an ancient eastern philosophy be so interesting and appealing to modern westerners? There are many possible reasons, but let's consider just two: Firstly, Buddhism does not ask us to "believe in" anything, but simply provides a logical description and explanation of how the human mind works.

Only if this explanation makes sense according to personal experience, is one advised to explore the teachings further. The rationality of this approach often appeals to those westerners who struggle to experience the faith required for a sense of religious belonging and who are educated in the rational principles of science and psychology (Buddhism attracts a great many academics and psychologists). Secondly, Buddhism outlines an approach to dealing with the materialism and competition that characterise western capitalist societies. The teachings on impermanence remind us that material wealth cannot make us happy in any lasting way, and encourage us to seek out a more reliable source of peace and happiness in the mindfulness that is cultivated through meditation. For many westerners, meditation helps to alleviate the stress of modern life by returning the mind to stillness and simplicity.

With its growing influence in the west, Buddhism makes its own contribution to our understanding of ethics. For example:

- The principle of harmlessness promotes non-violence.
- The understanding that Buddhism is not for everyone promotes religious tolerance. (Buddhism is one of the few religions that has never had a holy war waged in its name.)
- The teachings on interconnectedness (i.e. that all living beings are interdependent) encourage respect for the natural environment.
- The concept of karma encourages us to take responsibility for our thoughts, intentions, speech and actions since we will be the ones who bear their consequences.

Chinese Ethics

“Chinese traditional religion” refers to a combination of Confucianism, Taoism and Buddhism, as well as other traditional local practices and beliefs. For most religious Chinese who do not follow a religion such as Islam or Christianity, these different ancient Chinese philosophies and traditions form a single composite religious culture and worldview. For centuries Confucianism was the “official” Chinese outlook on things and therefore the dominant moral and social influence. Chinese religion has usually had a practical and worldly orientation, so in China (as in Africa) it is sometimes difficult to make clear distinctions between culture and religion.

Distinctive features of Chinese traditions

As there are so many forms, varieties and aspects of Chinese traditions, we will begin by highlighting two broad ways in which Chinese religion differs from most other religions:

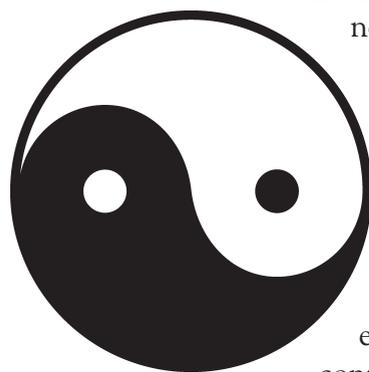
1. While most religions demand their followers’ exclusive faith and commitment, in China it is common for an individual to live like a Confucian and a Taoist and a Buddhist, one after the other or even at the same time. Each tradition has proved to be valuable in different contexts and on different occasions.

During your working life, you might be a Confucian; in retirement, you would favour Taoism; and when death has become your main preoccupation, you might pay more attention to the Buddhist way. (Another version of this reads: “When things are going well, you are a Confucian; when things are going badly, you are a Taoist; and when death is fast approaching, you turn your attention to Buddhism”.)

2. The dominant Chinese view about human beings is a generally positive view: humans can learn to develop and channel the basic goodness they already possess, and bring about harmony in a problematic world. (Harmony, whether pursued as harmony in society or harmony with nature and the universe, is a central Chinese theme.) This is very different to the emphasis on sin, guilt and human wickedness found in some Christian and related contexts.

The three “great ways” (Confucianism, Taoism, and Buddhism) developed and flourished against a background of diverse Chinese “popular” or “folk” religions, which included elaborate practices and beliefs. These popular Chinese traditions have more in common with African traditions than any of the other traditions we have looked at, sharing beliefs and practices such as divination, exorcism, mediums, magic, gods and spirits, ghosts and demons, spells and charms, good luck and bad luck, and ancestor veneration. Like African traditional ethics, Chinese ethics also emphasise the centrality of the family in spiritual and moral development. Respect for parents, elders and ancestors has been a constant in Chinese life.

Confucianism, Taoism and the popular religions of China have always believed in two basic energies or forces that pervaded universal reality, i.e. the yin and the yang.



Traditionally, yin represents that which is passive, female, negative, cool, wet and dark; and yang represents that which is active, male, positive, warm, dry and light. Everything we see in the world around us is the result of a myriad of different combinations (in different proportions) of yin and yang. The wise thing to do is not to ignore yin in favour of yang, or vice versa – it is to bring about a state of harmonious balance between these two universal energies. The ancient symbol represents this balance, where yin and yang exist equally together in a balanced and dynamic whole, with each containing part of the other.

Another important term one encounters in Chinese moral and religious history is “Tao”. The famous saying is that “The Tao that can be spoken is not the true Tao”, pointing to the difficulty of putting such an abstract concept into words. Nevertheless, we can identify two significant ways in which the concept has been interpreted:

- Tao as the dynamic unity and coherence of the whole universe/cosmos.
- Tao as the proper way to live, a way that will bring you into harmony with the universal Tao.

Confucius and his Legacy

Confucius (551-479 B.C.E.), founder of Confucianism, has often been seen in a somewhat negative light as someone who reinforced conservative and traditional views. This is not the whole truth. While Confucius certainly did value traditional things like respect for elders and reverence for the past, and saw himself as a transmitter of the classic texts and traditions, he was also to some extent a reformer who tried to improve on the things that he found in his society. The times in which Confucius lived (during the Chou Dynasty) were troubled and sometimes brutal, and his emphasis on genuine moral humaneness counterbalanced this. Two of the new things emphasised by Confucius were:

1. Education is for anyone and everyone, not just for the privileged few. What matters is the “nobility” of your mind and spirit, not the nobility of your birth. His view of learning was not limited to gaining merely factual knowledge; instead, learning should positively guide human conduct and have a moral purpose.
2. Moral activity must be sincere and honest, without overtones of manipulation and selfish calculation.

Confucius was a moral and social reformer rather than a significantly “religious” figure. Many have referred to his teaching (rightly) as a “humanistic ethic” or an “ethical humanism”. Although Confucius did believe in the gods and other religious realities and obligations (e.g. the importance of offerings to the ancestors), his main concern was for the practical situations of human living and human relationships. He is reported to have said: “Respect the spirits while keeping them at a distance.”

His basic account of morality was not a complicated one in which rules, abstractions and calculations dominate the scene; rather, Confucius believed that a life of unselfish goodness would flow almost naturally from a person whose character is steadily becoming disciplined, wise and humane. Such a person can be called a “noble person”. The noble person is characterised by harmony as well as a mature balance between extremes. Such a person will observe all the desirable virtues – humaneness, self-control, self-respect, unselfishness, fairness, courtesy, and so on.

For Confucius, “humaneness” (humane moral goodness) is the central virtue and the very goal of human life. The quality of humaneness includes elements such as benevolence, concern for others, consideration, and justice. Humaneness can be enhanced by practising *li* (a Chinese term which is almost impossible to translate). To oversimplify: *li* could be seen as the outward manifestation of the inner virtue of humaneness; *li* would include things that later centuries came to call manners, etiquette, and good taste. These latter things shouldn’t be despised and ignored; the mature practice of humaneness includes the “small” things as well as the deeper and more profound things.

One of the most important manifestations of humaneness is reciprocity (mutuality, empathy). Reciprocity is best illustrated by the so-called silver rule: “What you do not wish others to do to you, you should not do to them”.

Understanding humaneness and reciprocity will help one to understand Confucius' teaching about "right relationships" within society, especially the celebrated relationship between parents and children. Maintaining these relationships upholds harmony in the world. The five great relationships are:

- Ruler – Subject
- Father – Son (Parents – Children)
- Husband – Wife
- Older brother – Younger brother
- Older people – Younger people

Confucius has been criticised in modern times for regarding the one side of the above relationships as the superior side (ruler, father, husband, older brother, older people) and the other side as the subordinate side (subject, son, wife, younger brother, younger people). The modern Chinese thinker Kang Yuwei, who died in 1927, reinterpreted Confucius' virtue of humaneness in terms of the full equality of human beings.

As we indicated earlier, harmony is a very important theme in Chinese cultural and historical contexts. Whereas the basic concern of Confucius was the value of harmony in family, social and ancestral contexts, Taoism tended to emphasise harmony with nature and the universe at large. The Taoists felt (against the Confucians) that civilised society tends to throw up many obstacles to one who is trying to live morally and authentically.

Early Taoist Teachings

We are concerned here only with "early contemplative Taoism" (which began in the late B.C.E. centuries), and not the popular "religious" Taoism which flourished in later times.

Early Taoists believed that trying to impose social and moral rules on people is likely to spoil and stifle their human potential. Human action that is natural and spontaneous will achieve far more than obedience to moral frameworks. It was believed that the whole universe is pervaded by a mysterious and elusive sacred power known as the Tao. Tao is the pattern of cosmic order; it is the unity of all things, the coherence of all things. It is beyond human understanding, yet one can orient one's life around it and towards it.

To live properly is to live your life in line with the Tao (rather than against the Tao), i.e. to go with the natural flow of things. To use a famous image, try to be like water. Water seems much weaker than more solid things, and yet it has an amazing capacity to carve out channels and make differences to the shapes and landscapes of the world. "Act without acting", says the Taoist, which really means, "act spontaneously without strain or effort". Taoism (like Buddhism) believes that most of the problems of human life come from the multiplicity of desires and cravings and ambitions which people are subject to.



Natural living, meditation, and correct diet can help to reduce these problematic tendencies. Compassion will flow from a spontaneous and authentic life rather than from the observance of principles and rules.

The teachings of contemplative Taoism can be found in the ancient Taoist text known as the *Tao te Ching*, as well as in a later text called the *Chuang-tzu*. The *Tao te Ching* is a short but enigmatic and paradoxical book. Its basic message (“live your life according to the Tao”) went hand in hand with an emphasis that the best ruler is the ruler who interferes least with the affairs of the country’s citizens. In the *Tao te Ching* there appear to be some passages that are critical of Confucian teachings (here is one example, from chapter 19):

*Discard “wisdom”, throw away “knowledge”;
The people will benefit a hundredfold.*

*Discard “goodness”, throw away “morality”;
The people will turn back to respect and caring.*

In turn, Taoism was then criticised in later (medieval) times by Confucian philosophers, who accused the Taoists of being too anti-social and individualistic.

Buddhism in China

Buddhism reached China in the first century C.E., and gradually took root in different forms. The dominant form was *Mahayana* (Great Way) Buddhism, which lays special emphasis on compassion for others and on the profound interconnectedness of all existence.

Not long after Buddhism had entered China it became clear that there was some common ground between Taoism and certain Buddhist concepts. What the historians know as Ch’an Buddhism in China (its later and more familiar name in Japan and then in the West was Zen Buddhism) was the result of a creative blending between Taoism and Chinese *Mahayana*. Like Taoism, Ch’an/Zen favours directness, naturalness, and spontaneity and has some paradoxical and even playful elements. For example, consider the saying: “If a tree falls in a forest and there is no one to hear it, does it make a sound?”

Secular Ethics

We conclude this chapter with a brief look at secular ethics. Using Geering’s terminology (outlined at the beginning of the chapter), we have looked at examples of ethnic and trans-ethnic moralities in the form of religious beliefs and practices from around the world. In these examples, religion provides a basis for moral values. The third phase or form of morality mentioned by Geering is secular/global ethics – an approach to ethics that shares the desire for a better world or society, without requiring religious belief as the foundation of morality.



Geering's approach is inclusive and his concept of a secular/global ethics embraces both liberal and radical believers, as well as agnostics or atheists who do not ground their morality in religion at all. In other words, one can be either religious or non-religious and still value the importance of secular ethics because of its desire to create a better world in this present life in a way that is potentially global in scope. By contrast, none of the religion-based moral traditions has a following of more than one third of humanity. In this way, Geering's secular/global ethics is different from the secularist ethics of secular humanism, which rejects religion, and Marxism which adopts an explicitly atheist position and sees religion as "the opium of the masses".

When looking at the history of world religions, we can see that they have not always lived up to the values and principles professed by their founders and have often been the source of great conflict and suffering. Past violent crusades in the name of Christianity and *jihads* (holy wars) in the name of Islam are just two examples. The ongoing conflict between Israel and Palestine is another. A glance at the current global economy also indicates that, despite a common concern in all the world's religions for the plight of the poor and downtrodden, the rich are still getting richer and the poor are getting poorer. Furthermore, none of the great world religions has a good record for the equal and just treatment of women and some have introduced particularly oppressive beliefs and practices that have made women's lives extremely difficult. It is clear, then, that religious morality does not hold all the answers to the world's problems.

Yet the impulse to make the world a better place seems to be a universal drive. Non-religious movements, such as liberal humanism, Marxism and feminism, have emerged in response to the injustices and inequalities that religious movements seem unable to rectify, each making its own contribution to our understanding of ethics by promoting concepts such as universal human rights, democracy, social justice and gender equality.

Paul Kurtz provides an example of a non-religious secular humanist ethics grounded on human values based in this-worldly experiences and relationships. Kurtz believes that our values come from human nature, nature and our experience as human beings. He identifies what he calls the "Common Moral Decencies" as being integrity, trustworthiness, benevolence and fairness. You can see how similar these values are to those of the religious and cultural moralities we discussed earlier.

There is no space here for a detailed discussion of liberal humanism, Marxism and feminism, but in a sense these ethical movements inform the discussion throughout this handbook. All three movements have had a profound influence on South African politics, to the extent that we now have what is widely regarded as one of the most progressive constitutions in the world. And it is this constitution that provides the framework and the values for the SACE Code of Ethics. The South African Constitution and the SACE Code of Ethics are committed to an inclusive secular ethics as distinct from a secularist or anti-religious ethic and accommodates the ethical concerns of the diverse religious and non-religious groups within schools and communities in a way that treats each one fairly and equally.

Concluding remarks

It has not been possible in this short chapter to cover all the religions practised in South Africa. We have made no mention of Rastafarianism, or paganism or new age religions. For this we apologise and plead a lack of space as our excuse. Fortunately, many of the ethical principles and values that we have identified in this chapter are also found in these religions. This quick survey of the different ethical traditions that are prevalent in South Africa may give the impression that there are strong divergences and differences between the traditions. The use of terms such as “Western”, “Eastern”, “African” or even “non-Western” may strengthen this impression of divergence and difference. It would however be a serious error to conclude that the distinctive ethical traditions described above give us divergent moral directions. Certainly there is a very real element of divergence, but even more significant is the convergence – the agreement about certain core values. It is a striking fact that, quite independently and despite grounding their teachings in very different understandings of the sources of good and evil, the great ethical traditions of the world have at their heart much the same basic moral message: *a repeated emphasis on the need for active concern for others, especially those who are vulnerable, coupled with their common warning against selfishness and harm to others and their possessions.*



Activity 11

Now that you have completed this chapter, let's return to that committee meeting we found you in at the beginning of the chapter. Remember, you have been asked to chair the SGB committee that will develop your school's policy on religious practice. At the first committee meeting, you are introduced to the following parents: a Christian minister, a Muslim doctor, a Jewish accountant, a Hindu pre-school teacher, a Buddhist student, a Zulu sangoma, and a Confucian herbalist.

The meeting has just begun when the Christian minister says that the school policy on religious practice must include a return to the use of corporal punishment. A heated debate follows!

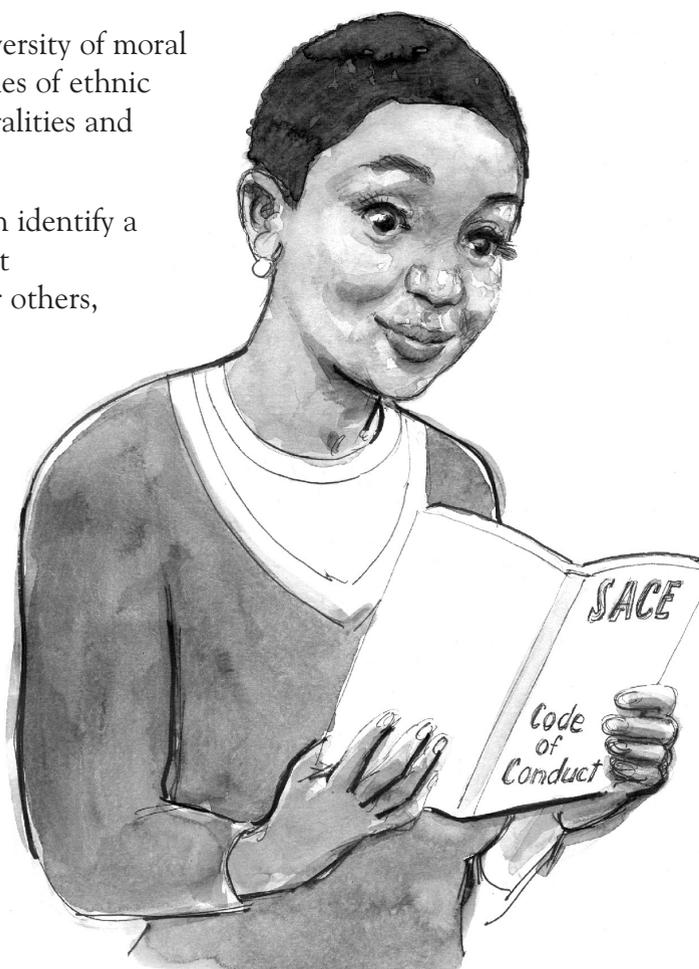
- What do you think? Does your religion promote the use of corporal punishment?

A short while later, the Buddhist student asks that meat be removed from the menu at all school events. This leads to a debate about other food related issues such as eating pork, vegetarianism and alcohol.

- What do you think your school policy ought to be on food and alcohol at school events?
- What would you include in your school's policy on religious practice?

What have we learnt so far?

- South Africa has a great diversity of moral traditions, including examples of ethnic moralities, trans-ethnic moralities and secular global morality.
- Within this diversity, we can identify a common moral message that promotes active concern for others, especially those who are vulnerable, and a warning against selfishness and harm to others.
- A secular ethics can provide a framework that accommodates diverse religious and non-religious traditions.



PART TWO

5. Ethical theories

How do we decide what's right or wrong?

In chapter 4, we looked at the ethical values and principles of the major religions in South Africa. These religions have provided and continue to provide a powerful source for morality in our society. Another, equally important, source of ethics is to be found in the traditions of philosophy. We can not explore these traditions in any detail here, but we have approached them by asking a question *'What can these traditions teach us about good or sound reasoning for deciding what's right or wrong?'*

One way of answering this question is to look to the literature in ethics that has been written over the last two thousand years. Reading this literature, we can identify seven distinct responses, or approaches, to the question. Each approach tries to provide **sound reasons** for evaluating whether a practice is 'right or wrong'.

We are going to look very briefly at these seven approaches, or theories, and examine their strengths and weaknesses. We can do no more here than provide a short introduction, a kind of "moral map" – but one that is missing lots of the detail!

In this chapter we look at six of the theories: relativism, Kantian ethics, utilitarianism, faith-based ethics, virtue ethics, and egoism. Each of these approaches tries to provide sound reasons for deciding whether an action, behaviour or practice is right (good) or wrong (bad). In chapter 6, we look at the seventh approach, the one adopted by the Code of Professional Ethics and based on human rights. You may ask what is the importance of theory? There is of course no simple answer! But the philosophies we are looking at here are a kind of distillation of Western and African common sense over thousands of years. As you will see most of the theories provide some fairly obvious principles to guide moral action.

At the end of the last chapter we looked very briefly at secular ethics. Some may think that philosophy places such a strong emphasis on reason and evidence that it is automatically a secularist non-religious viewpoint. This is not so! Many great philosophers, such as Immanuel Kant, have been deeply religious. It is also true that much of philosophy, especially modern Western philosophy, is non-religious. So philosophy embraces both religious and non-religious viewpoints.

Relativism

The first approach, relativism, has already been discussed in some detail in Chapter 3. In our discussion we showed that relativism, with its view that ethics is just a matter of opinion, does not provide sound reasons for ethical evaluations, because it leads us into self-contradictions. On the grounds of sound reasoning, we should reject relativism as a basis for making ethical evaluations in our work as educators. However, the fact that relativism is an easy way out of difficult ethical dilemmas makes it a path that is often taken in a diverse and increasingly confusing world. This makes it an important way of thinking that we have to consider seriously.

Categorical Imperative and the Golden Rule

A second approach to our central question is that provided by the philosopher, Immanuel Kant. Kant lived in Königsberg in Germany from 1724 to 1804. He had a major influence on Western societies with his strong emphasis on the use of reason. In his book, *Groundwork of the Metaphysics of Morals*, Immanuel Kant set out an approach to morality that has become known as Kantian Ethics.

For our purposes, one crucial characteristic of this approach is the idea of **respect**: for Kant it was extremely important that individual people be respected simply for the fact that they are individual people – in fact, so important was this for Kant that no considerations could be held to override this respect. In other words, no matter how compelling an argument could be made for disrespecting an individual, he still should be treated with respect.

Kant argued that a person (any person) should never be thought of and treated simply as a means, but always as an end-in-themselves. It is never acceptable to ‘use’ somebody to achieve your own purposes, instead you must always treat that person as if they themselves are ultimately worthy of respect.



For Kant, reason teaches us that doing one's duty is central to living an ethical life. In order to understand our duty in a particular situation, Kant suggested a simple principle which he called the "categorical imperative": the rule of all rules.

Kant puts it this way:

"Act only on that maxim whereby thou canst at the same time will that it should become a universal law".

In other words, to determine whether my action is morally and ethically right, I should, before acting, ask myself the following question: Could I wish that everyone should behave the way I am about to act?

If my answer is honestly "NO", then I should realize that my intended action is morally wrong.

According to this principle, a number of actions would not be considered good actions precisely because a **rational** person would not want them to be universalized. Common examples of such behaviour or actions would include: killing, lying, stealing, rape, hijacking, mugging, domestic violence, child-abuse, and so on.

Kant's approach is based on reason. A similar approach, although often based on faith rather than reason, is known as the "Golden Rule".

The Golden Rule

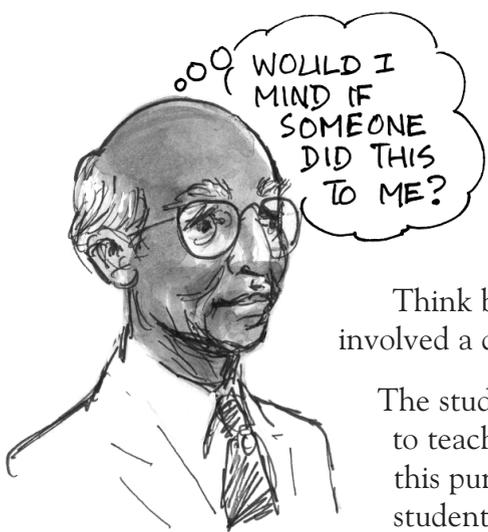
Simply stated, the Golden Rule says:

"always behave towards others as you would have others behave towards you",

or in the language of the bible:

"do unto others as you'd have them do unto you".

If I intend to injure or harm someone, I should first ask myself whether I would want that same harm inflicted on me. How would I feel if our roles were reversed?



Supposing I want to rape someone, I should first ask myself if I would be happy if I, or my sister, mother or wife, were to be raped. Similarly with actions such as cheating, murder, abuse, etc.; if the answer is "NO", as it normally would and should be, then my action will harm someone and should not be performed.

Think back to the earlier teacher and student scenario which involved a disagreement over the idea of pre-marital sex.

The student, Tim, incensed by the teacher's attitude, resolves to teach his teacher a lesson, and purchases a sjambok for this purpose. As he is on his way to confront the teacher, the student comes across his best friend, Siphso.

Seeing the sjambok, Siphso asks what he plans to do with it. The following discussion takes place:

Tim: "I'm on my way to teach the teacher a lesson he won't forget. I'm not going to stand for his attitude to pre-marital sex any more!"

Siphso: "Heita! Hold on there friend! Have you thought this through? What if the teacher reports you to the police? You don't want to end up in jail do you?"

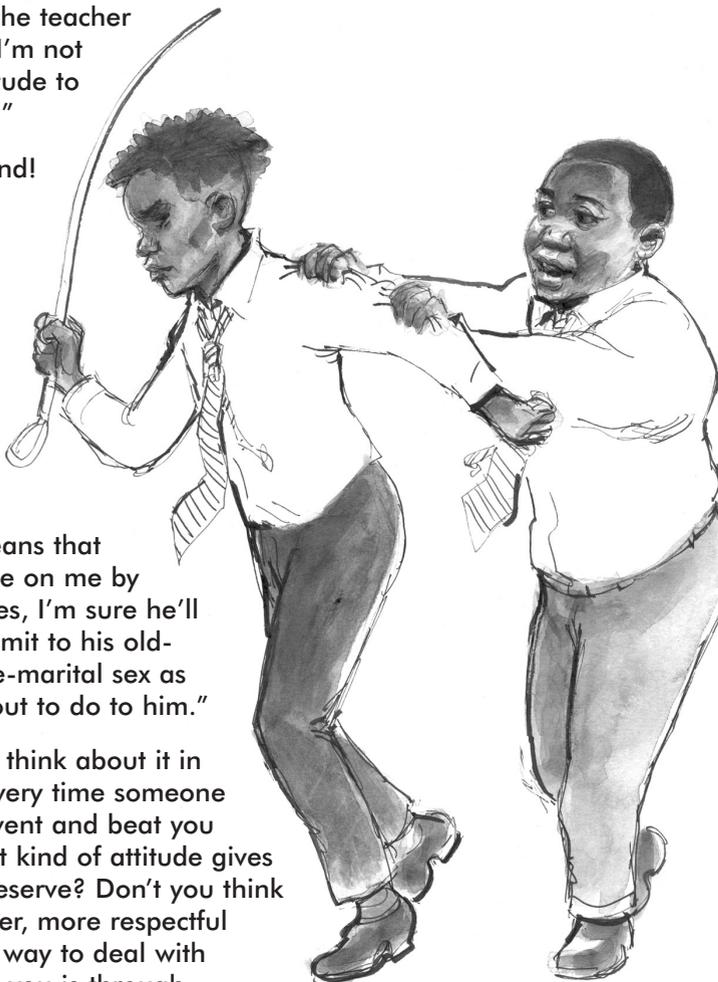
Tim: "I've thought of that! I know this teacher – he believes in some weird religious notion he calls 'turn the other cheek', which I think probably means that he won't try to get revenge on me by going to the police. Besides, I'm sure he'll be too embarrassed to admit to his old-fashioned views about pre-marital sex as the cause of what I'm about to do to him."

Siphso: "Well perhaps you should think about it in a different way. What if every time someone disagreed with you they went and beat you up? Do you think that that kind of attitude gives people the respect they deserve? Don't you think that it would be a far better, more respectful principle to hold, that the way to deal with people who disagree with you is through rational argument rather than through violence?"

Tim: "Hmm, I certainly hadn't thought about it like that ..."

Siphso: "Here is something else to think about! What if the teacher believes that when you have sex before marriage with a girl, you are hurting that girl. Just as you don't want to be beaten up and hurt, maybe having sex with a girl before marriage is harming her and violating her rights"

Tim: "Hmmm – you like to make my life difficult. What if the girl has agreed to have sex with me. If she has given her consent, then I can't possibly be harming her."



As this discussion shows, the "golden rule" is similar to the categorical imperative. Both help us evaluate when an action of ours violates another person's rights and causes some form of harm. The difference between the 'golden rule' and the categorical imperative is that the categorical imperative is universal (it is held to apply to all people, in all places and circumstances, at all times) while the 'golden rule' is based around one's personal well being (the reason for treating others in a certain way is that you hope others will treat you in the same way).

Utilitarianism and Consequentialism

A third approach to our question ‘How do we decide what is right or wrong?’, looks at the consequences of our actions and weighs them up in terms of the overall benefits to society. This requires weighing up the consequences of our actions and assessing if the balance between positive and negative consequences adds to the total “good of society”. People adopting this approach are called “utilitarians” or “consequentialists”.

Utilitarians follow different versions of the principles put forward by Jeremy Bentham, the first theorist to lay down the foundations of this way of thinking. Bentham was an Englishman who lived from 1748 to 1832. At the center of his approach to morality is a commitment to the greatest pleasure of the greatest number of people. Bentham calls this the “principle of utility” and explains it as follows:

“Nature has placed mankind under the governance of two sovereign masters, pain and pleasure. It is for them alone to point out what we ought to do, as well as to determine what we shall do. By the principle of utility is meant that principle which approves or disapproves of every action whatsoever, according to the tendency which it appears to have to augment or diminish the happiness of the party whose interest is in question: or, what is the same thing in other words, to promote or to oppose that happiness. I say of every action whatsoever; and therefore not only of every action of a private individual, but of every measure of government.”

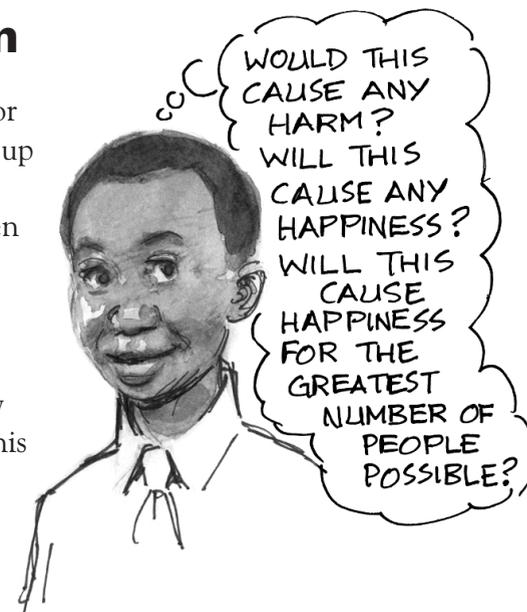
Bentham is saying that every action (including every violent act) is judged as to its goodness or badness according to whether or not it causes more or less happiness (understood as more pleasure, less pain) and that this applies to governments as well as to people.

John Stuart Mill, another Englishman who lived from 1806 to 1873, adapts Bentham’s principle to focus on happiness and unhappiness rather than pleasure and pain and states (Teichman 1996 14):

Always act so as to produce the greatest possible happiness for the greatest possible number of people.

Utilitarians or consequentialists look at a particular situation and carefully consider each possible action by assessing how much pain or unhappiness (harm) and how much pleasure or happiness (good) will be caused by each possible action. Having weighed up the consequences, the utilitarian will chose the alternative resulting in the most happiness for the majority while causing the least harm to the minority. Have you noticed the strong similarities between the utilitarian emphasis on the well-being of society as a whole and the social orientation of African ethics?

Let’s listen in on another conversation between Tim, the student, and Siphon, his friend. They have just met each other on the street outside their school.



- Tim:** "Last time we met you were convincing me not to sjambok the teacher. I suppose today you are going to try and convince me of something else!"
- Sipho:** "I don't know....what have you been up to?"
- Tim:** "Well, I have a bit of a problem in my love life. I have met a really nice girl...I want to get serious but she wants to go out with other guys and even have sex with them. I really like her, but I can't share her with other men."
- Sipho:** "Sounds serious, Bro'. I hope you are being careful. Do you wear a condom when you have sex?"
- Tim:** "No – it ruins the pleasure. I am careful but I don't like those things."
- Sipho:** "That is stupid! Haven't you thought about the consequences. Not just for you but for other people as well. What happens if you get AIDS? A little bit of pleasure today could mean a lot of pain in the future."
- Tim:** "There, you see, I knew it. You are always trying to change me! I have thought about the consequences – but I decided it is impossible to predict the future and know what all the consequences of your actions are going to be. So I might as well enjoy myself now. Who knows, I may be killed in a car crash tomorrow."

Sipho is warning Tim to think about the consequences of his action – to think like a utilitarian. But Tim does not believe that you can predict and weigh up consequences in this way. With whom do you agree?

Faith-Based or Narrative Approaches

Religious and faith based approaches offer us a fourth alternative. In chapter 4, we looked in some detail at different religions. In this chapter we are focussing on the roles of religion and faith as sources of sound reasons. What distinguishes these approaches from the first three approaches are their essentially narrative nature. According to Rossouw (1994: 6), such moral theories



"Do not take their starting point in either the moral action or the character of the moral agent, but in a certain understanding of reality....Christian ethics ... starts by revealing, through the stories of the bible, an understanding of what should be the origin, goal and meaning of human life. It thus provides a comprehensive story or narrative about life"

Actions, even violent actions, are evaluated as moral if they can fit in with this grand narrative and as immoral if they can't.

Religious approaches are usually based on a written text or a strongly codified oral tradition in which an external authority – God – is assumed to exist, and to have laid down edicts or commandments or obligations, that govern both our character and our conduct. We mention faith based approaches because there are some faiths that do not assume an external authority or God.

For example, deep ecology requires faith in the overall “sacredness” of the whole environment and leads to conceptions of the earth as a “whole” – a living being of which we humans are just one part.

One can see the narrative nature of these faiths in the stories they tell about the meaning or purpose of human (or earth’s) existence. To link religions and faith to story-telling may seem disrespectful. It is not intended to be so. Here we are using the terms “narrative” and “story” to indicate that we cannot prove through reason the truth or falsity of these ethical approaches – they require a “leap of faith”.

Thus another distinguishing mark of religious/faith-based approaches is that they use faith as the basis for their ethics. Faith in the truth of the narrative. By contrast, the other six approaches all use reason as the basis of their ethics. Is there a dichotomy between faith and reason? If we have faith does this then mean that we cannot use reason? And, contrariwise: If we are rational does this mean that we have no faith?

When we put the dichotomy like this – either you believe in faith or you believe in reason, but you can’t believe in both – it becomes clear that this is a false dichotomy. Many people are both reasonable and religious, and many people with faith believe strongly in reason.

Let’s continue to eavesdrop on the conversation between Tim and Siphho who are still standing on the street talking about sex!:

Tim: “Do you always wear a condom?”

Siphho: “Well, you know I am against pre-marital sex. But if I did have pre-marital sex, then I would wear a condom.”

Tim: “You have got to be joking. Are you a virgin?”

Siphho: “ Well no, I am not actually a virgin. I used to sleep around but about 2 years ago I got serious about being a Catholic and at the same time I started exploring African philosophy with my uncle. He convinced me that the old African tradition of virginity testing is a good idea in this age of AIDS and that if women should be virgins when they marry, then men should also avoid pre-marital sex. So I am against pre-marital sex because I am a Catholic and an African who does not want to displease the ancestors.”

Tim: “Heita! That is quite a story. But I thought Catholics were against using condoms.”

Siphho: “Yes, the church is against using condoms – but they are also against pre-marital sex. Catholics believe that all life is sacred and that sex should be primarily about reproduction – creating new life – not about pleasure. But I figure, if you are going to break the rule against pre-marital sex, you might as well be sensible and wear a condom.”

Tim: “So what is all this about religion and believing in the ancestors?”

Siphho: “I can’t really explain it. But it seems to give meaning and purpose to my life. I have a much better sense of my own identity. Of who I am. And, it helps me make sense of difficult issues like pre-marital sex.”

Tim: “Well, I am getting out of here before you convert me!”

Here we see Siphso using religion to explain his position on pre-marital sex and the use of condoms. Siphso's position is not in complete accordance with the teachings of the Catholic church but you can see that his position makes sense to him. Although it obviously does not make much sense to Tim! What is the position of your religion on pre-marital sex and the use of condoms?

Virtue

A fifth alternative is offered by what is called "Virtue Ethics". The approaches we have looked at so far focus on conduct and evaluating which actions are right and which actions are wrong. These approaches tend to condemn the action without indicating to the person that their failure to do the right thing is connected to a lack of character.

Virtue ethics believes that we need to move beyond the ethics of conduct and our concern with doing the right thing and become interested in being good people – the ethics of character. Remember how we spoke early on about virtues and vices in chapter 3?



Virtues and vices are linked to a person's character. Looking at a person's character does not mean that their actions become unimportant. Virtue theory does not try to separate the ethics of character and conduct. One way we become better people is by habitually practising or doing the right thing. The ethics of character and the ethics of conduct are like two sides of a coin – they belong together.

One common example of Virtue ethics is the idea of an educator being a "role-model". In Chapter Three, we looked at this idea of an ethical role model in some detail and spoke about Nelson Mandela as a good example of a role-model.

Egoism

The sixth approach we will look at is called egoism. An egoist believes that the right/good thing to do is that which is in his/her self-interest. Whereas utilitarians make their calculations according to what is good for the greatest number, an egoist will look only at what is in his/her self-interest. One attraction of this approach is that it seems to fit our experience. In our daily lives, we often meet people who do things that are selfish. The person who takes the last cake at tea – even though he has already had more than anyone else and there are some colleagues who have not had any cake.

Some people argue that being an egoist is determined by our biological nature. Human beings are born selfish. Ethics and morality are just fictions that we have invented to hide our self-interest. And it is in our interests if other people believe that they ought to act ethically.

It is nice for me if I know you will always keep your promises even though I break mine when it suits me. Research into our biology and nature do not support this claim. There are clearly times the natural thing to do is to be altruistic. Think of a mother and her child. If mothers were not altruistic and did not care for their children, we would regard them as immoral and fear for the future of the human species!

Many would argue that public servants like educators, nurses and the police are being altruistic. They contribute a “public service” that nurtures the general well-being, often at considerable sacrifice to themselves. A problem with egoism is that it is often difficult to calculate one own self-interest. It is hard to predict short-term consequences of one’s actions and even harder to know the long term consequences! Haven’t you had the experience of saying something to colleagues at work one day and it having all kinds of unexpected consequences the next day?



Let’s join Tim and Siphso one last time. Tim is hurrying away from Siphso, when Siphso calls out to him.

Siphso: “Hey, Tim – don’t you believe in God?”

Tim: “No – I stopped believing in God years ago. This world is all about survival...it is a jungle out there. I have no time for this religious nonsense about being good and looking after your neighbour. I look after number one – me!”

Siphso: “So ... you always do what is in your own self-interest?”

Tim: “Yes ... it is what most people do. Look at all the corruption and violence around us. And look at the profits the rich are making. They don’t care about the poor. There is no profit in being good.”

Siphso: “I can’t agree with you ... we will just have to agree to disagree... anyway cheers see you tomorrow.”

Tim: “OK, then, my friend I guess we can agree to disagree. Cheers – don’t do anything I would do!”

Here Tim is expressing the viewpoint of an egoist. If you look back at the previous dialogues you will see that Tim has always taken an egoist position. By contrast, throughout the dialogues Siphso has tried to put forward a virtuous position – although he has used different philosophies/religions to justify his position. Siphso believes that it is important to have a virtuous character and to act ethically. Tim does not.

Differences in our ethical positions often lead to conflict. This Handbook has adopted an approach that says many value and moral conflicts can be resolved, or if not resolved at least be approached in a way that avoids violence, by trying to understand the different assumptions, values and principles that underlie the actions of others and by reaching agreement on common ground.

Most of the time, most human beings use more than one of these philosophical approaches and, sometimes, will combine them with a religious approach.

We have presented them separately for clarity and simplicity by making them 'ideal types'. In the real world, in any particular situation, a person will draw on and mix the different approaches in ways that reflect their up-bringing, their culture and religion and the degree to which they reflect on and consciously chose their own ethical beliefs and practices.

Concluding remarks

Having looked at each of the approaches separately, it may help to apply the different approaches to a practical challenge that faces educators. One area of ethics in which differences between the philosophical approaches is clear is that of discipline and punishment. On a daily basis educators have to grapple with discipline problems and to make choices about appropriate punishment. In chapter 9 we look in more detail at discipline and punishment within the profession. For the moment, we are going to look at issues of discipline and punishment within schools and classrooms.



Lets look first at punishment. We can draw a distinction between three ways of justifying punishment. Firstly, **retributive** approaches regard punishment as justified only when the following conditions have been satisfied:

- there is clear evidence that the accused person is guilty
- there is proportionality between the punishment and the crime
- there is equality of treatment
- mitigating circumstances or excuses are taken into consideration when determining the punishment.

These conditions focus punishment on the guilty – it is never justified to punish the innocent. The punishment has to 'fit' the crime and the wealthy should be treated the same as the poor. The intentions of the accused and the circumstances of the crime may well affect the punishment. So, for example, one does not expect a person who is guilty of a single accidental murder to be given the same punishment as a person who deliberately commits mass murder. Retributive approaches emphasise giving back to a perpetrator what they have inflicted on their victim. They are focussed on the past. On crimes that have already been committed.

Kant supported a retributive approach, as do many religions. Think of "an eye for an eye" or punishing theft by amputating a hand. Deontological, rule based and principle based approaches all support a retributive approach and share a commitment to respecting the dignity of others. Punishment must not be cruel or unusual or inflict unnecessary harm on the person being punished. Harm for the purposes of punishment is only justified if it meets the four conditions above. Starving or assaulting prisoners would infringe their human rights and could not be regarded as 'justified punishment'.

A second approach is that of *deterrence*. Deterrence approaches focus on the future – specifically on preventing or avoiding (or deterring) future occurrences of crime and violence. They tend to focus on the common good, of the welfare and health of a society as a whole. The four conditions mentioned above under retribution do not apply to deterrence. If punishing an innocent person will prevent violence in the future then it could be justified. For example, I may punish a whole class for talking behind my back even though I know only a few of them are guilty – but it serves as a lesson to others not to do this in future. Nor need the punishment be proportional. The severity of punishment will depend on how badly we want to stop this happening in future and what we think will be the most effective deterrent.

One can see that deterrent approaches draw on utilitarian and consequential approaches in which punishment is justified if it promotes the overall balance of pleasure over pain. Many educators use both retributive and deterrent approaches in their daily practices. For example, punishing a person for cheating by placing them in detention may serve as both retribution and deterrence.

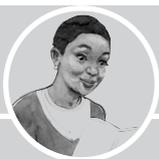
A third approach to justifying punishment focusses on *rehabilitation*. The purpose of punishing is to produce a developmental or learning process that will ‘improve’ character and actions. The person being punished must understand their crime and sincerely repent. They may see their punishment as a form of penance and also seek forgiveness from their victim. In other words, the prisoner ‘puts on new clothes’ – they see the wrongness or evil of their crimes and seek to avoid harm and promote well-being in the future. This approach draws strongly on a virtue ethics that sees the reformation of character as the key purpose of punishment.

When you use punishment as an educator or a parent what is your purpose? How would you justify your use of punishment: on retributive, deterrent or rehabilitation grounds?

Issues of punishment in the classroom are directly linked to discipline within the school as a whole. The disciplinary order of a school is a key factor in its success. As with punishment, the disciplinary rules and regulations of a school will reflect one or more of the above approaches. A school may be very authoritarian with a closed moral atmosphere and a strong deterrent approach to punishment. Another school may have an open moral atmosphere and a broadly retributive and rehabilitative approach. In other schools, discipline has broken down so badly that teachers can no longer punish – for fear of retaliation.

Discipline and punishment, as expressed in the disciplinary codes, rules and regulations of a school, should be explicitly based on a strong ethical foundation in which authority is recognised and supported rather than imposed and resisted. The SACE Code urges educators to use authority with compassion. RS Peters, an English philosopher of education, argues that an educator is both ‘*in authority*’ because of his/her official position and also ‘*an authority*’ because of her/his knowledge, skills and values. In relation to learners, educators have the authority based on both position and competence – especially ethical competence – to punish. This is a special power or privilege granted to educators. Parents would not normally allow another adult to discipline or punish their children.

The system of discipline in a school and the forms of punishment used should be based on a human rights approach that draws strongly on a combination of retribution and rehabilitation. We have only been able to touch on issues of punishment here and we will return to them briefly in chapters 7 and 8 when we look at Human Rights and at stages of moral development. But this brief look does show how, through using the different ethical approaches, we can interpret and analyse a practical aspect of our working lives.



Activity 12

Question One

It is useful to be able to compare the strengths and weaknesses of the different approaches. You can use a table such as the one given below to start your summary and comparison and to identify their strengths and weaknesses. Begin with relativism and virtue ethics which we discussed in some detail in chapter 3 and then look at the approaches we have described in chapter 5.

Ethical Theory	Central idea(s) on which it is based	Main strength of the approach	Main weakness of the approach	Uses for a South African Educator
Golden Rule	respect for others	rule-based, consistent	dogmatic, ignores consequences	Importance of respect and the usefulness of certain kinds of rules.

When you have completed reading through the six theories, you should be able to group them according to their similarities and differences, and clearly identify the basis on which decision making is made within each approach. Discuss what you have written with your colleagues.

Question Two

Draw up a list of 'crimes' – the kinds of things that happen or could happen in your classroom or school: disobedience, disrespect, dishonesty, stealing, cheating, bullying, sexual abuse, drug-taking, etc. Next to the column of crimes put what you think is the appropriate punishment. In a third column put the approach you are using to justify your punishment (retribution, deterrence, rehabilitation).

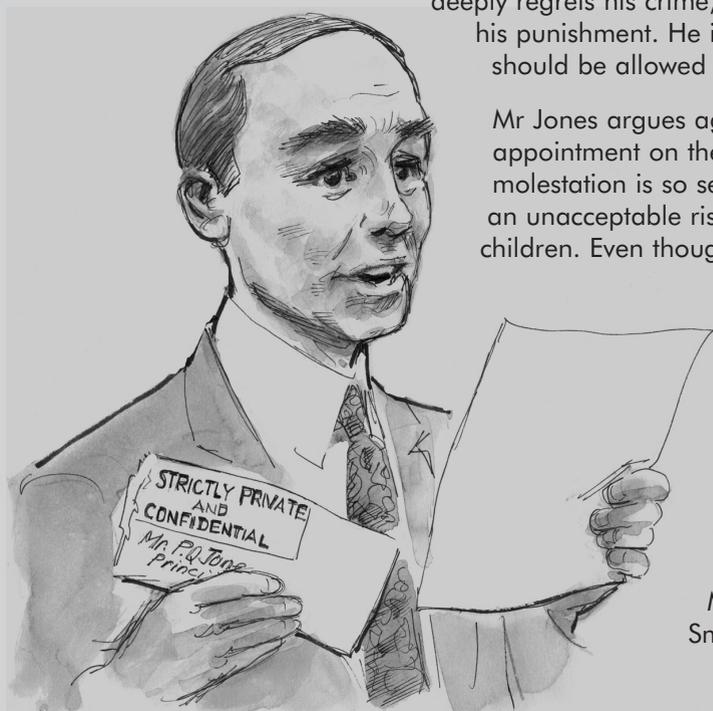
Crime	Punishment	Justification
Stealing	Detention and payback	Retribution and deterrence

Discuss what you have written with your colleagues.

Question Three

Imagine that a school principal, Mr Jones, receives an anonymous letter about a teacher, Mr Smith, who has applied for a post at Mr Jones' school. The letter accuses Mr Smith of being a child molester. Mr Jones investigates the accusation and finds out that Mr Smith has been found guilty of child molestation in a court of law and has been punished by serving a five year jail sentence.

Mr Smith meets all the academic and administrative requirements for the post and is the front running candidate. At the interview for the post, Mr Smith says that he deeply regrets his crime, has repented and served his punishment. He is now rehabilitated and should be allowed a second chance.



Mr Jones argues against Mr Smith's appointment on the grounds that child molestation is so serious that Mr Smith poses an unacceptable risk to the welfare of the children. Even though Mr Smith has certain rights in the matter, the welfare of the school as whole is more important than Mr Smith's rights. In other words, when in doubt, the rights of an individual teacher should be subordinated to the welfare of children. As a result of Mr Jones's argument, Mr Smith is not appointed.

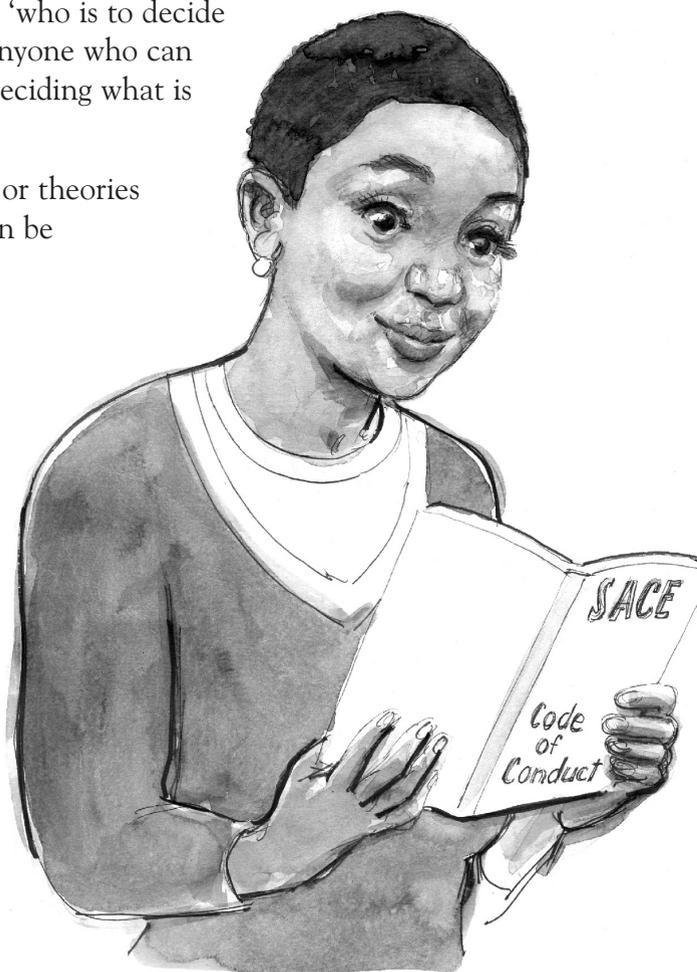
Examine Mr Jones' reasoning and identify the ethical theory on which this kind of reasoning is based. Notice that Jones has represented the issue as a conflict between the possibility of wronging Smith and the possibility of risk to children. In his justification for not hiring Smith, Jones indicates that given the choice, doing wrong to Smith was preferable to a possibility that hiring him might put many children at risk.

1. Was Jones right or wrong? What ethical theory is he using to justify his approach?
2. How would a Kantian, with a strong emphasis on the rights of the individual, respond to this situation?
3. How would you respond to this situation?

(This Activity is based on a Case Study adapted from Strike (1993: 108 – 110))

What have we learned so far?

- The answer to the question ‘who is to decide what’s right or wrong’, is ‘Anyone who can provide sound reasons for deciding what is right or wrong’
- Seven different approaches or theories for justifying evaluations can be identified:
 - Relativism.
 - The categorical imperative and the golden rule.
 - Utilitarianism and consequentialism.
 - Narrative approaches.
 - Virtue.
 - Egoism.
 - Human Rights.
- These theories provide different perspectives or viewpoints for looking at ethical issues.



PART TWO

6. Human Rights

A seventh ethical approach: Human Rights

In South Africa our constitution is underpinned by a culture of human rights and a commitment to democracy. The six approaches discussed so far have been based on a variety of principles, including that deciding what's right and wrong is a matter of: opinion (relativism); applying a universal rule (Kantian ethics); what is in the interests of the greatest good for the greatest number of people (utilitarianism); having faith in a narrative to guide decisions (religion, deep ecology), character (virtue ethics), individual self-interest (egoism). In this chapter we will look closely at a seventh approach to ethics: human rights. We are going to spend more time looking at this approach because it is the one endorsed by the Code of Professional Ethics. The Code makes specific reference to human rights:

Educators:

2.3 acknowledge, uphold and promote basic human rights, as embodied in the Constitution of South Africa;

and

3.3 strives to enable learners to develop a set of values consistent with the fundamental rights as contained in the Constitution of South Africa.

What are human rights? Before we can understand what we mean by the concept “human rights” we need to first understand what we mean by the concept of rights.

Rights

What are rights? When do we say that someone has a right? Where do rights come from?

Almost everyday of our lives we come across – through the newspapers, people, television, schools, etc., – the notion or concept of “rights”. We read and hear phrases such as: “the right to education”, “children’s rights”, “women’s rights”, “workers’ rights”, “learners’ rights”, “teachers’ rights”, or “human rights” or even “the right to self defense”.



Furthermore, “rights” have been the cornerstone of many constitutions in the world. For example,

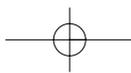
The Declaration of Independence of the United States of America (4th July, 1776) states:

*We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain **inalienable Rights**, that among these are life, liberty and the pursuit of happiness.*

Constitutions establishing new states have often emerged from periods of intense struggle and are used to “codify” key values that should form the foundation of the new society.

In South Africa, we now have a democratic constitution in which human rights play a dominant role. Clause 1, section (a) of this constitution reads:

*The Republic of South Africa is one sovereign, democratic state founded on the following values:
Human dignity, the achievement of equality and the advancement of **human rights** and Freedom.*



The importance of human rights is also made clear in the Declaration of the Rights of Man by the General Assembly of the United Nations (10th December, 1948)

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act toward one another in a spirit of brotherhood. Everyone as a member of society, has the right to social security, and to a standard of living adequate for the health and well being of himself and his family including food, clothing, housing ...

In these documents “rights” are not things we **have** or **do** but they are things we are owed. We are owed them because we are entitled to or have a claim to them. As can be seen from the dates of the documents mentioned above, these declarations of rights have a long history that shows people using rights as a key instrument in the struggle against oppression and violence.

Why do you think people have felt it necessary to assert these rights often through struggle and conflict?

In this handbook, we take the position that human rights are a response to violence. It is precisely because our world is plagued by violence – personal, interpersonal, political, psychological, social, military and even religious – that human rights emerged and were built into constitutions and legislation. These laws govern and regulate the way we relate to each other as human beings. And they regulate the way institutions like the state and the church relate to people.

What do we understand by “violence”? Let us look at some influential definitions.

Violence

A lot of people tend to think of “violence” as physical force or attack only. This is obviously a very narrow definition of violence. We all know that violence involves more than simple physical force. A broader definition of violence includes psychological or emotional injury as well. This injury may even be extended to include injury to a person through damage to his or her property, for example, burning or breaking into someone’s car, house, and so on. Robert Audi offers a comprehensive definition:

“Violence is the physical attack upon, or the vigorous physical abuse of, or vigorous physical struggle against, a person or animal; or the highly vigorous psychological abuse of, or the sharp, caustic psychological attack upon, a person or animal; or the highly vigorous, or incendiary, or malicious and vigorous, destruction or damaging of property.”

Human rights are a response to violence: the violence of religious persecutions, the violence of wars, the violence of slavery, the violence of racism and sexism, the violence of economic exploitation, violence of every kind. Violence may be aimed at individuals or groups (men, children, women, disabled people, homosexuals, racial groups, etc). It may be covert or overt, open or subtle; it may be physical, psychological, economical or emotional.



Farmer arrested for maltreatment of dogs

Man shoots wife, children, then himself

Gays beaten outside nightclub

**September 11:
Is this
Armageddon?**



Minister accused of racist comments in sermon

Magistrate shot outside court

Hijacking on the increase in SA

Acts such as war, slavery, racism, sexism, exploitation, oppression, mugging, rape, child abuse, domestic abuse, insults, verbal abuse, or abuse of any kind are all forms of violence.

Human rights are about preventing violence by human beings. They are about how we relate to each other and are designed to prevent us from harming or doing violence to each other. These relations occur at different levels: the state in relation to its citizens, organizations in relation to their members, or family members in relation to each other, or between colleagues at work.

Human rights are against violence. What are human rights for?

Human Rights

The United Nations declaration says:

“Human rights and fundamental freedoms allow us to fully develop and use our human qualities, our intelligence, our talents and our conscience and to satisfy our spiritual and other needs. They are based on mankind’s increasing demand for a life in which the inherent dignity and worth of each human being will receive respect and protection.”

The South African Constitution places great value on dignity and this reflects the importance of dignity to African cultures.

As Mogobe Ramose points out:

All theories of human rights regard the fact of being human – humanness – as their starting point. Human right theories then proceed to ascribe value to or determine the worth of the fact of being human ... Human relations is the major context as well as the primary focus of human rights. (1999:181)

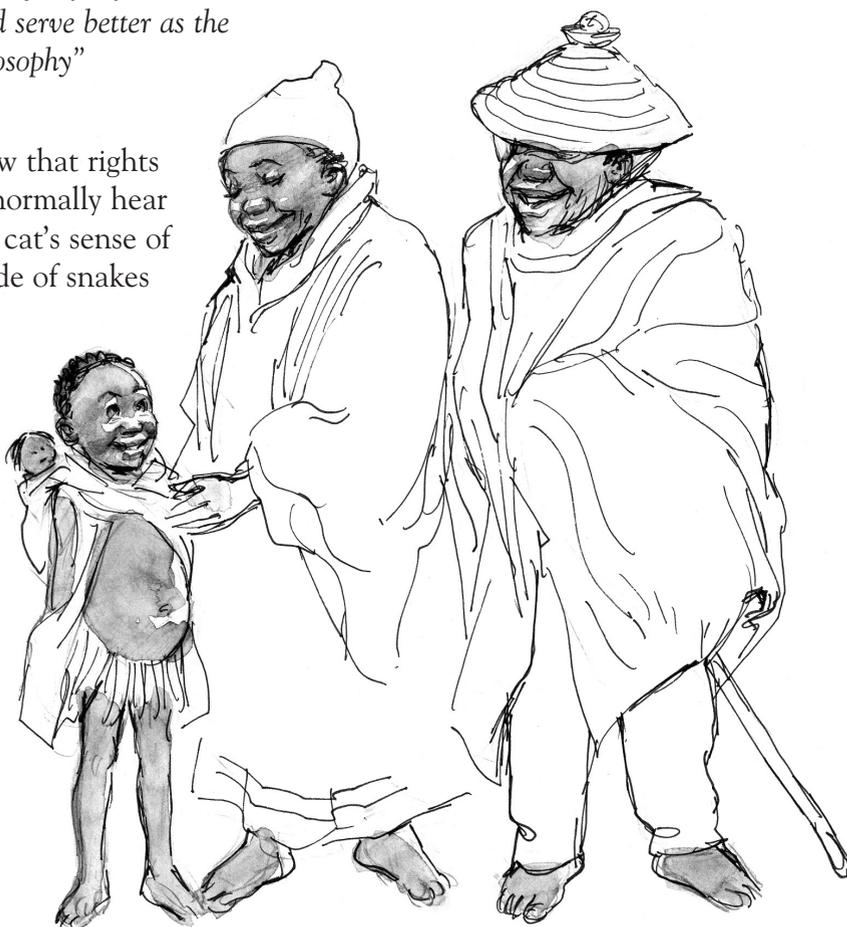
In the context of human relations, human beings are of equal worth by virtue of their being human. Within our own context, the fundamental relation between human rights and ethics is expressed in the African concept of Ubuntu, as we saw in chapter 4. Ubuntu affirms one's own humanity by respecting and recognizing the dignity and humanity of others. Consequently, to disrespect the other's humanity or life is at the same time to disrespect and thus to violate one's own life and humanity. As Ramose puts it:

Precisely the claim that one makes about oneself is exactly that which one concedes to the other. Thus the concept of human dignity is far from alien in traditional African philosophy. And so, nothing could serve better as the basis for an indigenous human rights philosophy” (1999:193)

From the above it should be evident by now that rights are owed to human beings. One does not normally hear of a horse's concept of right or wrong, or a cat's sense of goodness and badness, or still, the legal code of snakes or lions. Morality and the law are human practices and processes and are applicable to human relations. While a human being can be accused by other human beings of treating a dog or a snake badly one can scarcely hear of a snake accused of having treated a human being badly or wrongly. It is possible for these moral relations to extend to animals but that is another debate for another time.

The declarations, conventions and constitutions cited above all refer to human rights which are described as “natural” (part of the natural world – like gravity), “sacred” (endowed by the Creator), and “inalienable” (cannot be surrendered or transferred to another person).

What is it to be human such that one can deserve to have rights?



The African philosopher, Kwasi Wiredu observes that:

“Human rights are claims that people are entitled to simply by virtue of their status as human beings” (Wiredu, 1996:157).

This means that rights are conferred on human beings precisely because of what they are, i.e., human beings. This, unfortunately, leaves unanswered the critical question of what human beings are, such that rights are owed to them!!

For this handbook it is sufficient to point out that all individual human beings are equal by virtue of their humanness. The fact of being a living human being deserves respect, recognition and protection by all other human beings.

For this reason, the fundamental basic human right is the right to life. All other important rights human beings possess derive from this basic right to life. The right to liberty, happiness, education, property, security, equality, etc. cannot exist if there is no life at all.

Legal Rights

We spoke earlier about how values and principles become embedded in constitutions and laws. We can see a similar process taking place with human rights. They came into existence as moral rights and evolved into legal rights.

A legal right is the claim of an individual upon others which is recognized by the laws of the state. Thus to say that Thandi has a legal right against Helen, means that Helen has a duty to Thandi, which can be enforced by the state through the courts of law. Frequently, when we speak of someone as possessing certain legal rights, we normally have in mind some written law or statute passed by an authorized body like parliament, in terms of which that right is established and can be exercised. Among some familiar examples of what we call legal rights are:

- The right to be represented in the court of law.
- The right to be afforded a fair and just trial.
- The right to appeal against a judgment.
- The right to appear in court within a specified period of time



A legal definition of misconduct for educators is found in the Employment of Educators Act of 1998 and subsequent amendments in the Education Laws Amendment Act of 2000. The definitions of misconduct are far too long to quote in full, but here are some of the key features. An educator commits misconduct if it is found that he or she, while on duty or acting in an official capacity:

- Steals, bribes, or commits fraud or corruption.
- Commits an act of sexual harassment or sexual assault towards a learner, student or other employee.
- Seriously assaults with the intention to cause bodily harm a learner, student or other employee.
- Wilfully or negligently mismanages the finances of the school.
- Wrongfully uses, damages or cause the loss of the property of the school.
- Misuses his/her position to promote or prejudice the interests of any political party.
- Fails to carry out a lawful order or routine instruction without reasonable cause.
- Absents him or herself from work without reason or permission.
- Unfairly discriminates against others on the basis of race, gender, disability, sexuality or other grounds outlawed by the constitution.
- Without authorisation sleeps on duty.
- While on duty is under the influence of an intoxicating, illegal, unauthorised, habit-forming or stupefying drug, including alcohol.
- Displays disrespect towards others in the workplace.
- Intimidates or victimises fellow employees learners or students.
- Carries or keeps firearms or other dangerous weapons on state premises, without the written authorisation of the employer.
- Falsifies records or any other documentation.

As you can see this is quite a long list of possible incidences of misconduct. These all have legal force and an educator can be punished for them. Most of these examples of misconduct are also examples of unethical or immoral conduct and would violate the SACE Code and be identified as examples of 'ethical misconduct' subject to disciplinary action by SACE.

The SACE Code is an interesting example of a code that has both legal and moral dimensions. The Code has legal force and a disciplinary procedure is in place. In this Handbook, we have argued that while this legal force is important and necessary for the Code, the real force and purpose of the Code is moral.



Moral Rights

A moral right is the claim of an individual upon others recognized by society even though the state does not recognize it as such. For moral rights, there is no law court to which appeal can be made to impose a binding decision. Only public opinion is relevant and important. In some cultures, parents have a moral right to be cared for by their children when they get old and children have a corresponding moral duty to care for their senile parents. If a child refuses to care for her/his parents the latter cannot appeal to the police to force the child to care for them.

Moral rights and legal rights can only be given substance in a society that practices these rights as part of everyday life. The constitution and the Bill of Rights are legal documents – in one sense they are just pieces of paper. But they are intended to express the values that should be pervasive in our society. If everyone were to live their lives in accordance with these values we would all be living in an ethical society! This is the spirit that underlies the Code of Professional Ethics.

Environmental Rights

In the world of philosophy there is a fierce debate about whether or not animals or the environment ought to 'have rights'. There is no doubt that large parts of the natural environment have been destroyed by human beings and that our world has become dangerously polluted. But while we may want to protect animals and the environment, this does not necessarily mean that they have rights.

Some people argue strongly that animals should not be made to suffer pain as a means to human ends such as eating meat. Remember Kant's argument that we should never treat other people as a means to our own ends. Do you think we should extend this argument to include animals?

The philosopher, Peter Singer, uses an utilitarian approach to argue that animals should not be made to suffer. He argues that animals such as apes, cows, sheep, dogs and cats feel pain and their suffering must be included in the calculation of pleasure and pain resulting from a particular action. Maximizing the pleasure and minimizing the pain of the greatest 'number' should include animals.

Is the pain felt by slaughtered cows outweighed by the pleasures humans enjoy by eating them?

Even if you think that animals ought to be protected from pain and harm, you may not want to agree that animals have rights or that we have a duty to promote their well-being.

Environmental rights are even more tricky. It would seem strange to talk about trees feeling pleasure and pain – at least in a way that is similar to human pleasure and pain. On what grounds would we want to say that trees have rights? As with animals, we may believe that we should protect the environment without granting that the environment has rights.

Environmental ethics is far broader than just the debate over environmental rights and there are many different ethical approaches to the environment which we do not have time to explore. Our concern is with human rights. Clause 24 of the South African Bill of Rights talks about human rights in relation to the environment:

Everyone has the right -

- (a) to an environment that is not harmful to their health or well-being; and
- (b) to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that –
 - (i) prevent pollution and ecological degradation;
 - (ii) promote conservation; and
 - (iii) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.

It is important to remember that these are human rights, not environmental or animal rights, but they do impose on us an obligation to protect the environment. Is your school environment harmful to your health and well-being? Is the air you breathe polluted? If your answer is yes, then you have a right to be protected from these forms of harm.

Some schools have developed environmental policies that try to implement Clause 24 in their schools and surrounding environments. Does your school have an environmental policy?

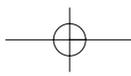


Activity 13

Your school is about to expand its enrollments. The School Governing Body and the provincial department have agreed on a plan to build a new block of 5 classrooms and a new hostel for 100 students. Your school is located next to a beautiful nature reserve. The plans for the new buildings will destroy a piece of indigenous forest next to the nature reserve. There are alternative sites for the buildings but they will add about 20 per cent to the cost.

A group of Grade 12 learners have come to you, a science teacher, to ask if they can do anything to change the plan and save the forest.

1. Draw up a list with 5 good reasons for saving the forest and 5 good reasons for not saving it.
2. Do you think the indigenous forest is protected by Clause 24 of the Bill of Rights? Or do these new buildings count as “justifiable economic and social development”?
3. How would you use this opportunity to educate the learners and the School Governing Body about the importance of protecting the environment?



Human Rights and the Code

It is too much to hope that our society will become an ethical society any time soon, but we can improve the ethos – the ethical culture and practices – of our schools by promoting and nurturing human rights. We have already shown how ethics is fundamentally about our relations with other people. We have looked at different approaches to ethics and shown that there is a common set of values and principles that underlie these approaches: in our relations with other people we ought to promote well-being and avoid harm.

Earlier we explained how the emphasis on ‘being human’ in African ethics is closely linked to the individual orientation of a Kantian approach (respect the dignity of other individuals and don’t treat them as a means to your own ends) and to the social orientation of utilitarianism (maximize the happiness of the greatest number). The SACE Code draws strongly on these individual and social approaches and is grounded in both African and Western philosophy.

Some people object to the human rights approach of the Code on the grounds that it is a ‘secular’ document that contradicts their ‘sacred’ religion. As we explained in chapter 4, this is an unfair criticism.

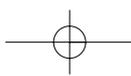
The SACE Code clearly embraces religious secular approaches as well as non-religious secular approaches.

As educators we have a duty to uphold the constitution and work towards developing a culture which respects human rights in our schools. At the same time we live in a society in which violence is all too real and many people violate human rights. It seems that there are at least two ways a teacher will need to become ethically competent to respond to this situation:

- in relation to the moral education of learners (which is not the focus of this hand book);
- and,
- in relation to professional ethics (which is the focus of this hand book).

However, these are not completely distinct responses. How educators act as ‘role models’ for learners in carrying out their classroom practice and interacting with others in and out of the classroom situation, will determine the extent to which they are able to educate learners for participation in a democratic and ethical society.

How, as educators, should we react to situations where the contexts in which we work are not democratic or ethical? What does it mean to act in a ‘proper and becoming way’ in such a situation?





Activity 14

Question One

Read the following extracts from an article and then respond to the questions that follow:

A campaign to combat sexual violence in schools is on the cards after research shows just how common it is.

*THOKOZANI MTSHALI reports
The Teacher/Mail & Guardian, March, 1999.*

A widespread campaign to educate youth against sexual violence is set to take place, after recent research exposed just how common and taken for granted this crime is among youth. A survey by Community Information, Empowerment and Transparency (CIET-Africa) and Johannesburg's Southern Metropolitan Local Council in schools in Soweto, Orange Farm, Eldorado Park and Lenasia found that 43 per cent of girls believe sexual violence against women is very common, although only 36 per cent of girls report incidents of this happening to them. Startlingly, the research found that many boys believe young women either "ask for rape" (31 per cent) or "enjoy it" (16 per cent). More than 50 per cent of boys believe that "a girl who says 'no' means 'yes'", and 44 per cent of boys interviewed think girls are attracted to sexually violent boys. The survey also found that 25 per cent of the boys think rape is fun and describe jack-rolling as "cool".

Sarifa Moola of the Young Women's Network argues: "We [NGOs] must initiate a mass awareness campaign. We must lobby the government and call for bodies like the youth and gender commissions to take action.

"In the long run this must be included as part of the curriculum – then we may see a growth of a new generation that will respect human rights and know women's rights are part of human rights," adds Moola.

Gauteng Department of Education representative Aubrey Mashiqe said on the issue of rape: "Schools are not suited to deal with rape because it's a gruesome crime which needs the police. Solutions must be initiated by the community as a whole because schools are not islands but part of these communities."

The article identifies schools in specific areas and its findings should not be generalised to represent the attitudes of all South African youth. However, it does highlight one of the most disturbing trends in South African society. While our constitution upholds a democracy built on the notion of human rights, our society does not always reflect these values. Clearly the various civic organisations and government bodies mentioned in the article are attempting to uphold these values, but the responses from the youth tell a very different story.

Analyse the issues raised by the article by focusing on the following questions:

1. The article raises questions of sexual violence. Why does this make it a human rights issue?
2. There was a marked difference in the way the girls' and the boys' responded. Compare the values of the girls with the values of the boys. Why do the girls and boys have different values?
3. What ethical issues do these attitudes raise for you as an educator?

Question Two

You are a teacher at a primary school in an informal settlement outside Pretoria. One day you are taking your tea-break when a 15 year old male student asks for your advice. The student explains that he has tested positive for HIV and is almost certain that he was infected when he had sex with a female student in his class. Since testing positive for HIV, he has heard the girl say that she knows that she is HIV positive but she wants to sleep with as many men as possible so that she will not be the only one that dies.

The male student believes that what the girl is doing is wrong – that she is basically trying to kill people by infecting them. But he does not know what to do. Should he report the girl to the principal or the police? Should he disclose publically his own HIV positive status?

What advice would you give him?

What have we learnt so far?

- The SACE Code of Professional Ethics is committed to a human rights approach.
- In all the documents which refer to rights, “rights” are not things we *have* or *do* but they are things we are *owed*.
- Declarations of rights have a long history that shows people use rights as a key instrument in their struggle against oppression and violence.
- Human rights are a response to violence in society.
- Violence refers to all forms of abuse including physical abuse, psychological abuse, aimed at individuals or groups.
- Human rights are about preventing us from harming or doing violence to each other.
- Individual human beings are equal by virtue of their humanness, and deserve respect, recognition and protection by all other human beings.
- The fundamental basic human right is the right to life.
- Human Rights came into existence as moral rights and have evolved into legal rights
- A legal right is the claim of an individual upon others which is recognized by the laws of the state.
- The SACE Code of Professional Ethics has both legal and moral force.
- The Code has legal force and a disciplinary procedure is in place. While this legal force is important and necessary for the Code, the real force and purpose of the Code is moral.



PART TWO

7. Being an ethically competent professional educator

Ethical Evaluations

In the previous chapters we looked at seven different theories or approaches that we can use for justifying our actions. If you look back over these theories, you can see that they are not strange or unfamiliar. In many ways, they are part of our common sense. It is not unusual to hear people in schools say things like:

He did that because he was only thinking of himself (egoism).

We have a duty as educators to arrive at school on time (Kant).

Rape is evil because it has the most awful consequences (utilitarianism).

You should not steal because it is against's God's law (faith-based).

Don't tease Joseph. How would you like it if he teased you (golden rule).

You can trust the principal to keep your personal information confidential, she is a good woman (virtue).

Children have a right not be abused (human rights).

We already use these theories to give sound reasons for the ethical evaluations we make in our everyday lives! But sometimes we forget that these “reasons” have a long history. As you can see, we have been able to draw from wisdom in Europe and Africa that goes back thousands of years!

You are probably already beginning to ask yourself the question: “OK, we now have seven different approaches or ways of reasoning about ethics, but how do we know which one we should use?”

Each person will develop their own ethical approach within a specific cultural, social, political and economic context. They will learn from their own family, culture, society, school, church and so on. Fortunately, when we talk about ethical competence as a professional educator we are able to be more specific in our response. To work towards this, it is worth looking first at some of the more general features of our seven approaches and some of their strengths and weaknesses.

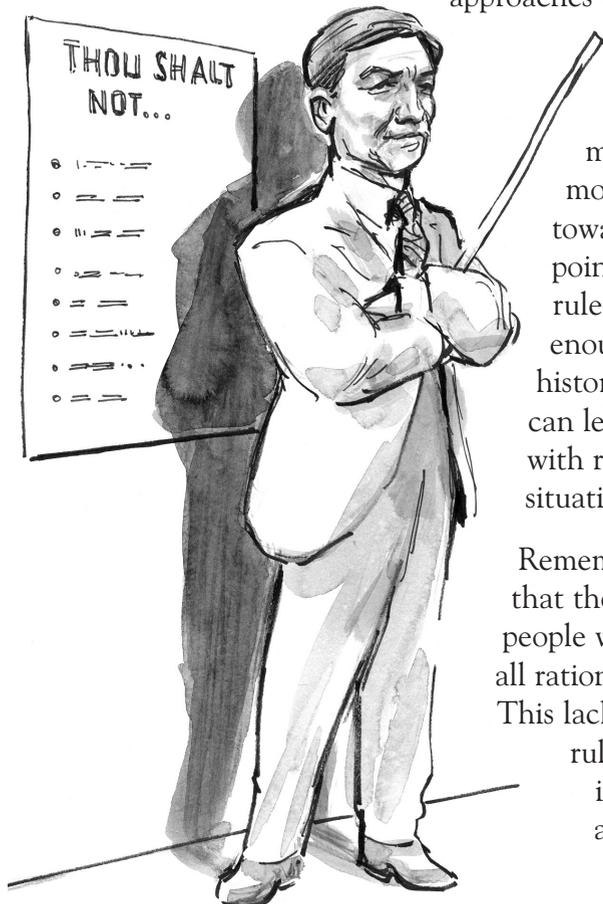
As we do this refer to the notes you made to compare the seven ethical theories. Refine your comparison so that you can clearly describe the similarities and differences between the different approaches and can say whether you would use such reasoning yourself, and why.

Features of the seven approaches to ethical evaluation

Rule-based approaches

The categorical imperative and the golden rule use what we may call “rule-based” approaches to ethical evaluation. According to Rossouw (1994: 4), a contemporary South African philosopher, some of the advantages of this approach are that they respect the rights and interests of all persons, and not only those of the majority. They encourage consistency and thus integrity in moral behaviour and provide for the obligations that we have towards other persons in our respective social roles. He also points out that they have their weaknesses. Too strong a focus on rules might lead to a dogmatic approach that does not pay enough attention to the consequences of actions. Given our history, there is a justifiable concern that rule-based approaches can lead to the imposition of one set of values. Another concern with rule-based approaches is that they offer no solution for those situations where two rules might come into conflict with each other.

Remember that Kant believed that reason would dictate duty and that there was only one solution to an ethical dilemma. All rational people would agree on this solution. Contrary to Kant’s expectations, all rational people do not agree on the same rules for moral behaviour. This lack of consensus in turn opens the question as to whose set of rules should be accepted and who should play the role of referee in deciding this question. In a diverse society, these questions are crucial.

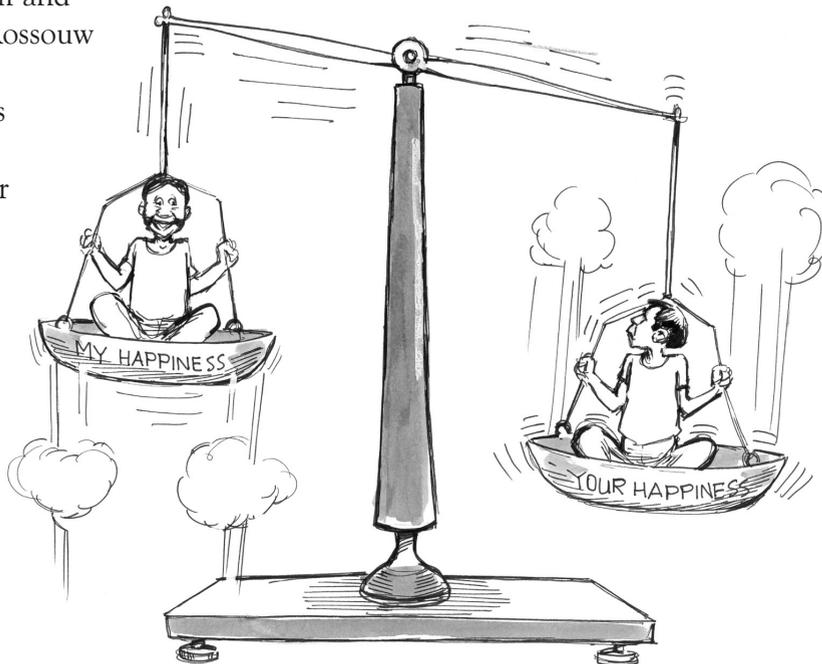


Approaches based on the consequences of actions

In contrast to a rule based approach, egoism and utilitarianism are consequentialist. Again Rossouw (1994: 3) provides a useful summary of the advantages of these approaches. They focus attention on the practical consequences of actions and provide a practical guideline for assessing the morality of actions. They undermine the rigidity and fanaticism that can result from dogmatic belief in unchangeable principles.

Consequence-based approaches appear attractive, but Teichman (1996:15), a contemporary British philosopher, puts forward some telling criticisms. Consequentialism cannot be put into practice because short term consequences can't be predicted with certainty and long term consequences can't be predicted at all. There is no such thing as a "utility calculus".

In other words, it is impossible to weigh one person's happiness or pleasure against another's and impossible to weigh one's own present happiness against one's future potential happiness. Attempts to put utilitarianism or consequentialism into practice would sacrifice the rights of individuals, and of minorities, to the happiness of majorities.



Personal or Social focus

One can draw another distinction between four of these six theories or approaches on the basis of their focus on the personal or the social. Utilitarianism is social, egoism is personal. Kantian ethics is social, while the Golden Rule is personal. The other three approaches, relativism, virtue ethics and human rights have a mixture of personal and social foci.

Avoid harm, promote well-being

The seventh and last approach we looked at is human rights. The key aspects of a human rights approach to ethical evaluation include its historical emergence in many societies as a response to violence. Its emphasis on people and the relations between them and its codification in law with some moral rights becoming legal rights that are enforceable by the state. This legal codification gives human rights a real presence in our daily lives. If we engage in activities that are violations of human rights, the state can act against us.

Broadly, we can say that human rights approaches rely on the avoidance of harm and the promotion of well-being. However, deciding when harm has been committed is not always clear. Nor is it always easy to decide what is in somebody's best interest.

People can have very different views of the same incident. Think of cases of alleged rape when the one person insists that they did not say yes (giving their consent) while the other person insists they did say yes. Human rights approaches contain elements from both rule-based approaches and consequence-based approaches. As law, human rights are rules. But these rules can easily become too rigid. Rules can also be unenforceable. It is all very well for the state to have laws protecting and promoting human rights, but they don't mean much if they cannot be implemented in our daily lives. Think of all the cases of child and woman abuse in our society that go unpunished. Or the lack of progress in achieving a genuine non-racist and non-sexist society.

Ethics, morality and the law

Obviously the law is important. But morality and the law are not the same thing. Apartheid gives us plenty of examples of laws that were immoral. There were times when being ethical meant breaking the law. There are also many areas of ethical evaluation that lie outside of the law. Remember our example of the moral duty to look after one's parents which can not be enforced by law. Where moral values, like the human rights contained in our constitution, have been made into law they still need to be implemented.

We have dwelt at some length in this handbook on a human rights approach because this approach is embedded in our Constitution and in the SACE Code of Professional Ethics. We can now say that the ethical approach that underlies the SACE Code has both a legal and moral status. It is an approach that has strong links to our African heritage with its emphasis on our relationships to other persons and their well-being. A human rights approach also embodies some of the strengths of other approaches. There is a strong resonance with the utilitarian emphases on consequences. Human rights aim at avoiding consequences that violate and inflict harm on a person and promoting consequences that improve social and personal well-being. A human rights approach also shares characteristics with rule-based approaches. This is especially true of the Code. The Code is a set of rules to govern our behaviour and relations with other persons in our professional lives. And it is surely not too much to hope that educators will strive to be virtuous bringing out a link with virtue ethics!

In other words, the SACE Code, with its strong emphasis on human rights, provides an inclusive and open approach to ethical evaluation and to the kinds of sound reasons that can be used to justify a particular decision or action. What is important is to discuss these different approaches with your colleagues and to apply them to the kinds of ethical challenges you are faced with in your professional life. Thinking about your own behaviour and the behaviour of others from an ethical perspective requires looking at an ethical issue using the different approaches to help you understand the complexity of the issue.

Adopting different view points or approaches enables us to "stand in the shoes of another person". To see the world from their point of view.

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Given the strong emphasis on relations between people that is contained in the Code, this ability to understand different points of view is crucial. The ability to understand difference is a crucial part of promoting an open moral atmosphere in our schools and thereby promoting a more open society, of encouraging dialogue and diversity as part of our everyday relationships.

The SACE Code is based on core ethical values that are given explicit political and legal recognition by the Constitution with its commitment to democratic rule based on dignity, equality, and freedom. The Code and these core values can be interpreted and applied to situations using a broad human rights approach.

South Africa is obviously still a long way from being an ethical society. The high levels of violence and of other violations of rights means there is a real danger that our Bill of Rights will become just another piece of paper – a wonderful policy but not something that can ever be implemented. Similar dangers face the Code of Professional Ethics. The Code represents a combination of moral and legal perspectives based on a core notion of human rights as the keystone that protects human beings from violence and harm.

**Is violence ever justified?**

After the journey through this Handbook, we can now say that at the most basic level, the Code is about educators not harming other people and promoting their well-being. Can we now say that as professional educators we will be ethically competent if we do no harm and promote well-being?

Is it really the case, that under any circumstances, an educator should do no harm? The general aim of human rights is the protection and security of dignified human life. But, what if my right to life is itself threatened? Do I have a duty to defend this right even if it means violating someone else's right?

And who shoulders the heavy responsibility of protecting human beings from violence and oppression? In other words, who has the duty to protect human rights, especially the right to life? Individual human beings? If this were so, then we would definitely find ourselves in a "state of nature" described by the English philosopher, Thomas Hobbes, who lived in the seventeenth century. Hobbes described a "state of nature" as a situation of constant conflict, uncertainty, fear, and violence in which the survival and well being of each individual is constantly under threat. Such a situation, according to Hobbes, is a war of all against all, a state in which life is "solitary, poor, nasty, brutish and short". Everybody would be a law unto her/himself.

The State's duty to protect human rights

It is partly for this reason that governments or states were formed: to protect the rights of human beings. As the French proclaimed in 1793, the goal of society (state or government) is the common happiness of all – governments are established to guarantee to their citizens the enjoyment of their natural rights, which are those of equality, liberty, security and property. Our Constitution also affirms this duty of the state in section 7(2) under the Bill of Rights “ The state must respect, protect, promote and fulfil the rights in the Bill of Rights”

To protect human rights the State has to make and enforce certain laws. However, the enforcement of these laws requires certain corresponding duties from the individual citizen, duties such as payment of taxes and obedience to the laws. Such duties enable the state or government to do its task efficiently. It employs, for example, the services of the police-force, the army, and the judges or magistrates to enforce the law and protect every individual citizen within its jurisdiction. Sometimes, under extreme circumstance, the police might have to apply violence in order to protect the rights of citizens against violent attack. As we saw earlier, the state may need to use violence to protect its citizens from an invasion from another country. The issue here becomes: Are the police or the military morally justified in using violence against someone?

Can the end justify the (violent) means?

Another way of putting this is to ask if the end may justify the means. If the end or goal that is desired is good, (for example, an ethical, effective, resilient school), does this justify using violence? Or, a more specific school example: May educators and parents be ethically justified in using violence (corporal punishment or verbal abuse for example)?

A Kantian (see Chapter 5 to recap the ethical theories) would respond NO! It is never justified to harm another person as a means to an end. By contrast, a utilitarian may well calculate that a small amount of punishment (pain) to a few people may lead to the greatest happiness of the greatest number and is therefore justified.

What do you think? What do your colleagues think?

It is interesting to note that the DoE research into Values, Democracy and Education reported that:

educators and parents put an overwhelming emphasis on discipline, respect and obedience, largely emphasised within a context of authoritarian school norms. And that this was sometimes linked to a distrust of a culture of human rights.

This tells us that these educators and parents are worried about the lack of discipline, respect and obedience in schools. They are tired of the violence, abuse and harm of various kinds that are destroying their schools. For these parents and educators there is an immediate need for some form of “order” to counter this “dis-order”. For some, this dis-order has become associated with the “culture of human rights” which gives too many rights to learners and means that children are making it impossible for educators to do their job.



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Being an ethically competent professional educator

They would prefer to have a school with a ‘closed moral atmosphere’ and an authoritarian approach to discipline.

For many of these educators and parents, the most obvious way to restore order and discipline is to use corporal punishment. But using a cane, sjambok or ruler on a child is an infliction of pain on the student.

Remember how earlier we said that the two core ethical principles underpinning the Code are to promote well-being and to avoid harm. If we were to interpret these principles at their strongest, then we would evaluate all forms of corporal punishment as being unethical. The Constitutional Court has recently upheld this strong interpretation and supported the prohibition on the use of all corporal punishment in schools. Christian Education of South Africa (CESA), representing 200 independent schools, appealed to the Constitutional Court to have corporal punishment reintroduced as a disciplinary alternative in schools. But the case was rejected by the Court. The Minister of Education’s representative Bheki Khumalo says that the Department of Education was relieved at the decision. He believes that “whipping children doesn’t help education”, and that meeting violence with violence just perpetuates a destructive cycle (*The Teacher*, September 2000:3)

Violating other peoples’ rights

Are there ever any occasions when you would agree that the use of violence is justified? We have looked at some situations above when you might consider that it is ethically justified to use violence. For example in the case of a ‘just war’. How would you respond to the following examples?

Imagine this scenario. You are a policeman and you have just arrested the man who knows the location of a young girl who has been kidnaped. The man tells you that the girl has only one or two hours to live, but that he will still not tell you where she is.

Would you feel that you were morally justified in using just a little bit of torture to extract a confession from this man?

Or imagine this scenario. You are teaching in your classroom one day. Suddenly a young man comes in with a handgun and a grenade. He shouts at you that he is going to kill everyone in the classroom because you failed him at the end of last year. After you talk to him, he agrees that he will let everyone go, except for one boy. He will still kill the bully in the class who had made his life a misery last year.

Are you willing as the teacher to sacrifice this one not very nice child for the lives of the other forty children in the class (and for your own life)? On what sound reasoning will you base your decision?

The fact that an action causes harm, does not always mean that it is unethical – depending what ethical approach you choose. So, then, there are cases when using violence may be ethical. These examples remind us that making ethical evaluations and being ethically competent educators are complex and difficult challenges to which there is no single simple solution.



Educators are bound by the Code

Ultimately we have to remember that the Code is underpinned by a human right approach. If you do not agree with the human rights approach, this does not mean that you can simply ignore the Code. Remember the Code has both moral and legal authority. Legally, you must fulfil your obligations under the Code and “behave in a proper and becoming manner”.

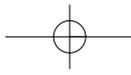


But having read this far, you will know that this legal obligation may not be a moral obligation!

The Code is not intended to usurp your own moral principles or approaches. The Code encourages the professional autonomy of the educator and is phrased in such a way that its legal aspects do not prescribe a specific ethical approach. On the contrary, the emphasis on human rights within the Code encourages diversity of viewpoints and the dignity of every person whatever their moral beliefs, values and practices. But, you are under an obligation to be ethically competent – whatever your particular moral approach.

In this handbook, we have introduced you to an understanding of values and of ethical evaluation. We showed how evaluation is about having sound reasons for the moral distinctions and decisions one makes. And we presented an overview of the different religions and the seven different approaches to ethics that provide sources for sound or good reasons. Throughout the Handbook we have linked this brief study of ethics to the Code. We have shown that the Code is based on certain core values and a human rights approach. In doing this we have emphasised that although the Code has moral and legal weight, it is not prescriptive in an oppressive sense. It provides broad guidelines that are open to different interpretations.

It is your responsibility to explore these different interpretations and to see what kinds of sound reasoning make most sense in your circumstances. We have tried to help with the first few steps but have barely scratched the surface of this ethical landscape. Given the importance of other people to any understanding of ethics, it is best to explore ethical practices in a school or organisation as a whole as well as allowing space for each educator to engage in critical reflection about their own ethical conduct and character. What is important is to begin talking about ethics. To talk about the values that you believe should characterise your school and your own behaviour. To discuss specific ethical issues as they arise in the classroom, the staffroom, union meetings, and so forth.



Part Two

Being an ethically competent professional educator

Talking about ethics will not magically solve the many challenges we face as educators. But doing so may help us to make more sense of our working environments and our roles, responsibilities and commitments within those environments.

One way of beginning this discussion is to use the Code of Professional Ethics to look at some of the ethical issues that arise in schools. We will take a closer look at the Code in Part Three.



Activity 15

Question One

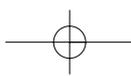
During a class the teacher is called out of the room. He returns to find that a student has done something that might have endangered the safety of the whole class. The teacher thinks that it is important to find the perpetrator and questions the class threatening dire consequences if the guilty party does not own up. The guilty party does not confess, and no one else will turn him or her in. The teacher decides to put the entire class on detention.

1. Evaluate the teacher's actions. Is he right to put the whole class on detention?
2. Was the teacher right to leave the class unattended in the first place?

Question Two

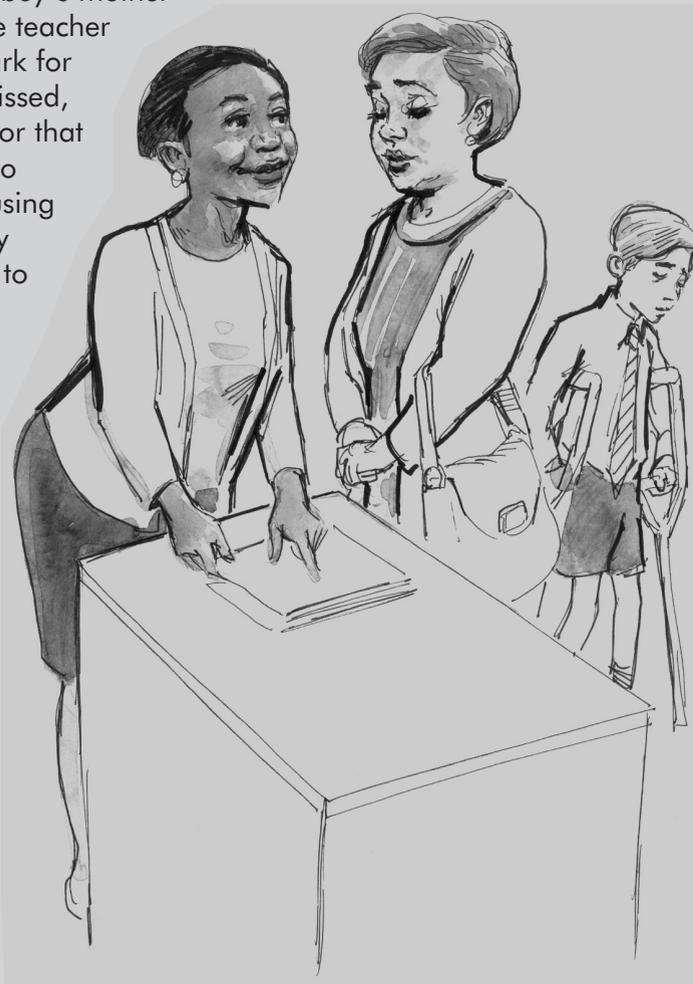
The parents of a 17 year-old pregnant girl have laid a complaint with the Commission for Gender Equality against a school. The school governing body (SGB) and representative council of learners (RCL) has asked the girl to leave immediately because she is pregnant and is an 'embarrassment' for other learners. The parents argue that her right to education is being violated. (Beeld, 20/02/200:6)

1. Has the girl been wronged? Explain your answer by giving sound ethical reasons.
2. In South Africa the issue of pregnancy in schools is a huge challenge. Many provinces and schools support a suspension system. When a teenager becomes pregnant she must stay home for two years before coming back to school. Think through the consequences of this policy. What does it say about our commitment to gender equality and equality of opportunity.



Question Three

A grade 8 boy was involved in an accident and missed 4 weeks of school near the beginning of the school year. He missed the first English test, and the day after he came back to school, he wrote the second English test. He had no time to prepare and did very badly, getting 30 per cent. Later in the term, after working hard to catch up, he did well in the two final tests getting 60 per cent and then 72 per cent. However, at the end of the term when his report came he got 41 per cent for English. He is devastated! A fail! His teacher explains to the boy's mother that this is only fair. The teacher couldn't make up a mark for the first test that was missed, so there was no mark for that test. To be fair he had to calculate the mark by using the three marks actually achieved, and this had to be divided by 4. According to him it would have been unfair to other learners if he divided by 3, because he felt, to be fair to everyone you must use the same method to work out the marks for all the learners. The teacher explained to the mother that because the boy had missed one test his mark was low, but there was no cause for concern as his results were clearly improving.



1. Evaluate this case. Is the educator's assessment of the boy's work and the reporting of it 'right'? Has he caused any harm? If so to whom?
2. Give suggestions for other ways in which such a case could be handled.

Question Three

Read through the findings of the Wits EPU report, and then answer the questions which follow.

The Wits Education Policy Unit released its findings into the effects of corporal punishment in 2000. These are some of the findings of that report (Salim Valley in the Sunday World, 07/05/2000).

By striking a learner, the teacher provides a living model that violence is an acceptable way to express dissatisfaction and a legitimate way of resolving tensions. It teaches that inflicting pain and instilling fear is the proper way to power.

Physical punishment does not deter. Corporal punishment is usually administered to those who are accustomed to it and who accept it as routine rather than a deterrent. Some pupils even brag about it, using it as a badge of courage.

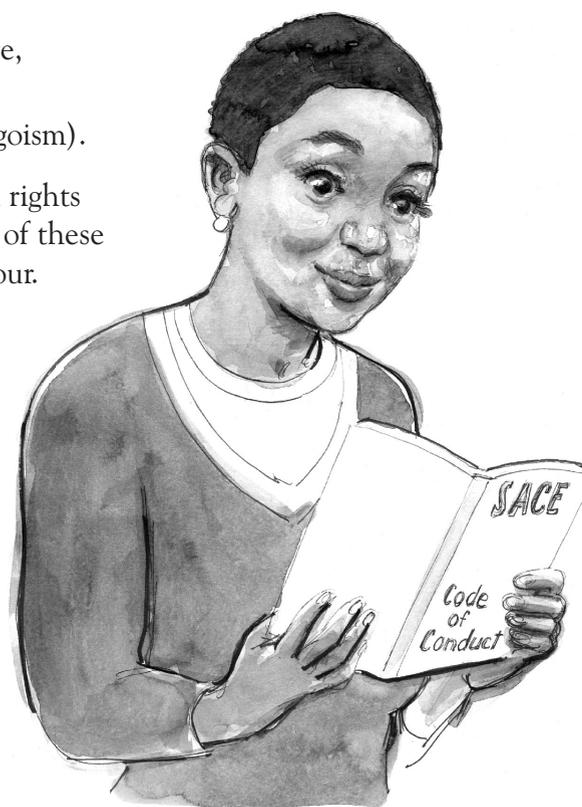
Learners usually focus on the beating, and not on the reasons behind it. The argument that punishment stops bad behaviour implies that such behaviour is stopped for all time. Yet, the black books of high schools show the same learners beaten for the same offences by the same teachers over and over again.

The ability of an educator to frighten or bully is scarcely instilling respect in the learner. Rather respect through fear may inhibit certain behaviour in the physical presence of the person in authority, but it evaporates when the person is not present.

1. Which of these findings do you agree with? Which do you not agree with?
2. What is the general view of corporal punishment at your school?
3. Are there other ways of disciplining learners?

What have we learnt so far?

- We make ethical evaluations all the time.
- Ethical evaluations are often based on ways of thinking which have their roots in one or other of the seven approaches discussed before.
- We can broadly divide the seven theories into categories depending on the type of evaluation suggested by the approach. The categories are:
 - rule-based approaches (categorical imperative and the golden rule)
 - consequence-based approaches (utilitarianism and egoism)
 - social focus (categorical imperative, utilitarianism,)
 - personal focus (the golden rule, egoism).
- Faith-based, virtue ethics and human rights approaches do not fit neatly into any of these categories, they are a mixture of all four.
- The Human Rights approach has as its central value – avoid harm and promote well-being.
- It is not always easy to decide what avoiding harm and promoting well-being means in our diverse and violent society.
- The Code of Professional Ethics provides an inclusive and open approach to ethical evaluation and to the kinds of sound reasons that can be used to justify a particular decision or action.
- Making ethical decisions is not as simple as do no harm and promote well being.
- Some argue that using violence (eg corporal punishment at school) is justified as a means to an end (a well disciplined school). However, this is not a human rights perspective.
- In some cases it may be impossible to avoid harm, and harming one person may lead to the great good of many people.
- That is why it is so important to have sound reasons for the decisions that you make.
- Talking about ethics may help us to make more sense of the complex issues which we face in schools.



PART TWO

8. *Moral Development*

In the previous chapters we have looked at different approaches to ethical evaluation. What we have not done is ask any questions about moral development. Are all people, whatever their age, equally capable of being ethical? Are some people at a higher 'stage' or 'level' of moral development than others? Would it be fair to demand the same levels of moral character and action from children and adults?

We would not expect a seven year old child to make moral judgements about the rightness or wrongness of the death penalty or euthanasia. In some sense, the child is too "immature" to grasp the ethical principles and debates that surround these issues. This is not to say that we have no ethical expectations of the child. For example, we may hope that seven year old children would be willing to share their birthday cakes with their siblings or to understand that it is wrong to physically harm their friends. The understanding demonstrated may not be great, but we could reasonably expect that their behaviour conforms to these standards. If we were to compare the behaviour of a five year old child and a fifteen year old adolescent, we would expect the fifteen year old to have a greater sensitivity and understanding of moral issues than the five year old. In other words, our common sense tells us that a person's age is in some way linked to their moral behaviour and judgements.

The idea that there are stages of moral development that can be linked to age has been explored in great detail in the work of Lawrence Kohlberg (1927 to 1987) a Harvard university psychologist and professor of education. Kohlberg's work is based on Piaget's theory of clearly identifiable stages in the *cognitive development* of children. Kohlberg's work has both a philosophical dimension and an empirical dimension. He constructed a theory of moral development and engaged in empirical studies to test his theory.

It is worth looking at his theory in some detail. It has exercised a very strong influence on studies of moral development for the last thirty years and it provides a clear structure for presenting key issues in a brief manner.

Kohlberg distinguishes three levels of moral development and identifies two stages within each level – giving a six stage typology of moral development. Let's look at an outline of these levels and stages and then identify some of the strengths and weakness of Kohlberg's approach.

Kohlberg's Levels and Stages of Moral Development

LEVEL/STAGE	ORIENTATION
Pre-Conventional Level	
Stage 1	Punishment and Obedience
Stage 2	Naive Instrumentalism
Conventional Level	
Stage 3	Good Boy – Nice Girl
Stage 4	Law and Order
Post-Conventional Level	
Stage 5	Social Contract
Stage 6	Universal Ethical Principals

The Levels and Stages of Moral Development

The three levels

Kohlberg describes three levels of moral development: The Preconventional, Conventional and Postconventional levels. The Preconventional level is characteristic of children up to the age of about eleven (Piaget's pre-operational thought period). At this level, the child is responsive to cultural rules and labels of good and bad, right and wrong, but interprets these labels in terms of either the physical consequences of the action (punishment, reward) or in terms of the physical power of those making the rules and labels (parent, teacher, peer group, society).

The Conventional level is characteristic of children between the ages of eleven and fifteen (Piaget's formal operations period). Here the child is concerned to meet the expectations of family, teachers, peer group and society and actively supports the dominant social order. The child will often identify with "role-models" who represent these expectations.

The Postconventional or principled level emerges, if at all, after the age of fifteen. Here the young adult (no longer a child) demonstrates a clear effort to define moral values and to behave using universal ethical principles.

He/she engages in logical reasoning oriented towards justice based on a strong social contract or agreement. The young adult chooses these values and principles for herself, irrespective of the authority of the groups or people holding these values/principles and apart from the individual's own identification with these groups or people.

Kohlberg is careful about linking these levels too closely to ages and the correlations are only a rough guideline. But he is strongly committed to the reality of his "progressive" stages. Kohlberg's key assumption about development is that development is "framed" by the level of logical reasoning. This assumption is based on Piaget's work on cognitive development and implies that a child can only engage in the "higher forms" of moral reasoning if they have the necessary cognitive equipment. Hence, a child can only reach the conventional stage when they are capable of grasping abstract concepts and logical thinking.

Reason is crucial for Kohlberg's model because it provides the route to his ideal or highest level of moral development: a "just society". A just society is composed of persons committed to universal reciprocity, equality and respect for the dignity of others. The levels of moral development through which a person 'grows' lead, step by step, to an ethical character who values equality and reciprocity and is the 'ideal citizen' of an ethical and just society.

Children of all ages show some awareness of, and interest in, the welfare of others. But it is only at the post-conventional level that a person bases their relationships with others on the principles of equality and reciprocity rather than some form of self-interest or obedience to authority or conforming to peer-group pressure.

The six stages

Let's look more closely at the six stages. The first stage is oriented towards punishment and obedience and is characteristic of children up to the age of seven (Piaget's pre-operational thought period). In this stage, children avoid punishment, seek rewards and obey authority. Right is literal obedience to rules and authority. The child is egocentric and does not consider the interests of others except insofar as they affect his/her own personal interests.

The second stage is oriented towards an instrumentalist view of the world where the interests of others are considered and weighed up against self-interest. This stage is characteristic of children between seven and eleven (Piaget's concrete operational period). Broadly this orientation is one of: "you scratch my back and I'll scratch yours". Right is serving one's own and/or others needs by making fair deals in terms of concrete exchanges.

The third stage is a "Good Boy- Nice Girl" orientation in which good behaviour is that which pleases others and is approved by them. The child conforms to stereo types of good and bad behaviour that are drawn from his/her environment. Right is playing a good/nice role, being concerned about other people, being loyal and trustworthy, following rules and meeting expectations.

The fourth stage is a social maintenance orientation in which the child has a positive attitude towards authority, fixed rules and the maintenance of social order. Right is doing one's duty and respecting authority. The third and fourth stages are characteristic of children between the ages of eleven and fifteen (Piaget's formal operations period).

The fifth stage is a social contract orientation in which right or good actions are defined in terms of general individual rights and in terms of standards that have been critically examined and agreed upon by the whole society. There will be a strong emphasis on the legal point of view. And moral values and principles are seen to rest on agreement and contracts. Right is upholding the basic rights, values and legal contracts of society even when they conflict with "everyday" rules of a specific group.

The sixth stage is an orientation towards universal ethical principles. Right is defined by a decision of conscience in accordance with self-chosen ethical principles which are logically comprehensive, universal and consistent. The most common universal principles adopted are those of justice, reciprocity, equality and dignity.

Kohlberg claims that these levels of moral development are found across different cultures and that, in all societies, there are people who do not progress beyond the conventional level. Broadly, Kohlberg offers us a vision of, and broad curriculum for, moral development based on the use of reason oriented towards the creation of a just society.

Teaching

One strength of Kohlberg's approach is that it provides broad guidelines for teaching ethics. It provides a rough indication of the kinds of ethics teaching that is appropriate at different (st)ages. It also gives a strong indication of how we should teach ethics. Using a Socratic approach in which a dialogue takes place through posing ethical dilemmas and problems. We are using dialogue here in a very loose sense. Much ethics teaching can be done through role playing and other forms of simulation where learners are challenged by familiar and unfamiliar moral dilemmas.

Like Piaget and Vygotsky, Kohlberg believes in challenging children, particularly between the ages of eleven and fifteen, with difficult and unfamiliar challenges and dilemmas that set up a dissonance in the child's "web of belief". The desire to overcome this dissonance and re-create equilibrium motivates and shapes the learning process. When grappling with what he/she ought to do in a specific situation, the child develops morally.

One can also see how Kohlberg's theory could be applied to schools as a whole. Broadly, using our earlier distinctions, we could say that:

- A school with an *amoral* atmosphere is at the pre-conventional level
- A school with a *closed moral* atmosphere is at the conventional level
- A school with an *open moral* atmosphere is at the post-conventional level

How would you rate the moral development of your school?

At what level and stage would you place the SACE Code?

Kohlberg's model gives us some strong indications of the kinds of ethical behaviour we can expect from children of different ages. For example, children in the lower grades of a primary school will respond best to a system based on obedience and rewards and punishments.

Criticisms

Inevitably with a theory that has had so much influence, it has been the subject of much debate and considerable criticism. Much of the criticism has been directed at Kohlberg's methodology and assumptions. Methodologically, the small number of children investigated weakens any claims to generalisability. The method of investigation (posing nine "ethical dilemmas" to children and recording their responses) is based closely on his assumptions about progressive reason and the ideal just society. For many, these assumptions and the examples and case-studies he uses reflect the orientation of a White American Male and are not appropriate for different cultures. For example, stage six sounds very similar to the principles and values that underpin the American constitution.

The emphasis on logical reason can be seen as reflecting a "male" perspective that may be contrasted with a more feminine orientation towards "caring". A similar criticism points to the "individualism" of the theory which is seen as being in conflict with more collective or community oriented views such as Ubuntu. Kohlberg's theory is similar to a Kantian rule-based approach to ethics and many utilitarians would disagree with his description of stage 6. Why should the perfect society be based on 'justice'. Would you rather live in a 'caring' society or a just society? Or perhaps a combination of the two? Perhaps the best society is one in which happiness is maximized.

In spite of these criticisms, there is a general acceptance that human beings do pass through stages of moral development but there is lot of disagreement about how to describe these stages and how to link them to specific ages.



Activity 16

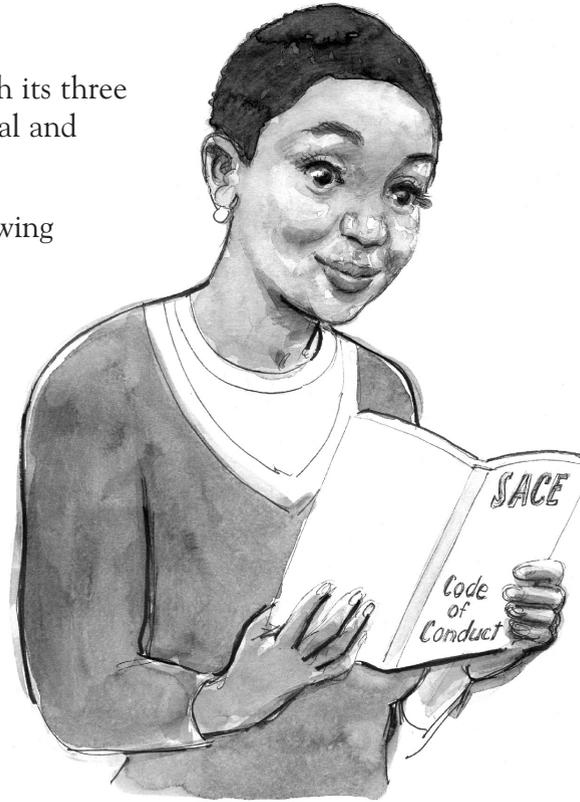
You have been working late at school and the place seems quiet and deserted. As you are leaving, you hear someone crying in the women's toilets. You investigate and find a young girl – about fourteen years old – sitting on the floor. After some soothing comments from you, she tells you that she is pregnant and must have an abortion, but she does not know how to do it or how to pay for it. She then tells you that a young teacher and three matric pupils raped her about six weeks earlier. She knows that one of them must have been the father because she has never had sex with anyone else. She appeals to you to help her. And she begs you not to tell anyone. She tells you that if people know that she has been raped, it will shame her in the eyes of her parents, family and friends. She is very scared of the men. But she is also worried that her father and brothers will want to kill the men if they find out about it. She is also terrified that she may have been infected with HIV/AIDS.

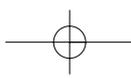
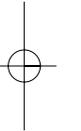
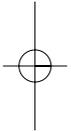
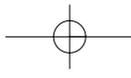
When thinking about this case study take into account the girl's age and likely stage of moral development.

1. Would you help the girl? Or would you walk away and tell her it is not your problem?
2. How would you go about helping the girl? Would you take her to the clinic for an abortion and HIV test? Would you tell her parents, or the principal, or the police?
3. The girl has asked you to treat her confession in confidence. Clearly, she has a right to privacy but does this right to privacy and confidentiality override school policy?
4. Would it be better for the school if this incident was made public and the rapists brought to trial and probably punished? Or would it be better if the whole thing remained secret? How do you weigh up the interests of the school against the interests of the girl?

What have we learnt so far?

- A person's moral development is linked to their age – although there are no hard and fast rules about the correlation between age and stage.
- A person's moral development is linked to their cognitive development (Piaget).
- Kohlberg provides a useful model with its three levels (pre-conventional, conventional and post-conventional) and its six stages.
- Kohlberg's model is open to the following criticisms:
 - it is biased towards American White Males.
 - the samples used in the empirical research are too small to generalise from.
 - it privileges reason and justice over intuition and caring.
- In spite of these criticisms, Kohlberg's model is still a useful instrument to help us discuss moral development.





PART THREE

9. A closer look at the Code of Professional Ethics

In the final chapter of this Handbook, we are going to take a closer look at the Code. Remember that the Code describes how every educator ought to relate to learners, parents, colleagues, the employer, and the Council. Here we are going to look more closely at how the Code expects educators to relate to each of these groups of people.

First we write the appropriate clause from the Code in *italics*, and then discuss what that clause may mean for educators.

The Educator and the Learner

A school-based educator is interacting with learners in the classroom or playground for the majority of a school day. For this reason the largest section of the Code is focused on the 'proper and becoming behaviour' of an educator in relating to a learner.

There are eleven points dealing with how a professional educator should relate to his or her learners. Some of these points are clear to understand, and you may think that they are so obvious, they should not need to be spelt out in the Code! However, there are other points which may need some discussion.

We have already discussed the importance of values in this Handbook. When you read these eleven points carefully, you will see that they are underpinned by fundamental values. In order to make this Code a part of your daily professional life, you need to understand these values and principles.

Respect the uniqueness and dignity of every child

3. An educator –

- 3.1 *respects the dignity, beliefs and constitutional rights of learners and in particular children, which includes the right to privacy and confidentiality;*
- 3.2 *acknowledges the uniqueness, individuality and specific needs of each learner, guiding and encouraging each to realise his or her potentialities;*

The Code emphasises that it is important for the educator to respect the uniqueness and the dignity of every child in his or her classroom. For some teachers the idea of respecting learners' rights and dignity is very different from the way they were taught at school. For a long time in South African schools, teachers were encouraged to see themselves as the expert adult and the authority whose job was to mould children (who were born "bad") to become good adults. The human rights perspective sees children as people who should be treated with respect and dignity, just as adults are. This is a new idea for some teachers. However it is a very important idea in a democratic South Africa.

Practical tips

When you teach lots of children every day, it is not always easy to see them as unique individuals. One practical way of ensuring that you focus on each child is to write the name of every child on a piece of paper or card, and put these into the drawer of one side of your desk. Each time you praise a child, move their name card to the other drawer of your desk. This enables you to see if you only focus your attention on a few children, and forces you to pay attention to each child.

Marking children's work properly can be impossible with very large classes, and this means that educators are unable to acknowledge the specific needs of each learner. Rather than marking each child's work very superficially often (for example, by just signing it), rather mark each child's work in depth two or three times every term, and take time to respond. This will enable you to pick up any problems a child may be having.

Values in South Africa

- 3.3 *strives to enable learners to develop a set of values consistent with the fundamental rights as contained in the Constitution of South Africa;*

This Handbook has strived to provide you with an understanding of the different values and principles used by South Africans. We have also placed a strong emphasis on the importance of human rights.

Part Three

A closer look at the Code of Professional Ethics

This focus on values means that you as an educator need to teach learners more than Maths, or Science or Zulu – you also need to make a contribution to breaking down forms of discrimination in your classroom. Classrooms are a good place for children to develop these values because they are learning together with children who are different from them. Their classmates may have a different religion to them, a different political affiliation, may speak a different language at home, may be richer or poorer than they are ... Children need to learn that they should not discriminate against other children because they are different to themselves.

Practical tips

How do we enable our learners to learn tolerance in diversity?

The first step is for us as educators to be conscious about our own prejudices. Do you tend to favour boys when assigning interesting tasks (like setting up science experiments) and ask girls to do things like sweep the classroom? Do you favour children who speak English well, and ignore those who don't?

The second step is to think about ways of actively introducing the issues of tolerance, accountability, honour into the formal classroom learning and the informal learning (the things that happen “by the way”). There are specific lessons or activities that you can do which deal with these issues. You and your learners can draw up a “Classroom Charter” which lists the kinds of values and behaviors which are important in your classroom.



Here is an example of a classroom charter for dealing with difference:

- Everybody is an important part of the school community and should be treated with respect and kindness.
- Nobody will be treated badly or hurt in any way because they are different.
- Nobody will call anybody by hurtful names.
- Everybody will have the chance to speak and to be listened to.
- Differences will be accepted and celebrated.
- We will learn about each other and not judge one another.

(The Teacher/Mail and Guardian, October 18, 2000)

Treating Learners with Compassion

- 3.4 exercises authority with compassion;
- 3.5 avoids any form of humiliation, and refrains from any form of abuse, physical or psychological;

Points 3.4 and 3.5 make it very clear that educators should not humiliate their learners in any way, nor abuse them physically or psychologically. Although corporal punishment was banned in 1994, it is still practiced by some teachers and principals. However, using corporal punishment is both illegal and contrary to a culture of human rights which emphasises the dignity of all people.

The issue of corporal punishment can be a heated debate. There are some people who believe that corporal punishment is the only way to discipline a child and that not using the cane has caused disciplinary problems in schools to get worse. However, the view of the education department is that meeting violence with violence simply perpetuates a destructive cycle (*The Teacher, Sept 2000, p. 3*).

Practical tips

What are the alternatives to the cane? Here are some ideas from a KwaZulu Natal high school (*The Teacher, September 2000:4*).

Pinetown Boys High school has developed a system of credits, debits and demerits. The school's governing body, its staff, its prefect body and the representative council of learners collaborated to draw up a code of conduct, with offenses being split into four categories, depending on their degree of seriousness. For minor infringements such as occasional latecoming, pupils are punished by being given pages to write or community service to perform without incurring any debits.

Regular bad behaviour or more serious violations result in up to two debits each. After 16 debits the learner earns a first demerit, with a second following at 30 debits. Each demerit earns the pupil three hours of detention and at the third demerit he is suspended. The sixth demerit results in another suspension and an interview with the deputy head, and this time the pupil is also required to see a psychologist. By the time he earns his ninth demerit and third suspension, the pupil has to bring his parents along to be seen by the headmaster.

The flip side of the coin is a credit system whereby the boys are given credits for good behaviour and performance, and receive letters of commendation and awards after reaching predetermined numbers of credits. The good points do not cancel the bad – only time does, with the slate being wiped clean at the end of every year.

Discuss the following questions with some colleagues:

1. What do you think of this idea of demerit points?
2. Does it sound like a workable system for your school? Why?
3. If not, are there any other ideas that might be more appropriate for your school?

Sexual Discrimination

3.6 promotes gender equality;

3.7 refrains from any form of sexual harassment (physical or otherwise) of learners;

3.8 refrains from any form of sexual relationship with learners at a school;

Although the Code has already emphasised the importance of not discriminating against anyone because of their sex, race, language, religion etc, it makes a special point that the teacher should promote gender equality. Why does the Code make this a special issue? Probably because there are instances where school girls are sexually harassed or even raped by school boys or male teachers. A recent Human Rights Watch Report entitled “Scared at School: Sexual Violence against girls in South Africa” reports that thousands of school girls of every race and economic group are learning that sexual violence and abuse are an inescapable part of going to school.

This is the story of one girl, who was raped by a teacher. He had sexually molested seven other girls in the school before she spoke out. Her mother said “Her school marks have gone down, she has become aggressive and defiant. She rarely smiles. She doesn’t talk to me anymore. We fight often”. The principal refused to suspend the rapist, and even attended court with him (*The Teacher, November 1999: 11*).

Young girls often fall pregnant while they are in school, and having a baby makes it very difficult for a girl to finish her schooling. In 1999, more than 17 000 babies were born to mothers aged 16 years or younger. Although it is illegal for schools to discriminate against pregnant learners, pregnant girls are often forced to leave the school, while the father of the child continues his education.



Practical tips

It is a criminal offence not to report suspected child abuse to the police.

It is important that your school has policies and support structures in place to deal with peer rape, teacher/pupil rape, inappropriate sexual behaviour in school and support for teachers who have been raped.

Resources:

Contact numbers of organisations dealing with abuse:

National Tollfree Childline 0800-055-55

Childline offers a 24-hour helpline with trained counselors for abused children and their families.

Gauteng

- Childline (011) 484 1070
- Child Protection Unit, Johannesburg (011) 403 3413 / 083 553 6720
- Family Violence, Child Abuse and Sexual Offences Unit of the SAPS Pretoria (012) 353 5810 / 082 251 6895

Western Cape

- Childline (021) 461 1113
- Child Protection Unit Cape Town (021) 592 2601/3/5

Eastern Cape

- Child Protection Unit, East London (043) 722 7646
- Port Elizabeth Child Protection Unit (041) 456 4618/19/20/21p

Free State

- Bloemfontein Child Protection Unit 051 447 0145/6

KwaZulu-Natal

- Child Protection Unit, Durban (031) 307 7000
- Childline Pietermaritzburg (033) 394 5177
- Rape Crisis Pietermaritzburg (033) 394 4444
- Family Violence, Child Abuse and Sexual Offences Unit of the SAPS (033) 845 8627

Limpopo

- Polokwane Child Protection Unit (015) 290 6000

Northern Cape

- Kimberley Child Protection Unit (053) 831 1818

Northwest Province

- Klerksdorp Child Protection Unit (018) 464 5111

These resources were obtained from The South African Society for the Prevention of Child Abuse and Neglect website: www.saspcan.co.za

Part Three*A closer look at the Code of Professional Ethics***Language**

3.9 uses appropriate language and behaviour in his or her interaction with learners, and acts in such a way as to elicit respect from the learners;

Educators should use appropriate language and behaviour when interacting with learners. Again this point is underpinned by the general value of acknowledging and respecting the dignity of the child. Just as you would not swear at a friend or relative whom you respect, educators should not swear at learners or call them names.

Safety

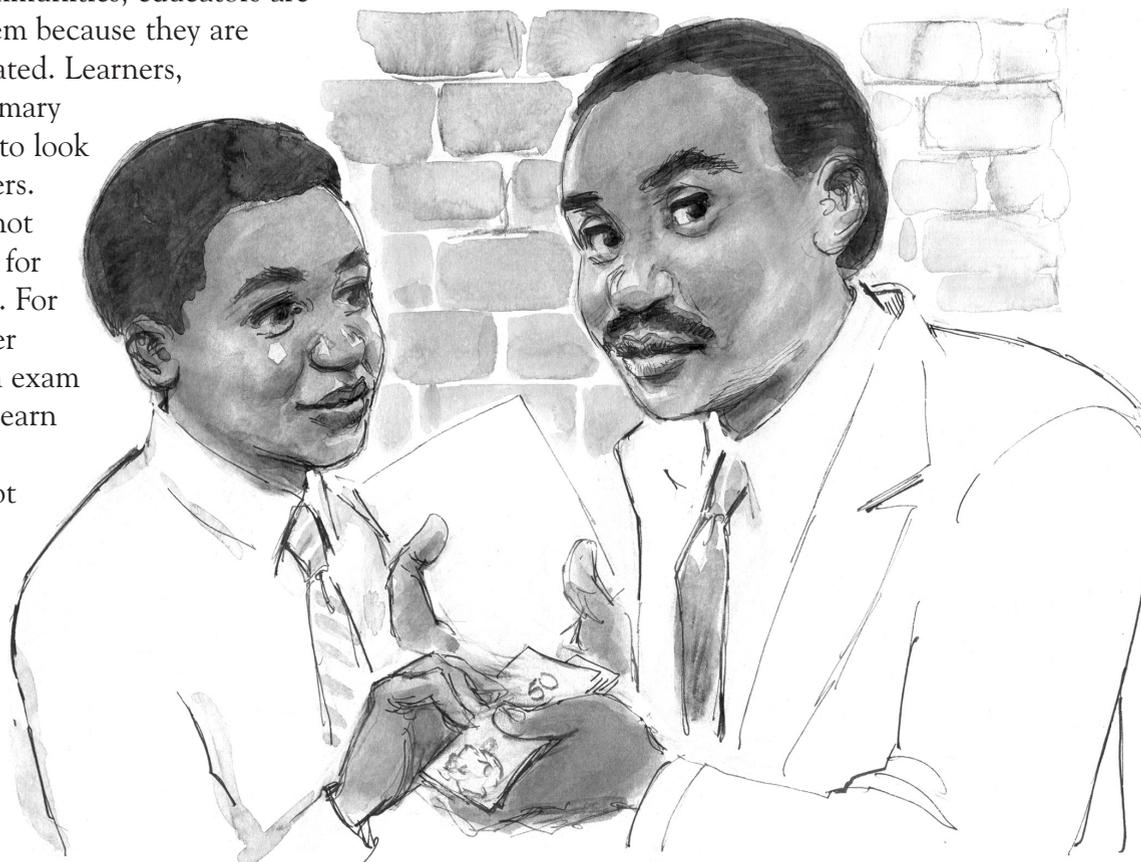
3.10 takes reasonable steps to ensure the safety of the learner;

Educators should take reasonable steps to ensure the safety of the learner. The teacher's responsibility is legally defined. For example, if you are a science teacher, you need to be sure that all harmful chemicals are kept safely locked away. It is your responsibility to be familiar with all the relevant legislation such as the Occupational Health and Safety Act.

Corruption

3.11 does not abuse the position he or she holds for financial, political or personal gain;

Educators should not abuse their position for any kind of personal, financial or political gain. In some communities, educators are held in high esteem because they are literate and educated. Learners, particularly in primary school, also tend to look up to their teachers. Teachers should not use their position for any personal gain. For example, a teacher should not sell an exam paper in order to earn extra money. A teacher should not promise that a learner will pass a subject in return for sexual favours.



Negligence

3.12 is not negligent or indolent in the performance of his or her professional duties;

An educator must be committed to carrying out his or her professional duties. These duties are laid out by the employer, the Department of Education in the document

Duties and Responsibilities of Educators.

An educator is expected to be at school from 7.30 am until 3pm. It is not permissible for educators to arrive late for classes: every educator has a duty to be in his or her classroom, teaching, during school time simply because every learner has the right to be educated.

Think about the situation at your

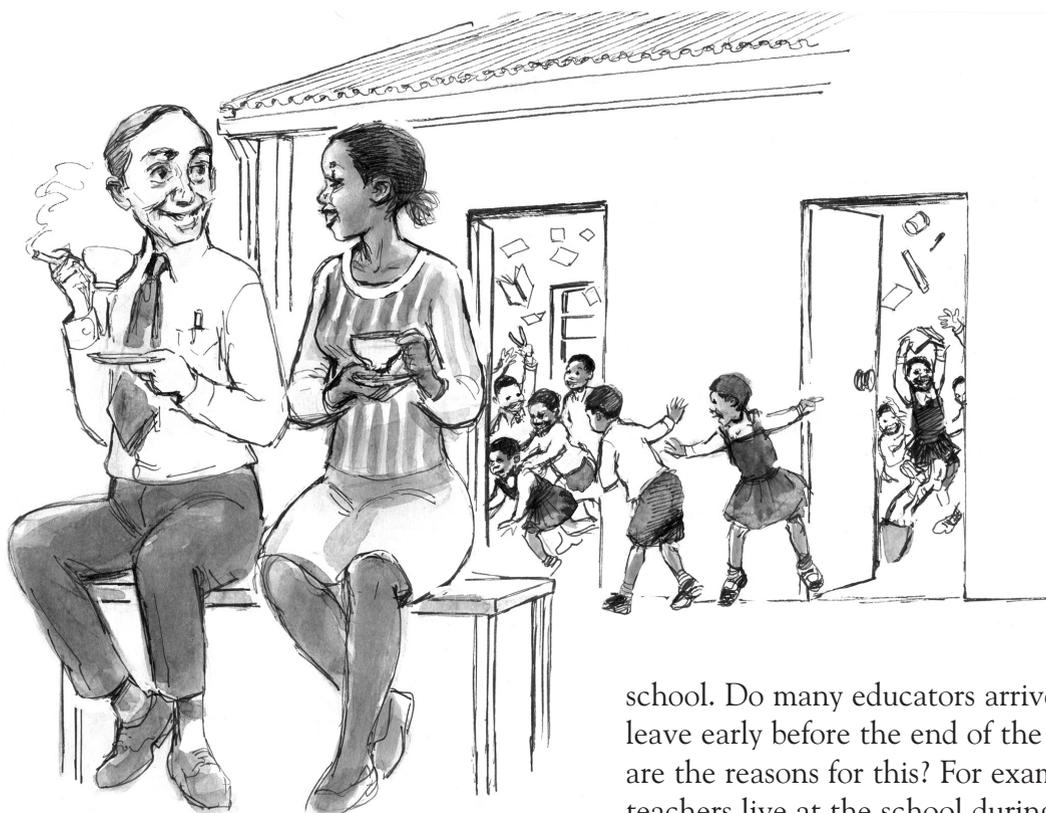
school. Do many educators arrive late for lessons, and leave early before the end of the school day? If so, what are the reasons for this? For example, it may be that the teachers live at the school during the week, and go home for the weekends. This may mean that they always arrive late on Monday mornings and leave early on Fridays.

How many teaching days at your school are lost due to sports meetings, choir or debating, lengthy registration etc? One research project showed that some schools lost HALF the teaching days in a year due to these disruptions. How can your school ensure that you make the best use of every school day in the year?

Partnership

3.13 recognises, where appropriate, learners as partners in education.

Do you think of your learners as partners in education, or as enemies? Often we see ourselves trying our best to deliver quality education in difficult circumstances, and we perceive our learners as being lazy and not appreciating our efforts at all! Perhaps it is an ideal situation to be working towards: that the education process is a partnership, where educators and learners work together to achieve their goals. It is probably easier to recognise senior primary or secondary school learners as partners in education.



Do you feel that you are fighting against them in the classroom? Are there ways that you could start working together better?

For example, if your learners are really bored with the poems that they are doing, you could ask your learners what they would really like to learn more about. Perhaps you could strike a compromise: that you work through the poems that are set in the syllabus first, and then take a few lessons to focus on what they are interested in.

The Educator and the Parent

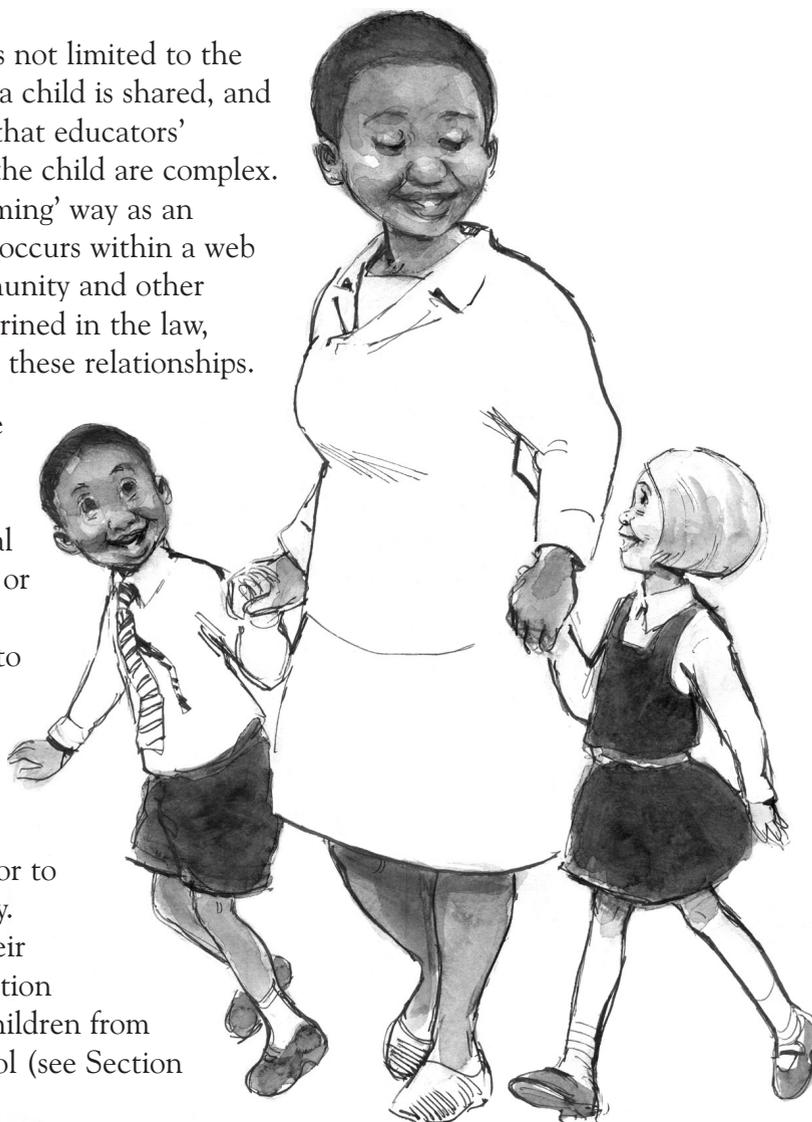
As a school-based educator, you will interact with learners for most of your time. However other relationships will develop too – in particular, relationships with the parents of individual learners in your classes. Educator-learner relationships develop within the context of the school but are largely influenced by the wider context of the learner's life – their parent's involvement in their education and the wider community within which they live and grow.

We all know that the education of a child is not limited to the classroom. The responsibility for educating a child is shared, and the practices that govern the relationships that educators' develop with others involved in educating the child are complex. This means that acting in a 'good' or 'becoming' way as an educator is not just an individual action, it occurs within a web of practices involving the parent, the community and other educators. Some of these practices are enshrined in the law, and the Code has two sections which cover these relationships.

Sections 4 and 5 of The Code deal with the relationships between the educator, the parent and the community. The two points under section 4 deal with how a professional educator should relate to the parents of his or her learners, and one point under section 5 deals with the relationship of the educator to the community.

The responsibilities of the educator *in loco parentis*

It is not the sole responsibility of an educator to educate a child – it is a shared responsibility. Legally it is the parents' duty to educate their children. Under the South African constitution parents have a legal duty to protect their children from harm and are obliged to send them to school (see Section 3 of the South African Schools Act).



In doing so they place their children in schools under the care of educators. In this sense the educator acts *'in loco parentis'* (in the place of the parent) in regard to part of the education of the child.

Under the principle of *'in loco parentis'* an educator has authority over the child. In particular, as an educator you have the right to exercise two forms of authority: original and delegated. Original authority over children, as learners, is held through your professional responsibilities, while authority over their behaviour is delegated to you by parents. This means that in anything to do with learning and practices involving the school-based education of a child, you have primary decision making powers. However when it comes to behaviour and religious/ cultural/ social practises, and beliefs adopted by learners, parents are the dominant decision makers. The principle of *in loco parentis* does not mean that the educator actually takes over the responsibilities of the parent or in any way replaces the parent, parents remain the primary educators and authorities over their children.

The common law principal of *'in loco parentis'* refers to the 'duty of care' towards your learners. This 'duty of care' means that you have to take responsibility for the safety and well-being of the learners as long as they are in your care. Many of the fundamental duties arising from this were discussed in the previous section of the Code which focused on the relationship between the learner and the educator. Now we turn to the relationship between the educator and parents.

Parents as Partners in Education

In section 4, The Code states:

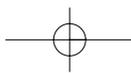
4. An educator, where appropriate –

4.1 recognises the parents as partners in education, and promotes a harmonious relationship with them;

The way in which you interact with parents will in some ways be framed by the authority with which you are acting.

In matters dealing with school-based learning, you have **original** authority over learning, and do not necessarily need to take into account parents comments on your teaching style, what you teach, and anything to do with the organisation of school-based learning. However, in these aspects of their education you do have a clear duty to keep parents informed of their child's progress and development, and to involve them as much as possible in this process.

In matters of discipline and pastoral care the authority is **delegated**, and here you have a duty to maintain the standards of the parent or community. This points to the delicate nature of the relationship with parents and to the possibility of a great many ethical dilemmas.



Part Three

A closer look at the Code of Professional Ethics

In order to develop practices within the spirit of the Code, a human rights perspective is needed. What does it mean to be partners with parents in education and to promote harmonious relationships with them from this perspective?

Think back to the key values behind a human rights perspective. Recall that a fundamental basis of the approach is the prevention of violence and oppression, and upholding and respecting individual autonomy, freedom and dignity. All people are seen as being of equal standing and having the right to respect and protection from harm.

Practical Tips

What does it mean to promote a harmonious relationship with parents as partners in education from this perspective?

It might mean:

1. making an effort to find out about learners in your classes, their backgrounds, their parents' occupations and attitudes towards involvement in their child's education.
2. working at finding ways to make parents feel their contribution is valued (e.g. asking a father or mother to come into a class to talk about their work; using parents and grandparents who are literate to help with reading classes).
3. providing opportunities to meet parents and discuss the education of their children with them (e.g. parents' evenings; family days; educational events).
4. showing respect for all parents, listening to their concerns, and acting on these concerns.
5. providing opportunities for parents to work with their children on school-related projects.
6. opening up channels for communication and ways of negotiating difficult issues.

Communicating with parents about learner progress

4.2 does what is practically possible to keep parents adequately and timeously informed about the well-being and progress of the learner.

It is the responsibility of the educator to communicate with the parents, let them know how their child is progressing, and to get them involved in his or her education as far as is possible.

In theory this seems to be a simple thing. The main thing to do is to open up lines of communication with parents. Keep them informed of what is happening with their child. But in South Africa, nothing is ever that easy!

We are all too well aware of the inequities within the social system. A few questions will serve to scratch the surface of this problem.



1. How does a rural woman, who only has a grade 3 education herself, relate on an equal footing to her son's matric math teacher?
2. How does an educator promote harmonious relationships with parents who do not present themselves at parents meetings and who do not respond to written notes?
3. Should an educator have a duty to get to know the parents of all learners?
4. To what extent can an educator involve parents as partners in education, especially if the parents have no access to education themselves?
5. How does an educator respond in the case of family violence, drug abuse, alcoholism, criminal violence etc.?

In the past it was the custom for parents to leave it up to the experts and not get involved in their children's education. The new education policy and the South African Schools Act demand a change in this situation. Parents are now expected to be involved in the education of their children, and though School Governing Bodies (SGB), in the governance of the school.

Practical Tips

Daily diary (homework book)

One idea (an old one) for getting communication going with parents is the use of a learner diary. This is a daily diary in which learners record the work that they need to complete or do in preparation for future lessons. There is also space for a teacher to write notes to parents and to communicate progress during the school term. Space is also available for parents to write notes to the educator. For young learners this diary should be signed by parents daily, for older more responsible learners it could be signed by parents weekly or on request.

The diary has advantages in that it can be used to instil 'good' habits of organising and keeping track of work (discipline), and at the same time, be an easy way of keeping parents informed. One disadvantage of the diary is that it depends on parents being literate and having the time to be involved in their child's education. This ignores the reality that many South African parents are illiterate.

Biographical Sheets

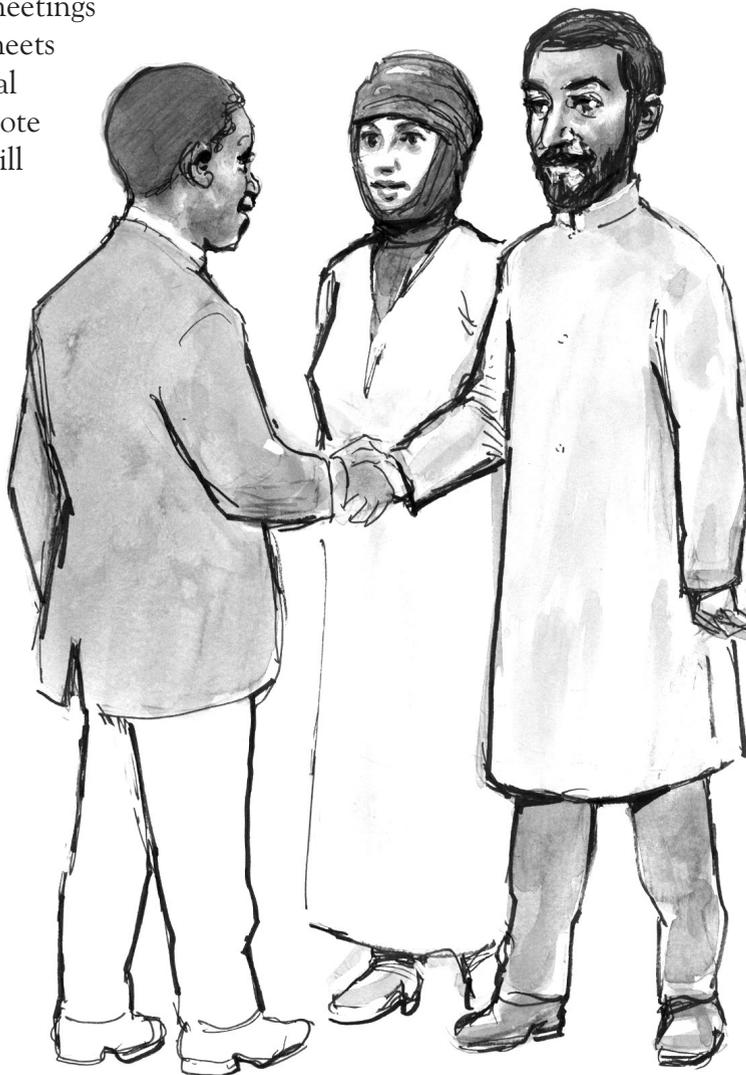
Another idea for developing an open relationship with parents over their child's education is to ask parents to fill in a questionnaire about their child – his or her learning style, likes and dislikes, their abilities and strengths and weaknesses as perceived by the parent. This signals to the parent that you take their understanding of their children seriously. It also gives you a way of deciding on the best course of promoting a relationship with the parent. It may also give you a lot of insight into your learners and help you decide how you will go about structuring a learning environment for your classes.

Biographical sheets have the disadvantage of only reaching literate parents.

Part Three*A closer look at the Code of Professional Ethics***Communicating about the progress and development of the child**

In the situation where many of the parents are illiterate or poorly educated, it is impossible to build relationships using written forms of communication. Other ways of communicating with parents will have to be found. This implies organising, and getting parents to attend, face to face meetings so that you can communicate directly with them. You could think of organising parents' meetings once a term, or a family day where everyone meets on the school premises and interacts on a social level. The school as a whole will have to promote parental involvement and your contribution will often be part of a broader effort.

At parents meetings you will want to communicate to parents information about their child's progress and ways in which the parents can help. Reporting on learners' progress will involve displaying your assessment records and discussing these with parents. It is useful to collect a portfolio of assessment tasks so that you can show parents how their child is performing, and can clearly identify the areas where he or she may need help.

**The Educator and the Community**

In focusing on the relationship between the educator and the community, section 5 of The Code points to the institution (school) and to the individual educator interacting with the community from the basis of the institution.

The code states:

5. *An educator recognises that an educational institution serves the community, and therefore acknowledges that there will be differing customs, codes and beliefs in the community.*

What does this mean?

If communities are fractured along apartheid lines, as they mostly are in South Africa, then which 'community' does an educational institution serve? In many schools in the past a Christian ethos was practised, and a particular racial, language or cultural group was served. However as desegregation of schools has taken place, different 'communities' have become part of the school, and so 'the community', which is served by the school, has changed.

The way a school defines the community whom it serves will in some ways determine the values it upholds, and will frame the actions of the individual educator. So when the Code suggests that the educator acknowledges that they serve in an institution which serves a specific community, it also points out that it is quite possible that the norms and values of that community might not be homogeneous, and by implication, that they might not agree with the educator's own values. In other words, a school community might bring together people from all walks of life – different religious beliefs, different languages, different races, etc. – and it will not always be easy to see what norms and values are 'right'. The individual educator will have to acknowledge the different norms and values of learners in her class and refrain from imposing his or own values.

You might ask: Does this lead to a relativist position of 'anything goes'? How can we in a pluralistic society acknowledge and respect our differences without privileging any? How does an educator avoid imposing his or her own values on learners, especially in the case of a strong religious conviction? And under what conditions could a group claim that it is a 'community' to be served?

In your role as an educator you are expected to uphold the constitution, practise a human rights ethic and educate the youth for a democratic future, no matter what your own personal beliefs.

The Educator and his or her Colleagues

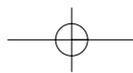
It should be clear by now that individual educators act within a web of relationships and the way that they act is framed within the relationships which constitute the school as a whole. The educator works in an institution with other colleagues. Together they make up the staff of the school and have a good deal to do with the overall ethos or spirit of the school.

The Code deals with the relationships between colleagues under six points. These points can be roughly categorised to identify two important aspects of the relationship between an educator and his/her colleagues. In the first category the focus is on issues related to authority and hierarchy (i.e. position in the school) and in the second, issues related to the core value of respect for the other.

The first three points under section six deal with authority and position

6. An educator –

- 6.1 *refrains from undermining the status and authority of his or her colleagues;*
- 6.2 *respects the various responsibilities assigned to colleagues and the authority that arises therefrom, to ensure the smooth running of the educational institution;*
- 6.3 *uses proper procedures to address issues of professional incompetence or misbehaviour.*



The educator's position in the school

Educators are employed in a range of capacities within the education system. School-based educators will have various duties and responsibilities assigned to their various roles in the school as an organisation. In well-resourced functioning schools, the principal, deputy principals, heads of department, teachers and assistant teachers, administrators, cleaners, groundsman, sports coaches and security personnel all work together to keep the school operating as an organisation. Specific 'job descriptions' may not always be formally in place – but generally individuals understand their roles, duties and responsibilities and recognise the limits of their authority. In poorly resourced schools, not all these functions are filled. In fact in the majority of our schools administrative staff are not in place, there are no cleaners, groundsman or coaches. Whatever the resources a school has, a functioning and resilient school is one where clear lines of authority and responsibility are in place and staff work together to make the institution function under the circumstances that exist.

In other words, the Code is saying, that as an educator you will have specific responsibilities attached to your job and there will be lines of authority over different kinds of decisions that need to be made. It is your responsibility to carry out all your duties, but you should not act outside your job and make decisions that are not yours to make.

If you disagree with what is happening in the school, and you feel compelled to do something, what course of action do you take? Remember just because you have sound reasons to back up your own personal views and beliefs, that does not necessarily make you 'right'. You may have a sound argument, but another argument may be more compelling. As we have learnt making ethical evaluations is difficult. Remember that when it comes to looking at the code – it is a human rights perspective that one has to take.

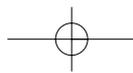
In terms of 6.3 of The Code an educator has the duty to follow proper procedures. What are these? We will discuss these procedures a little later when we look at the relationship between the Educator and the profession. But, first we will have a look at the last three points of section 6 of The Code.

These points of The Code deal with the core value of respect.

- 6.4 *promotes gender equality and refrains from sexual harassment (physical or otherwise) of his or her colleagues;*
- 6.5 *uses appropriate language and behaviour in his or her interactions with colleagues;*
- 6.6 *avoids any form of humiliation, and refrains from any form of abuse (physical or otherwise) towards colleagues.*

Respect for colleagues

6.4, 6.5, and 6.6 can be grouped together because they all focus on the core value of respect for the individual.



As an educator you have a duty to work together with colleagues for the well-being of learners and the school community as a whole. In order to work together within a human rights culture we have to treat each other with respect, avoid doing each other harm (abuse of any kind) and work for the well-being of the whole school community. The Code is telling us what we ought to do – it is not describing what actually happens. What we have to do is figure out how we can work towards the ideals of the Code while living in a messy world.

While these are ‘good’ ideas, we once again are reminded of some of the realities of the situation. What can you do if colleagues are treating you in the ways described by the Code (a victim of sexual harassment, verbal abuse, or physical/psychological abuse leading to feelings of humiliation of any kind)?

Perhaps you may have behaved in these abusive ways towards colleagues (or others) and feel that you need help to control your feelings. Where can you turn? What resources are available to you?

What are the correct lines of complaint and the ‘proper procedures’ that the Code refers to in relation to cases of abuse between colleagues?

Proper procedures for addressing issues of professional incompetence or misbehaviour

Proper procedures involve going through the correct channels to lay a complaint, and allowing a fair process for resolving the case. That means not taking the law into your own hands and acting outside your authority.

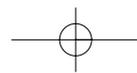
There are two avenues to take when laying a complaint. The first is to lay a complaint or grievance through formal channels in the school and education department (e.g. first to the Principal and only if that fails to higher authorities) and legal channels (e.g. with your union through labour law). The laws governing educator employment have specific grievance processes in place.

The second way to lay a complaint is through SACE. Remember that SACE has the responsibility for making sure that educators uphold the Code. An educator who is breaking the Code can be reported to SACE. The case will be evaluated and fairly investigated, and if necessary disciplinary procedures will be carried out. In the last section of the Code the disciplinary procedures are discussed in detail.

The Educator and the Profession

7. An educator –

- 7.1 *acknowledges that the exercising of his or her professional duties occurs within a context requiring co-operation with and support of colleagues;*
- 7.2 *behaves in such a way as to enhance the dignity and status of the teaching profession and that does not bring the profession into disrepute;*



Part Three

A closer look at the Code of Professional Ethics

This clause reminds us that educators carry greater responsibilities than most people. Once a person is officially registered as an educator, s/he is no longer just an “ordinary person”, but now carries an important office. Once registered, an educator is accountable to all other educators in the profession.

How do you feel when you read or hear about educators who never show up for work? How do you feel when a politician publicly criticises educators for not doing their jobs properly? How do you feel when someone refers to you as “just a teacher”, suggesting that teaching is not really a serious job? If any of these situations makes you feel uncomfortable or angry, this is evidence that you have some loyalty to your profession and would like people to hold educators in high regard.

Many educators value the status that comes with their job. In many communities, educators are the most highly educated and influential people in the area and are held in very high esteem. Educators enjoy the respect and power conferred on them by their status, and they can “give something back” to the profession by developing and promoting the profession in the following ways outlined by the Code:

An educator –

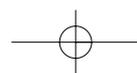
7.2 keeps abreast of educational trends and developments;

7.3 promotes the on-going development of teaching as a profession;

The education profession never stays the same for long. There are always new developments as policies change, new research is carried out, and new theories of teaching and learning are developed and promoted. It is the responsibility of every educator to be a lifelong learner and to stay up-to-date with the latest developments. A good way to do this is through formal study and many educators are registering for university and technikon courses to upgrade their qualifications. Another good way of staying informed is to follow the media. Most newspapers have good coverage of education news and debates, and some specialised publications such as *The Teacher* and *ReadRight* and TV programmes such as *Educator Express* provide useful information about the issues that affect teachers’ professional lives. With the curriculum review process currently underway, it is crucial for educators to stay informed about the changes they will have to implement in their classrooms.

7.4 accepts that he or she has a professional obligation towards the education and induction into the profession of new members of the teaching profession.

Remember when you were just starting out as a teacher? That first year can be really difficult while you’re still learning the ropes and making lots of mistakes. New teachers need a lot of support and encouragement and the best person to provide this is an older and more experienced teacher who can act as a mentor and guide when things get difficult or confusing. Given the many ethical dilemmas faced by teachers, new teachers might also need some guidance in making their own ethical decisions. A more experienced teacher has the wisdom of hindsight (ie. can look back on past actions and see which ones were right and which were wrong) and should provide support for new teachers.



One practical way of doing this is to make sure that each new educator in the school is assigned a mentor. The mentor should be a senior educator whose job it is to keep track of the new teacher's progress and assist him or her with any difficulties.

The Educator and the Employer

8. An educator –

8.1 *recognises the employer as a partner in education;*

The Department of Education (national and provincial) is the official employer of all educators in South Africa. This makes all educators accountable to the Department. But what does it mean to see your employer as a 'partner' in education? Partners are people who work together for a common cause and co-operate with each other in the interests of achieving the same goal. Educators are expected to co-operate with the Department, to support its educational aims and to share its vision for education.

This does not mean that educators should never be critical of the Department's policies and practice – it is the right of each educator to form their own opinions about education and to express their views on current developments.

However, all disagreements need to take place within the context of a partnership, where one is expected to discuss and negotiate differences and to reach a solution. An educator is not entitled to simply dismiss or disobey the policies of the Department.

8.2 *acknowledges that certain responsibilities and authorities are vested in the employer through legislation, and serves his or her employer to the best of his or her ability;*

8.3 *refrains from discussing confidential and official matters with unauthorised persons.*

As an educator, you have a responsibility to know about and to act in compliance with legislation that affects the relationship between employer and employee. The two crucial laws are the Labour Relations Act of 1996 and the Employment of Educators Act of 1998. The latter Act contains important definitions of "misconduct" and "incapacity". It is important to know these definitions and to understand how they impact on your professional life.

An important aspect of professionalism is confidentiality and privacy. In every work place there is bound to be differences, tensions, intrigues and even 'scandals'. Who is going to get the next promotion? Who is earning what salary? Does the principal have a favourite? Are the procedures for staff selection really transparent? What about So-and-So's drinking problem? Don't you think X and Y might be having an affair? Some people seem to thrive on spreading rumours and gossip about their colleagues, creating an atmosphere of fear and mistrust. Often this gossip extends to the learners and parents and other members of the school community and people start to lose confidence in the school and respect for the teachers.

Professional ethical conduct means refusing to get involved in gossip and scandal-mongering at school. Every school should have clear procedures for dealing with questions and grievances from the teachers. Discussions of this kind should be held in an open and transparent way, and with the understanding that what is discussed in such a meeting is strictly confidential. In this way, serious differences can be sorted out without damaging the reputation of individual teachers, or the school as a whole.

The Educator and the Council

9. An educator –

- 9.1 *complies with the provisions of this Code;*
- 9.2 *discloses all relevant information to the Council;*
- 9.3 *co-operates with the Council to the best of his or her ability;*

Co-operation with SACE means registering with them at the beginning of your career as an educator, and thereafter meeting the requirements of the Code. This is not optional. All educators must register with SACE, and any educator who breaches the Code is then subject to the disciplinary powers and procedures outlined in the next clause.

- 9.4 *accepts and complies with the procedures and requirements of the Council, including but not limited to the Registration Procedures, the Disciplinary Procedures of the Council and the payment of compulsory fees.*

The disciplinary powers and procedures of SACE are spelt out in detail in a booklet published by the Council and distributed to all schools. Your school should have a copy of this booklet. In brief, SACE has the power to investigate any complaints about registered educators who have contravened the Code. On receiving such a complaint, the Council must appoint a Complaints Committee and a Disciplinary Committee to investigate the matter, and if the Committee finds the educator guilty, may impose any one or more of the following penalties: a caution; a reprimand; a fine not exceeding one month's salary; or they may strike the educator's name from the register (which means the educator may not work as an educator in South Africa again). An educator found guilty of misconduct has the right to appeal.

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