

## **How School Managers' Enforcements of Dress Rules Violate Learners' Constitutional Rights: A Social Justice Perspective**

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### **Abstract**

*Since the abolition of Apartheid, the South African Department of Education has made significant strides in democratising public school policies. Despite these efforts, the evidence shows that democratisation is ineffective when policies are translated into school rules. Resistance to democratising school rules is most evident in prescribed dress codes and the associated uniform rules for learners. In such schools, how rules are crafted, enforced, and policed openly defy the South African government's goals to democratise the education system. Against this backdrop, a desk study was conducted to consider schools that continue to uphold Apartheid's inherent ideologies through the school clothing and uniform rules they enforce on learners. Content analysis was used to understand the experiences of learners in schools across South Africa where such occurs. The emergent findings are significant for education leaders, school managers, and teachers, who are mandated to democratise rules on how learners should dress in South African public schools.*

**Keywords:** constitutional rights; democratisation; dress codes; school managers; school rules

### **Introduction**

This article contributes to existing studies on school managers' roles in democratising the South African educational system. It critically examines school managers' applications of one of the least disrupted relics inherited from Apartheid-South Africa that stays deeply rooted in post-Apartheid school governance: school uniform rules for learners.

Although much research has considered the ongoing tensions among parents over the escalating costs of school clothing (Dieltiens & Meny-Gibert, 2012; Strassburg et al., 2010),

little attention has been given to the views of learners who are expected to wear school clothing according to a dictated set of rules. The study reported on in this article sought to address this anomaly by considering the views of learners who, for instance, perceive their school's dress codes and rules as old-fashioned and unrepresentative of South Africa's diverse national identity (Germaner, 2018; Gwangwa, 2017; Kgosana, 2017; Shange, 2017; Zondi, 2017).

To achieve this goal, the study analyses eight South African public schools that gained national media attention for unconstitutionally imposing Apartheid-inherent dress codes and uniform rules (Alston, 2005; Alston et al., 2003) on their learners. Drawing from news media reports on the selected schools, learners' protests are considered specifically against the National Guidelines on School Uniforms for South African Schools (South Africa. Department of Education [DoE], 2006) and Sections 16 and 29 of the Bill of Rights, as entrenched in the Constitution of the Republic of South Africa, 1996. Both declarations emphatically guarantee that, as South African citizens, learners are legally allowed to express their social and self-identities through what they wear and how they dress for school. However, despite what these decrees state, during the research period informing this article, the news media reports on public schools across South Africa intensified on incidents where uniform rule protests erupted. High school learners, particularly, began publicly and collectively protesting against being told what to wear and how to dress for school to gain full social access and emotional acceptance from teachers. Within this context, this article advances the view that the inequitable way in which historical (Apartheid-inherent) dress codes and uniform rules are crafted and upheld by school managers is an ongoing human rights violation against children, plaguing many South African public schools. This violation undermines democracy, denies South African learners their constitutional rights, and undermines the national plan to democratise educational spaces. Hence, unless these systemic injustices are uprooted from school governance structures, this Apartheid-inherited, anti-democratic situation will continue to undermine the South African government's national goals for democracy. This article aims to uproot such injustices by highlighting the social inequalities, marginalisation, and unfair treatment learners face regarding what to wear and how to dress. In this submission, understandings of justice are aligned specifically with (political philosopher) John Rawls's notions of justice as fairness, where justice is seen to have an emancipatory agenda that resists unfairness and inequity and enhances freedom for all (Rawls, 1991).

### **Contextual background**

In many cases, when children are enrolled in public schools in South Africa, dress rules and restrictions are imposed on children and parents (Shange, 2017; Zondi, 2017), even though, according to the South African Schools Act 84 of 1996 (SASA), they are, in fact, legally allowed to have a say in crafting dress rules. For one, the Representative Council of Learners (RCL) is a legally recognised structure, mandated by the SASA, to allow learners in South African public high schools membership on a school's governance body known more commonly among the South African school communities as the SGB. As prescribed by SASA, through voting, learners elect other learners to represent their interests on the SGB. However, while learners and parents who serve on the SGB are party to the development of uniform rules, the situation in many schools remains where school managers' and teachers' preferences precede parents' and learners' wishes. Further, among parents and learners, in circumstances where parents' and learners' wishes are considered through an SGB's voting process, parents' wishes seem to supersede the learners' demands regarding a school's uniform and how it should be worn. This is because parents, according to SASA, are expected to make up most of the SGB members. Hence, in cases where parents' and learners' views conflict on a school's uniform design and how the uniform should be worn, parents outvote learners when decisions are voted on. However, despite the role of the SGB in promoting the interests of learners and parents, Shange (2017) and Zondi (2017) likewise recognise that, initially, if parents wish for their children to be accepted into a particular school, they are compelled to sign codes of conduct, which neither they nor their children were privy to developing. In so doing, unconstitutional uniform rules retain legitimacy in certain school communities until they are challenged either by the school's SGB or in a court of law (Badenhorst & Ellerbeck, 2017; Hodgson, 2017; Wilké & Osman, 2018).

In 2004, for example, a South African Constitutional Court case involving a young South African schoolchild of Hindu Indian descent came under the national media spotlight (Badenhorst & Ellerbeck, 2017; Hodgson, 2017). The management of the all-girls high school she attended prohibited her from wearing a nose stud to school. While the schoolgirl argued

that her nose stud was worn for religious reasons, the school's management interpreted her actions as a blatant violation of the school's uniform rules. After a three-year-long court battle, the Constitutional Court ruled in the schoolgirl's favour (Badenhorst & Ellerbeck, 2017; Hodgson, 2017). The presiding judge proclaimed that "the display of religion and culture in public life is not a parade of horrors, but a pageant of diversity which will enrich our schools and our country" (Badenhorst & Ellerbeck, 2017, para 15).

Despite this widely publicised proclamation, in 2016, in the South African capital of Pretoria, a mass protest against a school's hair rules erupted (Wilké & Osman, 2018). News media reports on the protest highlighted the everyday struggles that many learners across South Africa face from teachers who are intolerant of coarse hair textures, and how schoolgirls with coarse hair style their hair for school (Hodgson, 2017). However, again shortly after that, at another all-girls high school (found in the South African province of Gauteng), 11 girls (with coarse hair textures) were dismissed from school because their hairstyles distressed the school's management team (Wilké & Osman, 2018). Drawing from news reports on these incidents (Germaner, 2018; Gwangwa, 2017; Kgosana, 2017; Shange, 2017; Zondi, 2017), it became clear that the learner-led protests were not simply against hair rules; instead, it was an insurrection against the most glaring yet largely ignored remnants of an oppressive (Apartheid) education system. The insurgency, thus, was against White, Orthodox Christian, middle-class (Abraham, 2021) colonial-inherent dress codes for learners and the accompanying uniform rules, which had found legitimacy within the two schools for over two decades since Apartheid had ended.

As a result, a nationwide crusade against socially biased uniform rules was on the brink of eruption, with the Congress of South African Students (more commonly known as COSAS) keeping a watchful regulatory eye on the development of this struggle (Ngobeni, 2016). The possibility of a widespread political eruption prompted the Gauteng MEC (Member of Executive Council) of the time to act swiftly and decisively in reminding school managers of learners' human and constitutional rights and the South African government's obligation to preserve these rights, as equally enshrined in SASA and reinforced in the National Guidelines for School Uniforms (DoE, 2006).

However, despite this reminder, the news media reports intensified concerning child-led protests in schools across South Africa against Apartheid-inherent dress codes and uniform

rules (Germaner, 2018; Gwangwa, 2017; Kgosana, 2017; Shange, 2017; Zondi, 2017). Such reports raised awareness of how learners were persistently punished for not dressing in line with teacher expectations (Gwangwa, 2017; Hodgson, 2017; Kgosana, 2017; Macupe, 2019). Punishment included being denied entry into schools, being sent home with a written warning instructing them to return to school in proper uniform and with their parents, being told to remove clothing and accessories, and having these items indiscriminately confiscated while being publicly humiliated.

Considering these punishments, this article's research explored the association between children's constitutional rights and the enforcement of learner dress codes and uniform rules in schools where such punishments occurred. The aim was to highlight the perspectives of learners who find it difficult to follow regulations that prevent them from using clothing to express their unique social and self-identities in their schools.

## **Methods**

This article's qualitative research adopted a desk study approach. However, while there is sufficient evidence in the media to presume that many South African learners were unhappy with their schools' prescribed dress codes and uniform rules (Germaner, 2018; Gwangwa, 2017; Kgosana, 2017; Shange, 2017; Zondi, 2017), such grievances have not gained much attention in academic research spaces (Sabic-El-Rayess et al., 2019). Data sources, therefore, included selected online news reports, published by reputable South African news media sources (Dame Adjin-Tetteys, 2022), on learner-led dress code and uniform rules protests in eight public schools across South Africa. Content analysis was adopted to analyse learners' documented views on the subject, as contained within these reports. The aim was to determine how uniform rules might promote racism, classism, ethnocentrism, sexism, and religious intolerance in schools and how school managers' enforcement of such rules may infringe on children's constitutional rights (Alston, 2005; Alston et al., 2003).

To interpret the data, social justice theory provided a suitable theoretical framework which, according to Sensoy and Diangelo (2009, p. 350), "actively addresses dynamics of oppression, privilege and -isms and recognises that society is the product of historically rooted,

institutionally sanctioned stratification along socially constructed group lines that include race, class, gender, sexual orientation and ability (among others)". Thus, theoretical discourses on racism, sexism and classism were considered in theorising the data. Correspondingly, these categories guided the arrangement of data.

However, considering the intersectionality of racial, class, religious, and sexual identities in shaping social identities (Hodes, 2017; Xaba, 2017), it was challenging to disaggregate data distinctly under each category. Guided by these categories, emergent themes were found and critically analysed against relevant sections of the National Guidelines on School Uniforms (DoE, 2006) and the Bill of Rights defined in the Constitution of the Republic of South Africa, 1996.

The analysis revealed how prescribed dress codes and uniform rules contribute to racism, sexism, classism, religious intolerance, and the repression of self-identities among South Africa's so-called *born-free* generation (Oyedemi, 2021) of learners. More distinctly, the analysis found that uniform policies in the eight examined schools are translated into dress rules that deny learners their constitutional right to freedom of self-expression, including expression of religion, cultural beliefs, and sexual orientation. The next section elaborates on these findings.

### **Findings and discussion**

The Contextual Background section of this paper provided a snapshot of two learner-led mass demonstrations that mushroomed across South Africa against discriminatory school uniform rules. The purpose of that section was to highlight the widespread nature of this problem in public schools across South Africa. In this section, I consider eight specific cases that unfolded amid (and as a result of) the 2016 Pretoria and Gauteng protests described in the Contextual Background section. The selected cases involve learners accused of distinct hairstyle transgressions and clothing disputes.

Furthermore, by considering school managers' punitive responses to uniform rule transgressions against the National Guidelines on School Uniforms (DoE, 2006), the findings presented below and discussed thereafter underscore how uniform rules may become a catalyst for adults in positions of power to criminalise particular learners while grossly infringing on

learners' constitutional rights. Therefore, at a broader level, it is hoped that the findings will disrupt the ongoing cycle of human rights abuses against learners perpetrated by school leaders through the enforcement of anti-democratic uniform rules in constitutionally non-transformational South African schools.

### ***Findings***

The findings are presented under the headings: Religious and cultural insensitivity; Repressing self-expression; Regulating sexual orientation; and Promoting a culture of Whiteness.

#### *Religious and cultural insensitivity*

News reports on uniform rule uprisings at the time of the research exposed intolerance among teachers against specific religious and cultural affiliations. Thus, learners who deviated from religious and cultural norms and whose outward appearances expressed their affiliation with condemned religions and cultures were publicly chastised (Germaner, 2018; Zondi, 2017). This was particularly apparent in a news report on a technical high school in Thabong, found in Welkom in the Free State province of South Africa (Hodgson, 2017).

In that incident, a Grade Eight girl was allegedly incessantly humiliated by her teacher and isolated from her Grade Eight classroom for wearing her hair in dreadlocks. While the schoolgirl maintained that her hairstyle was motivated purely by religious reasons, officials representing the South African Department of Education in the matter dismissed her explanation as not strongly compelling (Germaner, 2018; Zondi, 2017).

However, when one considers the girl's wearing of dreadlocks within the National Guidelines on School Uniforms (DoE, 2006), the finding is that the schoolgirl has done no wrong. This policy explicitly states that a school community's religious and cultural diversity must be considered when drafting school dress codes and classroom rules for learners (DoE, 2006). Furthermore, the guidelines also specify that school rules should not restrict items worn as part of religious practices. Thus, it is clear that in any democratic South African public school, it is a blatant violation of this policy to prohibit (and worse still, punish) any child for wearing their hair in dreadlocks, especially when this is said to be motivated by religious factors (DoE, 2006). In this case, the teacher was wrong for criminalising the schoolgirl because of her dreadlocks.

However, despite this clarity within the National Guidelines on School Uniforms (DoE, 2006), this case on the child's right to wear her hair in dreadlocks reached the Constitutional Court. As in the 2004 Constitutional Court case mentioned earlier in the Background section of this article, the presiding judge found that the school management had likewise violated this schoolgirl's "rights to freedom of religion, belief, expression and culture" (Hodgson, 2017, p. 196). However, despite this victory, the news media reports continued to show in the period that followed that learners (Muslim girls, in particular) were forbidden in a particular school from dressing in ways that were consistent with Islamic beliefs and customs (Germaner, 2018; Shange, 2017; Zondi, 2017).

Online news reports on the incident revealed that in a South African school in Northcliff, Muslim girls who wanted to wear headscarves had to carry a concession card and produce it on request to prove that they had obtained permission from the school managers (Shange, 2017; Wilké & Osman, 2018). Also highlighted in the news reports was a Muslim parent's comparison of the concession cards to the Dompas (identity cards that Black South Africans had to carry in the past during Apartheid) (Leonard, 2019). This comparison draws attention to the concession cards being, for the parent, a bitter reminder for non-White South Africans of an oppressive political era that had found itself within the democratic dispensation in a different disguise (Abraham, 2021; Leonard, 2019).

While existing research recognises that social identities among South Africans are expressed through adornments and clothing styles (Gaillard-Thurston, 2017; Hodgson, 2017), the concession card requirement in the Northcliff school suggests that not all learners in South African schools are protected in wearing items which express their religious and cultural affiliations. Instead, such items are forbidden from being worn in particular public schools simply because some teachers regard such items as mere fashion accessories (Gaillard-Thurston, 2017; Hodgson, 2017).

Furthermore, when one considers the Northcliff school management's discrimination against Muslim girls' headscarves within the ambit of the National Guidelines on School Uniforms (DoE, 2006), it is again found that the guidelines are not ambiguous about this aspect of dressing. The guidelines specify that yarmulkes, headscarves, and boys wanting to grow beards for religious reasons are appearances that should be allowed to show a schoolchild's

religious affiliation. The understanding, therefore, is that wearing headscarves to school should not have been perceived in the Northcliff school as an act of defiance by the Muslim girls in question. Hence, banning Northcliff schoolgirls from wearing headscarves if they did not have concession cards proving their permission to do so can be construed as a criminalising act against Islamic practices that, in addition, openly disregards the National Guidelines on School Uniforms (DoE, 2006) while undermining the constitutional rights of Muslim girls in the process.

#### *Repressing self-expression*

In addition to the above, when prescribing school uniforms, the National Guidelines on School Uniforms (DoE, 2006) instruct school managers of South African public schools to allow individual interpretation of specifications such as the fabric, make, and manufacturer. However, an analysis of news reports on protests against school uniform rules revealed that some learners in South African public schools were upset because their schools did not allow individual interpretations of the school's prescribed dress code (Gwangwa, 2017; Kgosana, 2017; Macupe, 2019).

For example, in South Africa, news reports on another Pretoria school drew attention to a group of schoolboys unhappy about the design of prescribed school pants. Protesters complained that their uniforms were ugly, outdated, and uncomfortable and that wearing such clothing styles to school eroded their self-confidence (Gwangwa, 2017; Kgosana, 2017; Macupe, 2019). Furthermore, the reports highlighted that the prescribed uniform under scrutiny was identical to the one during the Apartheid era, complaining that such styles were inappropriate for their generation. A news report on the protest highlighted one learner's description of the prescribed pants as *looking like parachutes* and an *infringement on human rights*; another complained that the uniform *survived Apartheid*, naming it thus an *Apartheid uniform* (Kgosana, 2017). In its place, protesters demanded the right to wear *skinny* (snug-fitting) pants to school, which they considered both comfortable to wear and more in line with their generation's style of dressing (Gwangwa, 2017; Macupe, 2019). As one learner articulated (Macupe, 2019, para 4):

*They [schools] need to incorporate the styles of dressing we identify with because we are in the 21<sup>st</sup> century. We are a different generation, and things have long changed from our parents' time. Our fathers wore old, boring grey trousers; our brothers wore grey trousers, and we are still wearing them. It is depressing.*

Responding to learners' grievances, the Gauteng Education MEC of that time is described in the reports as dismissing the skinny pants protest as petty and as one that a School Governing Body majority vote could easily resolve (Kgosana, 2017). Implicit in the Minister's response is a disturbing belief that *all* School Governing Bodies craft learner dress codes and uniform rules in line with what SASA prescribes, and in so doing honour learners' constitutional rights. Contrary to this belief, news media reports showed that protesting learners in this Pretoria high school claimed that their School Governing Body deliberately excluded them from decision-making on matters directly affecting learners (Kgosana, 2017; Macupe, 2019). This claim draws attention to the undemocratic way that School Governing Bodies are constituted and function in some South African public schools (Alston, 2005; Alston et al., 2003; Gaillard-Thurston, 2017). As a result, while protesting learners tried to defend their constitutional rights to freedom of choice and self-expression in this Pretoria school, considering the MEC and the School Governing Body's stance on the matter, they remained cognisant that the skinny pants battle was one that learners were unlikely to win. From this awareness, one can conclude that, as long as school management bodies are constituted of members who intentionally uphold biased Apartheid-inherited dress norms, learners' constitutional rights may continue to be disregarded. Minority groups like the protesters mentioned above will continue to be marginalised.

Implicit also in the news reports on the abovementioned protest (Gwangwa, 2017; Kgosana, 2017; Macupe, 2019) is the conflicting way that schools, at one and the same time, strive to promote critical and progressive thinking and self-reliant citizenship among learners while punishing them for showing critical thinking, autonomous behaviours, and standing up against keepers of counter-democratic ideologies.

Also in these news reports on the protest (Gwangwa, 2017; Kgosana, 2017; Macupe, 2019) is the ironic and self-contradictory way that the adult community of this school are, at

one and the same time, both the promoters of self-reliant citizenship and gatekeepers of colonialism. This self-contradictory agenda among the adult community of this Pretoria school is most explicitly expressed in their design and enforcement of dress codes and uniform rules.

### *Regulating sexual orientation*

In South Africa, the National Guidelines on School Uniforms (DoE, 2006) instructs School Governing Bodies of public schools within South Africa to create dress codes and uniform rules that are racially, culturally, religiously, and socio-economically inclusive and sensitive to the communities they serve. However, in 2015, when learner-led protests flared up in two South African high schools in the East Rand region of Gauteng (Iguar, 2015), the silence in the guidelines on gender inclusivity and sensitivity was accentuated. In this instance, eight girls were allegedly suspended from school for refusing to wear school skirts – opting to wear the trousers prescribed for boys. The previous year, the media reported that eight girls were suspended from a school in Tembisa on the same account (also found in the East Rand in Gauteng, South Africa).

An analysis of news reports (Iguar, 2015) relating to both schools revealed uniform rules that affected learners who self-identified as gay. In both schools, girls who self-identified as lesbians expressed discomfort with wearing skirts, thus requesting permission to wear trousers instead of dresses to school. An analysis of a news report on the incident (Iguar, 2015) revealed a principal's worrying description of the girls' gender-motivated desire to wear the school trousers as *satanic*. Girls who defiantly wore trousers were allegedly suspended by the principal and were instructed not to come to school until they knew whether they were boys or girls (Iguar, 2015). Relating to this incident, a girl described how everyone at school laughed at her when she and a few other girls wore skirts since they were used to wearing trousers outside of school. She explained that she did not feel comfortable wearing a skirt and would only return to school when allowed to wear what was comfortable (Iguar, 2015).

Discourses mentioned above that refuse to recognise, respect, and tolerate gay orientation among learners strengthen what Dussel (2005) and Happel (2013) explain. According to Dussel (2005), school uniforms are perceived as invaluable in domesticating unruly bodies. Happel (2013, p. 94) likewise explains that “dress code policies emphasising

modesty and restraint perpetuate the belief that bodies and sexualities need control and are dangerous when not restricted by the powerful Other in the Equation”.

Since bodily exposure bears sexual significance, wearing school skirts can significantly teach girls early lessons about modesty, immodesty, and the interconnectedness of proper femininity. Considering also that skirts are both physical markers and conflation of sex and gender, they are central to a process that Happel (2013) describes as ‘ritualised girling’, which, according to Happel (2013, p. 94), involves a process through which gender expectations and norms are upheld; gendered performance is, therefore, “perpetuated, moulded and finally naturalised”. By challenging this gender normativity, the girls from both East Rand schools mentioned above highlighted the sexually biased nature of many schools’ dress codes and uniform rules and the National Uniform Guidelines for School Uniforms (DoE, 2006). These documents exist in a format that disregards and hence negates the constitutional rights of self-identified gay learners not to be discriminated against in schools because of their sexual orientation.

#### *Promoting a culture of Whiteness*

Racist ideologies embedded in uniform rules were particularly clear in news reports about two hair-related protests in South Africa in 2016 and 2017 (Haden, 2017; Henderson, 2016; Masweneng, 2017; Ngoepe, 2016). Although these incidents were briefly mentioned in the Background section of the present article, in what follows, the findings from an analysis of these incidents are discussed in detail.

The incident that occurred in 2016 involved White teachers and Black learners from an all-girls high school in Pretoria (South Africa). Likewise, the incident occurring in 2017 involved racially intolerant White teachers and Black learners from a high school in Kempton Park (Gauteng). Drawing on the news reports of both incidents (Haden, 2017; Henderson, 2016; Masweneng, 2017; Ngoepe, 2016), it became clear that in both schools, issues with Black girls' hairstyles and hair textures were simply a catalyst among White teachers for venting a deep-rooted racial intolerance among them towards Black people in general. Black girls were thus insulted; teachers described their hair as untidy and looking like birds' nests (Ngoepe, 2016). Therefore, to remedy this perceived untidiness, the Pretoria school's code of conduct instructed Black girls to chemically straighten their hair (Pather, 2016) and ordered girls with

braids to tie them up in a way that would follow the school management's notion of tidiness. Meanwhile, in the Kempton Park school incident, girls were sent home and instructed not to return to school until their hairstyles were of a standard acceptable to the school principal (Haden, 2017; Masweneng, 2017).

An analysis of news reports on these incidents revealed that, in both schools, the hurt and anger against teachers' racist attitudes were mutually felt among the learners, their parents, and the Gauteng Education MEC of the time (Haden, 2017; Masweneng, 2017). Black communities at large, therefore, did not view the incident merely as one where learners were punished for hairstyles. Instead, the insults that White teachers hurled at Black learners were fundamentally understood as acts of victimisation against particular learners, specifically because their natural hair was of a coarse texture and thus repulsed the White teachers. The collective insults from White teachers were therefore regarded as a blatant mockery of Black learners' biologically inherent features; this, in turn, offended the Black parents, inducing their support in their learners and thus bolstering the enormity of the protest.

These occurrences exemplify what Dolby (2002, p. 7) refers to as upholding a "Pedagogy of Whiteness" in schools, where Whiteness is understood in Eurocentric notions of *proper* standards of dress and appearance. Dolby (2002) further explains that many South African school dress codes and uniform rules symbolise the school leadership's allegiance to Whiteness. Dolby (2002) recognises that this is particularly seen in middle-class schools (such as the two schools mentioned above), where uniform rules keep a White school ethos, regardless of whether the predominant student population is non-White. According to Dolby (2002), Whiteness is no longer about White bodies but practices. This is exemplified in both South African public high schools mentioned above, in that practices of inclusion and exclusion, colonial cultural gatekeeping, and forced assimilation into a culture of Whiteness are upheld. Hence, to gain full membership and acceptance into such schools, all learners – regardless of their demographic identities – would have to conform to a culture of Whiteness (Dolby, 2002). In this case, according to Dolby (2002), conforming entails wearing hair tied up. Through the Pedagogy of Whiteness in schools such as these, girls who conform to this perceived appropriate form of dressing are taught to feel a sense of being superior to others who wear their hair differently.

### ***Discussion***

In all cases mentioned above, it can be argued that the South African education ministry has made significant strides towards democratising educational institutions through crafting school policies that are aligned with the Constitution of the Republic of South Africa, 1996. Moreover, by consigning the responsibility of implementing policies such as dress codes and related rules to School Governing Bodies (SASA, 1996), it can be further argued that school communities are indeed afforded a participatory role in the South African education ministry's agendas to democratise South African Schools. This inclusive approach, however, infers an evident assumption within the South African education ministry that School Governing Bodies are legitimately constituted and carry out their duties democratically. It is within this belief that the problem resides with many schools not adhering to democratic policies. Instead, as the data presented above has shown, when policies are translated into practice, uniform rules are enforced and policed in many schools across South Africa, in ways that blatantly and openly undermine the broader national goals to decolonise and democratise the South African education system. As evidenced in the previous section, in many cases, School Governing Body members collude in deliberately upholding historically inherent (Apartheid) colonial dress codes, uniform rules, and associated rituals in democratic schools. Consequently, as demonstrated in the above section, learners who (for whatever personal reason) stray from the prescribed dress codes and related regulations are often treated unreasonably by school leaders.

Also revealed in the above cases is the extent to which learners are challenged when exercising their constitutional rights. As demonstrated above, despite the National Guidelines on School Uniforms showing that particular learners have not broken any laws by dressing for school in a specific way, some learners are punitively forced into subordinative compliance by way of unconstitutional school rules. As shown during the hair protests, the principal punishment is of a life-long mental nature, due to the psychological and emotional blemishes that such incidents can leave on children's self-images (Hodgson, 2017).

What is also clear in the incidents highlighted above is that, in all cases, protesting learners were not calling for the removal of uniforms entirely from schools. Rather, they were asking for their voices to be heard, to be included in decision-making structures, for their input on matters that affect them to be taken into consideration, and for conversations to be held with

them on such issues, as opposed to being victimised and punished for holding perspectives that differ from those of their school managers.

Furthermore, acting as if all children are equal is an unfair expression that shows insensitivity to their differences (Rawls, 1991). Hence, while the national school curriculum is by nature driven to prepare learners for democratic citizenship that celebrates diversity, promotes social cohesion, and strives for social justice for all (DoE, 2003), it is also clear in the above discussion that in many schools, uniforms are used to equalise and neutralise learners. In so doing, the intention is to deliberately undermine democracy by disregarding diversity and discouraging learners' celebration (and even tolerance) of social differences.

Therefore, as proven in the above cases, in many schools, uniforms are not primarily meant to support discipline, show membership to a particular school, or ensure safety from bullying and gang violence (DoE, 2006; SASA, 1996). Rather, they serve as a means for school managers, teachers, and parents who wish to clandestinely preserve an attitude of subordinative compliance among what Oyedemi (2021) describes as South Africa's *born-free* generation.

The above cases have also underscored how particular enactments of uniform rules deliberately subject learners to specific ritualised, gendered, and social conditioning guided by a Pedagogy of Whiteness. In the process, *born-frees* are stripped of their self-identities, of their human and democratic rights of freedom to think, choose, and act. As shown in the above cases, any child who challenges this agenda is faced with militant brutality from the racist custodians of imperialist ideologies that continue to permeate the post-Apartheid educational system. It is thus clear in the above cases that a malalignment exists between what learners learn in classrooms to prepare them for their democratic out-of-school lives and their daily undemocratic lives at school.

## **Conclusion**

This paper has sought to illustrate that it is not the retention of school uniforms exclusively that undermines the South African government's democratic goal to ensure that school uniform rules and dress codes promote unity, safety, discipline, cleanliness, diversity, individuality, gender equality, and school attendance among South African learners. Rather, the national plan to democratise schools is compromised by the unconstitutional ways that non-transformational school managers craft and enforce dress codes and rules. Therefore, the cycle of constitutional

rights violations against learners will continue as long as the education ministry does not actively monitor the functions of school managers. Therefore, senior education leadership needs to play a more active role in uprooting social injustices and redressing oppressive enactments of school policies where school managers fall short of promoting the constitutional mandate. They need to become more robust in campaigns against uniform rule-induced abuses in schools, not only when mass protests begin to erupt.

Moreso, in a democracy, a demand to dress in uniform, according to a standard set of rules, is an oxymoron. Such contradictory, biased, and subjective practices do not play any constructive role in a national climate where diversity should be celebrated. Diversity may be celebrated by replacing the current *uniform* guidelines with a *multiform* policy. An example of how affiliation to a particular organisation (in this case, a school) can be demonstrated while expressing diversity and individuality can be taken from South Africa's teacher unions. For example, the South African Democratic Teachers' Union (SADTU), which is the largest of the South African trade unions, established in 1990 to protect the rights of teachers in South Africa (Cooper & Gamble, 2023), has, over the years, introduced a range of apparel and regalia that members wear to various events to demonstrate their affiliation with the union. The diversity in the design of the SADTU's apparel introduced over the years enables members to show their affiliation with the union by wearing items of clothing in a way that allows individual members to choose items from a diverse range of apparel and to wear these in a way that expresses their personal styles of dressing. In the same way, a multiform for schools may be comprised of apparel that is diverse in its design, thus catering for individual learners' unique styles of dressing while at the same time allowing them to demonstrate their membership to a particular school respectfully.

As declared earlier in this submission, "the display of religion and culture in public life is [indeed] not a parade of horrors, but a pageant of diversity which will enrich our schools and our country" (Badenhorst & Ellerbeck, 2017, para. 15).

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