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THE OPENING AND REOPENING OF SCHOOLS IN SOUTH AFRICA DURING THE COVID-19 PANDEMIC: AN APPRAISAL FROM TWO VANTAGE POINTS

ABSTRACT

General legislation as well as legislation specifically regulating education in South Africa is aimed at the protection and advancement of the best interests of children (learners). Developments in the school education sector during the COVID-19 pandemic, which reached the shores of South Africa in March 2020, starkly underscored that not only the interests of the learners were at stake but also those of a variety of other stakeholders such as the parents (-in-organisation), the teachers (-in-organisation), the wider community (civil society) and the state (in the form of, for instance, the Departments of Basic Education and of Cooperative Governance and Traditional Affairs). An examination of the situation in the schooling sector reveals that decisions had to be taken about the opening and reopening of schools in a context of great complexity. This paper examines this complexity from two vantage points, a societal-theoretical and a pedagogical-ethical perspective. The societal-theoretical perspective might help all the role-players to gain a deeper understanding of what their respective roles should be during a crisis: does a situation such as this indeed require a nanny-state (based on the notion of an external locus of control) or should the state allow all those involved to just muddle through the crisis; how should the different role-players interact with one another while confining themselves to their own spheres of competence and respecting those of other parties? The pedagogical-ethical perspective, in turn, might assist the various role-players to understand the ethical dilemmas that tend to surface during a pandemic. The aim of the investigation was to derive guidelines for role-players to find their way through the complexity brought about by a crisis such as a pandemic that seemed to threaten the very fibre of civil life¹.



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- 1 At the time of publication of this paper, the pandemic was still raging on in the world. Second and third waves of the pandemic, spreading even more infectious strains of the COVID-19 virus, have been recorded in numerous countries during December 2020 and January 2021. Experts foresee no end to the pandemic before herd-immunity has been achieved. The availability of vaccines early in 2021 raised the possibility that such a level of immunity might be achievable towards the second half of 2021. Developing countries such as South Africa might reach this level much later.

Keywords: COVID-19; pandemic; education; schooling; ethics; morality; societal theory.

1. INTRODUCTION

The outbreak of the COVID-19 pandemic in South Africa in early March 2020 brought with it a number of changes in our social life – to such an extent that by the end of 2020 people began talking of “the new normal” that has arrived. This new normal entailed that for the foreseeable future people (see footnote 1) will have to wear face masks in public, maintain physical and social distance, sanitise their hands, wash their hands regularly, avoid large gatherings of people, avoid buying liquor during weekends, avoid touring other countries or receiving foreign visitors, reduce the number of social visits and so on. The pandemic also caused “a new normal” to be adopted in the schooling sector in that not all learners can attend school at one and the same time, and have to maintain social distancing; school facilities have to be sanitised regularly, examinations have to be postponed, the school year extended, matric results announced later and schools to reopen later, to mention only a few of the new measures that schools (in the form of the Department of Basic Education, teachers, learners and governing bodies), parents and the broader community may be expected to adhere to for the foreseeable future.

2. PROBLEM STATEMENT

General legislation as well as legislation regulating education in South Africa is aimed at the protection and the promotion of the interests of children (see below). Although children, according to available research, are less susceptible to the COVID-19 virus than are adults (Van der Berg, 2020), the measures taken by Government in March 2020 contained in large part stipulations to protect the children of the country from the virus (RSA, 2020).

Events since March 2020, particularly the measures taken by the Government, starkly revealed that more than just the interest of children, in this case the school learners, was at stake during the pandemic. Teachers, particularly those with comorbidities, also had to be protected. Many teachers were allowed to work from home (although many of those employed by school governing bodies ran the risk of losing their salaries – and even their jobs – if they stayed at home). Most of the teachers with comorbidities were allowed to return to their work at school on 1 October 2020 after approximately six months of having worked from home. Teachers were expected to teach online, particularly during the first three levels of the state of emergency. (South Africa has been following a five-level strategy to combat the virus, ranging from level 5 [the strictest: total lockdown] to level 1 [requesting citizens to wear masks, maintain social distancing and washing hands regularly].

The state of emergency also affected the parent corps, particularly parents with small children, and where both parents were expected to report for work. Most parents had to cope with the additional challenge of having children around the house for months on end, of keeping them constructively busy and seeing that they follow their online school programmes. Since extramural activities for the children were banned, the children and the parents alike had to find creative ways of remaining occupied. The situation was exacerbated by the fact that South Africans were subjected to a curfew, initially a long one, which was later on relaxed to only a few hours in the early morning. As in the case of the teacher members of governing bodies, the state of emergency also affected the participation of the parent members of governing bodies.

Another stakeholder was the broader community, the civil society of which the school and all the entities associated with it as well as the parent community form part. The state of emergency initially entailed a total lockdown of all economic activity, which resulted in a strong downturn in the economy and hence loss of employment for many. Entrepreneurs and workers in the international and tourism sector were particularly hard hit. Most travel bureaus were still closed during the first four levels of the state of emergency (until the end of September 2020). Business in the tourism and hospitality sector only began picking up when tourists from some countries were allowed to visit South Africa from 1 October 2020 (following the announcement of alert level 1 on 26 September 2020) (RSA, 2020b).

The state, in the shape of the Government, was another major stakeholder in this process. In line with its mandate to maintain law and good order, the Government proclaimed a state of emergency to commence on 26 March 2020 in order to enable the national Department of Health to prepare for the expected increase in the number of patients contracting COVID-19 (RSA, 2020). After the President of the country had announced the state of emergency and subsequently the five alert levels, the Government delegated the proclamation of the regulations associated with each level to a Command Council consisting of various ministries, with the Ministry of Cooperative Government and Traditional Affairs (COGTA) as the coordinating ministry. The two Ministries of Education (Basic and Higher) were expected to regulate the education sector. As explained below, the Ministry of Basic Education, in particular, occasionally vacillated between taking decisive action and caution about how to proceed with the opening and closing of schools, in the process causing all kinds of uncertainty and discomfort among the teachers, parents and learners. The decades-long neglect of facilities at schools such as the provision of clean running water and flushing toilets also took its toll on this Ministry and on the Ministry of Public Works in that they had to take emergency measures to provide these amenities (Louw-Carstens, 2020).

It is clear from this overview of the roles, mandates and measures adopted by the various stakeholders, that preventative measures with respect to the COVID-19 pandemic in South Africa had to be taken in a situation of great complexity. It is also clear that particularly two issues surfaced, namely those involving societal-theoretical considerations and ethics/morality. In terms of the former, we asked ourselves: What, in principle, is the sphere of authority, the mandate and the role of the respective role-players during the COVID-19 state of emergency, such as the state, the parents (-in-organisation), the teachers (-in-organisation), the learners and civil society? This is a societal theory issue that needs to be addressed in order for us to be better prepared for future crises. Regarding ethics/morality, we asked: What pedagogical-ethical/moral dilemmas surfaced during the pandemic and how should they be addressed in order to avoid similar dilemmas in future? The aim of the investigation reported in this paper was to discover guidelines for the respective role-players to follow in their search for a way through the complexity brought about by a crisis such as a pandemic that threatens the very fibre of civil life.

3. METHOD OF INVESTIGATION

Our starting point was an analysis of the reports in the daily press concerning the actions and decisions of the different role-players during the pandemic (the period March to December 2020). This analysis painted a picture of complexity and of the possible conflicts and uncertainties. The social space and ethical/moral action or behaviour theory enabled us to firstly, distinguish between the decisions, actions and roles played by the different stakeholders,

each in its own sphere of authority or competence, and then secondly, to assess the degree to which such a stakeholder behaved in an ethically/morally justifiable manner (Van der Walt, 2017). In this process, we applied the interpretive-constructive method (Van der Walt, 2020). Firstly, to understand the complexity and the actions of the various stakeholders and secondly, to interpret the events and the complexity thereof in terms of the principles that we examine in the next section of this paper (the conceptual and theoretical framework) and finally, to construct a standpoint with respect to how the various stakeholders could in future interact with one another without encroaching on others' spheres of competence, and with an attitude of respect for the competence areas of other stakeholders.

4. CONCEPTUAL AND THEORETICAL FRAMEWORK

There has been a long-standing discussion about the degree to which a state can or should intervene in the lives and practices of individuals and groups before it crosses the line into the unjustifiable diminution of individual liberty (Grayling, 2010) and encroaches on the competency areas of other societal relationships such as the family, the school, the church and civic life. Berlin, Hardy and Harris (2002) applied the principle of positive and negative liberty to decide where to draw this line: the former they defined as the freedom of the individual to seek and realise various goals and the latter as freedom from external compulsion. They favoured the latter because they thought that the former could tempt the state to prescribe and even enforce behaviour that it deemed to be in its citizens' best interest, whether they desired it or not. They preferred this option because it affords citizens the freedom to pursue their own interests without interference from the state. The latter is also in line with John Stuart Mill's (1895/1977) classic conception of liberty in his discussion of the nature and the limits of the power that can be legitimately exercised by society (as represented by the state or the government) over the individual. More recently, Nozick (1974) added his voice to this debate by stating that many believe the minimal state to be the most extensive state that can be justified, in other words, a state with limited functions of protection against force, theft, fraud, enforcement of contracts and so on. Any state more extensive than that tends to violate people's rights. In some circumstances, however, he is convinced that a more extensive state might be desirable as an instrument for achieving distributive justice.

In our opinion, a workable solution to the problem of where this line should be drawn was proffered by Kuyper (1880) in his opening address at the Free University of Amsterdam when he formulated the principles of sphere sovereignty and sphere universality among societal relationships. According to these principles, life consists of a multiplicity of life-spheres or societal relationships, each with its sovereign and proper character and boundaries (Verburg, 2015: 65). These structures occasionally interact with each other based on their own areas of competence. South African philosopher D.F.M. Strauss explained this principle as follows, particularly as it applies to the state, its competencies and its relationships with the other societal structures of which citizens are constituent members. In the process, he demarcates the areas of competence of the various societal relationships that can be found in differentiated societies.

Strauss (2014) begins the discussion by stating that we no longer live in an undifferentiated society; that is, a society that displays an undifferentiated form of organisation, a society without distinct societal institutions, each with its own mandate and responsibility. Like most communities, African communities are not, broadly speaking, traditional and undifferentiated anymore. They have, according to Lutomia, Sibeya and Lutomia (2018), become complex,

multicultural societies due to industrialisation, capitalist modes of production and modernity. As such, Matolino and Kwindingi (2013) aver, they do not value, at least not as much as in the distant past, communality and association drawn along traditional lines.

We also do not live in a Greek-Roman-Medieval society with a universalistic-holistic view of society in which one or another societal whole (such as the state, or the church) is regarded as encompassing all others, with the latter as mere parts of this whole (Strauss, 2014). In such societies it was supposed that only the one societal whole, such as the state or the church, had a sphere of competence (Strauss, 2014), and that all the others had to obey that authority. The former possessed absolute authority. The process of societal differentiation commenced in the 12th century when it was realised that the state and the church possessed different, and quite distinct, spheres of competence (Strauss, 2014). In a differentiated society, Strauss (2014: 4) explains,

Although the office of government entails the competence to form positive law, this law-giving competence should not usurp all the other jural competences present within distinct non-political societal entities, such as business enterprises, associations, families, educational institutions and faith communities. [...] In a differentiated society the competence of the state is therefore delimited both by its own sphere of competence and by the competences of all the non-political societal entities.

Strauss (2014: 5) draws the following conclusion from the above principle: "Without the emergence of distinct societal entities with their peculiar spheres of competence and accompanying legal interests, the state will not be able to fulfil its public legal task".

It is important to understand that the state does not grant existence or sphere sovereignty to any other social entity such as the school, the church, the parents-in-organisation or the teachers-in-organisation (the teacher trade unions). Like all social entities, the state has to acknowledge that there are multiple distinct and sphere sovereign societal entities, all on equal footing. Each of these entities functions within its own sphere sovereignty, but since all of them also function with a jural aspect (modality) and thus have typical legal interests of their own, the state is in a position where it can integrate all the interests in one public legal order (Strauss, 2014). It is important to note the difference between the statement that the state has to acknowledge the sphere sovereignty of all other social forms or institutions by integrating their legal interests into one public legal order and the claim that the state enables the others to fulfil their respective normative tasks. Integrating the legal interests does not elevate the state into an overarching hierarchical institution (Strauss, 2014).

As soon as we start analysing the places and roles of the various societal entities in a modern differentiated society, we observe that they exhibit different features and spheres of competence. In a differentiated society, every social subject, relationship, entity or structure has a specific communal function and a social space within which it performs its specific function. The concept *social space* arises when the nature of a differentiated society is contemplated. When the principle of sphere sovereignty is accepted, every societal sphere in a differentiated society receives its proper social space and is not subsumed by any other societal sphere. Every distinct form of life (societal entity, collectivity, relationship, social sphere) is surrounded by a number of others, serving as its environment. The concept *sphere sovereignty* refers to the internal autonomy or independence of the societal entity in question (Strauss, 2009).

All societal entities or social structures possess social and non-social aspects. The connection between the social and the ethical/moral aspect as one of the non-social aspects

is important in this discourse since it embodies the notion of social morality and hence of trust; that is, the showing of respect to the spheres of competence of all other societal relationships, entities or structures (Strauss, 2009). There must be a point, as Verburg (2015) argues, at which the interest of the state and those of the people and the structures that form the subjects of the state converge and are in balance. It can be concluded based on the argument above, that this point is where the different societal relationships or entities respect the sphere sovereignty of all other relationships.

The above outline of the spheres of autonomy and competence of the respective societal relationships might have created the impression that everything in civil society is completely and unchangeably ordered and in place. Such an impression might be misleading; the way COVID-19 was approached and managed in South Africa revealed that civil society is a complex of ever-changing interpretations and contested meanings (Barrett, 2009; Del Pino, Jones & Mayo, 2020). In a worst-case scenario, a complex system such as civic life in a country is held together by local relationships only, meaning that this is where every individual and social relationship (entity, collectivity, institution) is concerned only about its own parochial interests (Anderson, 1999: 216). In such circumstances, each component seems to be ignorant of the behaviour of the system as a whole and cannot know or care about the extent of its impact on the whole. Each component (social institution, such as the government, a school governing body, a parent organisation) then tends to respond locally, only in its own interests, to the situation it is confronted with, and this is where complexity arises out of all the webs of relationships and responses (Dekker, Cilliers & Hofmeyr, 2011). One has to find a way through such a *mélange*, both physically and philosophically, and in this way create new order and an understanding of how things work or ought to work (Plotnitsky, 2006). In essence, this paper attempts to do just that.

For the state or the government to be able to integrate all the interests in the country in one public legal order, as stated, there has to be a degree of mutual trust between government and the citizenry, particularly in a time of crisis. Confronted by the emergence and spread of a new and deadly virus, governments across the globe felt themselves called to forge a crisis strategy to deal with the consequences for public health, the economy and society at large. The success of such a crisis strategy depends on citizens' acceptance of and compliance with crisis management policies (University of Antwerp, 2020). In the case of South Africa, the trust in government (the state) was seriously compromised by the perception among the general public that the state had been captured by corrupt individuals and interests.

Baijnath (2017) proffered a useful analytical lens for examining complex situations, including the actions of the various societal relationships or collectivities, in and during a pandemic, namely a five-fold ethic: an ethic of justice, an ethic of critique and ethic of care, an ethic of community and an ethic of profession. Every societal relationship could (and ideally should) employ this five-fold approach to ethics in its efforts to respect the sphere sovereignty or autonomy of all the other societal spheres in its environment. This is of particular importance during a catastrophe such as a pandemic. An ethic of justice, for instance, implies that a societal relationship such as the state (government), a school or a parental home should apply principles such as fairness, equity and justice, and that decisions are guided by laws, rules, policies, codes and procedures. This implies that pre-established principles, laws and rules will guide role-players' conceptions, perceptions and actions in a crisis. We do not agree with Baijnath (2017: 201–202) when he asserts that the ethic of justice is non-consequentialist since leaders "should not consider the consequences of their actions, but make decisions

based on predetermined rules and policies". We attempt to show in the next section, in terms of sections 195 and 196 of the Constitution of the Republic of South Africa (RSA, 1996), that the Government and all its instruments indeed should be held accountable for the consequences of their policies, behaviour and actions.

Bajjnath (2017: 201) counterbalances his view of the ethic of justice by defining the ethic of critique as an ethic that "critiques the moral problems caused by the ethic of justice". This, in our opinion, is an artificial effort at damping the effect of his view of an ethic of justice. A decision has immediate consequences and cannot be critiqued only at a later stage, if at all. It does not make sense to show no regard for the consequences of a step, and then only afterwards apply an ethic of critique which, according to Bajjnath (2017: 201), is a critical consequentialist perspective. We agree with his formulation of an ethic of care, however, as an ethic that is "compassion-oriented and is concerned with and characterised by virtues such as compassion, understanding and trust". Nel Noddings (2003) holds that caring of this quality involves stepping out of one's own frame of reference into that of the other. This ethic is particularly important for describing and promoting the respect that not only persons should display towards others, but also societal relationships towards other such relationships.

Bajjnath's (2017: 202) distinction of an ethic of community is also important for the respect among individuals and among societal relationships. He defines it as regard for "the best interests of the local community as the fundamental principle in decision making" (ibid). This ethic is in line with the stipulations of sections 195 and 196 of the Constitution (see below).

Bajjnath (2017) finally distinguishes an ethic of profession: professional persons such as teachers should adhere to and obey the principles, codes, assumptions, mores and expected behaviours associated with their profession.

5. THE ROLES FULFILLED BY THE DIFFERENT SOCIETAL ENTITIES DURING THE COVID-19 PANDEMIC IN SOUTH AFRICA

5.1 The state and its agencies

Experience teaches that the state and its organs constantly, and in many ways, tend to limit the freedom of its citizens (Verburg, 2015). Grayling (2010: 220) asserts that the state is inclined "to [...] nanny where it can", often beyond its sphere of competence. In his opinion, "it is tyranny [for the state] to force others to behave as [the state] thinks they should, even if one knows for sure what is in their best interest". A typical example of the state overstepping its boundaries was the action taken by the South African Government in March 2020 when it not only proclaimed a very necessary initial three-week lockdown in order to enable the Department of Health to prepare for the numbers of diseased that were expected, but then went on to extend the state of emergency for yet another nine months, thereby delaying the economic recovery of the country. The decisions taken by the South African Government, as part of its application of an ethic of justice, have had devastating consequences for the citizens of South Africa, and also for the schools, the parents (governing bodies), the teachers and the learners.

In the previous section we mentioned the state's mandate of integrating all the interests of the societal relationships within its domain "in one public legal order". The expression "in one public legal order" does not mean that the state/government may take control of all administrative and executive powers as was the case during the pre-1994 era in South

Africa (Ferreira-Snyman, 2005; Ferreira, 2001). The Constitution (RSA, 1996) of the new post-1994 South Africa, particularly the Bill of Rights, has brought a change in this regard. Sections 1 and 7 of the Constitution stipulate that values such as human dignity, equality and freedom need to be respected by all in South Africa; hence, also by the state/Government and by the other societal relationships in the country. Section 39(1) goes a step further in stipulating that these democratic values are to be enforced by courts of law, tribunals and forums, and that the government should be accountable, responsive and open towards the citizenry (*cf.* De Waal, Currie & Erasmus, 2001).

The state's task and mandate to "integrate all the interests of the societal relationships within its domain in one public legal order" is explicated in Chapter 10 of the Constitution. Section 195(1) elaborates on the constitutional values and principles that should underpin sound governance of public administration, thereby uplifting South African society to a fundamental justifiable human rights culture (*cf.* Burns, 1998).

Several key perspectives can be gleaned from the list of principles and values regarding the governance of the country enumerated in section 195(1). The first is that governance should be ethical; that is, caring with respect to the interest of all South Africans (Principle a). The second is that resources should be used effectively and efficiently (b); the third, that public administration should attend to the developmental interests of the citizenry (c); fourthly, the administration should respond to the people's needs and allow the citizenry to participate in policy-making (e), and in the fifth place, the administration should provide timely, accessible and accurate information (f).

Section 195(2) explains that the concept *public administration* embraces administration of all spheres of government – including the administration of public education.

Section 195(3) stipulates that national legislation must ensure the promotion of these values and principles (Ferreira-Snyman, 2005). It is for this reason that in a ruling, Judge Zondo in the 2008 Labour Appeal Court case *Nxele v Chief Deputy Commissioner, Corporate Services, Department of Correctional Service and Others* referred to the values and principles contained in section 195(1). In another case, in the North Gauteng High Court case of *Freedom under Law v National Director of Public Prosecutions and Others*, Judge Murphy ruled that all public functionaries should act responsibly, accountably and transparently.

It is clear from the above explanation of the phrase "the state's task and mandate of integrating all the interests of the societal relationships within its domain" that the state/government has a clearly demarcated area of competence and hence should refrain from impinging on the areas of competence of other societal entities. If the state transgresses on the spheres of the other societal relationships or entities such as the school (the school governing bodies), the parents (-in-organisation), the teachers (-in-organisation) or the church, it has set foot on the path of a totalitarian practice, thereby disregarding (and disrespecting) the original social spaces (the sphere sovereignty) of the other societal entities. These other, non-political entities, each have the right to determine their own character and decide on their own actions, in the context of the five-fold ethic discussed above. The idea of a totalitarian state remains unacceptable in all conditions (Verburg, 2015).

5.2 The learners

There can be little doubt that the state/Government has had the interests of the general public, and particularly of the children of the country, at heart during the pandemic. The actions of

the Government (in the form of the Department of Basic Education) regarding the safety of the learners have been in line with the stipulations in sections 28 and 29 of the South African Constitution that refer to the rights of the child. Section 28(2) contains what has been referred to as the “paramountcy principle”: “A child’s best interests are of paramount importance in every matter concerning the child” (Smit, 2013: 223). Section 29 provides for the right to basic education. In the jurisprudence since 1996, which we need not discuss here, the best interest of the child has often been applied as a guideline.

It is also clear that, despite the intentions of the Department of Basic Education, the learners have been detrimentally affected by the decisions and actions of the Department during the state of emergency which commenced on 17 March 2020. For approximately five months learners and their parents were frequently left in a state of uncertainty as to whether or not they should attend school. On one occasion, notice that schools would still be closed was given on the Sunday evening before the schools were due to reopen the next day (Herselman, 2020). In such cases children living on farms had already come to stay in their hostels and were thus left stranded. Most learners had to learn how to study online, and large numbers of them had to be left to their own devices at home since both parents were at work. Despite its declared concern about the interest of the children, the department has failed to persistently display an ethic of justice, care and community in this regard.

5.3 The civil community

The civil community suffered in various ways during the lockdown period. The overall interest and well-being of the schools, the parents, the teachers and education, business, labour and other stakeholders were detrimentally affected by the proclamation of a state of emergency, particularly during the first three levels thereof. It could be argued that the Government and its various ministries did not demonstrate an ethic of community by bringing the entire economy and civilian life to a total standstill for several months. The negative economic growth of around 23 per cent in the second and third terms led to widespread unemployment, a loss of income tax for the government and to widespread poverty, necessitating handouts to the poor by both government (which it could not afford and had to enter into international loans for) and non-governmental organisations. The ban on cigarettes and tobacco cost the economy more than the government handouts to the poor and derelict. In one instance, the Ministry of Trade and Industry found it necessary to prescribe the types of apparel and footwear citizens were allowed to buy in the shops. This Ministry went so far as to stipulate that only short-sleeved T-shirts to be worn under another garment could be bought. In doing this, the Government transformed South Africa into a nanny state. One commentator remarked: “This [stipulation] is just another illustration of the Minister and the ANC’s obsession to act as a parent and to dictate to South Africans what they may and may not do” (Barnard, Wood & Brand-Jonker, 2020: 2).

The de facto impoverishment of the population during the lockdown resulted in many parents being unable to pay school fees. The non-payment of school fees compelled some schools to lower the salaries of governing body teachers, and in some cases even caused teachers to be discharged (Herselman, 2020b).

5.4 The teaching corps (the teaching staff-in-organisation – the teacher unions)

The state's proclamation of a state of emergency, particularly the extended levels of lockdown, had dire consequences for the teaching corps. The teaching corps had to bear much of the brunt of the crisis. Those with underlying comorbidities lived under the threat of contracting the virus, had to work from home in less than ideal circumstances, many without online facilities had to prepare and deliver online lessons; when schooling resumed, all teachers in public schools had to teach during longer hours, had to prepare additional assessments, had to cope with large amounts of correction work, had to miss out on long weekends (for instance the long weekend around Heritage Day in September 2020), had to be at school until deep into December 2020, and in some cases were made responsible for sanitising the classrooms. The only redeeming factor in this situation was the fact that their unions repeatedly interceded on their behalf in an effort to keep them from contracting COVID-19.

In sum, the teaching corps as such seldom found itself in a position of practising their ethic of profession. According to Van Wyk (of the South African Teachers' Union in the Free State), the manner in which the closing and reopening of schools on 1 June 2020 were being managed created "much uncertainty" among parents, teachers and learners (Herselman, 2020). The conditions of the teaching corps in the period from March to November 2020 once again lends credence to the view that the teaching profession might not be a true profession. Too many other parties seemed to have had a final say in what transpires in the lives and professions of teachers. The way in which teachers were treated could be construed as having deprived them from practising their ethic of profession.

5.5 School governing bodies (SGBs)

Legislation details the competencies and duties of SGBs as follows: Section 16(1) of the South African Schools Act (SA, 1996(b)) stipulates that the governance of a school is vested in its particular SGB. Since the meaning of the word "governance" is not specified (Botha, 1996: 45), the general meaning thereof is applicable, namely: to regulate, rule, organise with authority (Pearsall & Hanks, 2006). This section contains an inherent limitation of the "rule" by SGBs; a governing body may only perform the "functions and obligations and rights as prescribed in the Act". Despite the competencies and the mandates assigned to SGBs in legislation, the SGBs of the public schools in South Africa have been prevented from taking decisions about how their schools and those involved in them, such as the administration, the teachers and the learners, should conduct themselves during the pandemic. Practically all the decision-making was done at either national level (the Department of Basic Education) or at provincial level (the Members of Executive Councils [MECs] of the respective provinces). Although it might be necessary, in case of an emergency such as the COVID-19 pandemic, for the relevant public administration authority, in this case the Department of Basic Education, to override the functions of SGBs, such a public administration authority should be wary of taking disruptive decisions that could lead to the seemingly unplanned closing and reopening of schools, and last-minute announcements in this regard. Such actions do not comply with the Constitutional norms for Public Administration, as outlined above in terms of section 195(1) of the Constitution. "Effective" there means "to be successful in producing a desired or intended result" (Pearsall & Hanks, 2006). The haphazard management of schooling during the lockdown period cannot be deemed to have been effective. The Schools Act is clear about the desired outcomes of education: the authorities have "to provide an education of progressive

high quality for all learners and in so doing lay a strong foundation for the development of all our people's talents and capabilities" (Preamble of the SA Schools Act) (SA, 1996(b)).

In one case, where an MEC decided to take the unilateral decision to reopen the schools in her province since the schools there were ready to reopen, she was accused by the Human Rights Commission and by the administrative authorities (provincial departments of education) of taking a step that would lead to inequality since the schools in the rest of the country were not yet ready to reopen. This incident is a clear demonstration of how the decision-making process concerning the schools opening and reopening had been centralized by that time, and also a demonstration of how SGBs, as the bodies supposedly the best informed about the situation at their respective schools, had been deprived of their right to decision-making.

5.6 The parental corps (the parents-in-organisation)

Since it would have been difficult for education authorities such as the Department of Basic Education to negotiate with the parents of all the learners in all the schools, the South African Schools Act (SA, 1996b: Section 1, 11 and 16) provides for public participation in the management of public schools in the form of representation on schools' governing bodies. This is a typical form of deliberative democracy (Smit, 2013). The Act (Section 20 (m)(3)) also stipulates that a governing body is entitled to join a voluntary association that represents the interests of governing bodies. A typical example of such an association is the Federation of Governing Bodies of South African Schools (FEDSAS) whose vision is to maintain and promote quality education in public schools. Its mission is to enhance effective school governance and management in order to achieve its vision (FEDSAS, 2020).

The decisions and actions of the Department of Basic Education also affected FEDSAS. Only one example of how this body was overlooked during all that transpired around the opening of schools on 1 June 2020 needs to be mentioned. On 29 May 2020 the Executive Head of FEDSAS told a reporter: "I cannot explain the logic behind (the decisions of the Minister of Basic Education, as announced in the Government Gazette of 29 May), since we were not consulted". In his opinion, the whole plan was not well-conceived. "The phasing-in plan to which we originally agreed is now clearly off the table. The situation is chaotic," he concluded (Gregan & Jansen van Rensburg, 2020: 8).

6. DISCUSSION

The situation in South Africa during the state of emergency declared by the Government on 26 March 2020 undoubtedly has the appearance of an interlocking web of political, social, economic, religious, pedagogical, ethical and philosophical sub-systems that constantly rearranged themselves in response to the proclamations of the Government and of the various ministries. The way things transpired during the state of emergency (March–November 2020) in South Africa can be construed as a typical example of how a situation unfolds in terms of complexity theory. Society, in this case the situation during the lockdown period in South Africa, took the form of an endless complex of changing and contested individual interpretations and meanings. Every step taken during the lockdown was dynamic, messy, driven by some or other choice or decision (mainly by the Government of the day and its various organs), was occasionally contradictory or pusillanimous and a demonstration of centralised power, a form of control-driven disruption.

As described, the Government (in the form of the Department of Basic Education) more than once found itself caught up in a maelstrom of pressures from all sides: the teachers' unions (several of them), the parents-in-organisation in the form of a considerable number of school governing bodies affiliated with FEDSAS, the Human Rights Commission (Gregan, 2020), the nine provincial departments of education, the Members of Provincial Executive Councils charged with education (Gregan, 2020b: 6), the central Government in the shape of the Department of COGTA, the so-called Command Council and even the Cabinet (Prince, 2020), political parties (such as the One South Africa Movement, in a court case heard on 18 June 2020), medical advisers and several more. On one occasion, the department seemed to have been caught up in this tumult to such an extent that it had to postpone a media conference of the minister three times. On occasion, when the department and its minister seemed hesitant about what the next move should be, a provincial department of education (Western Cape) reopened its schools – to the chagrin of the Human Rights Commission and the One South Africa Movement. Although the Gauteng Provincial Department of Education allowed parents to inspect schools to see whether they were safe for the children to return to, it adhered to the reopening date of 1 June 2020, as announced by the Ministry of Basic Education.

The actions of the government and its instruments during the management of the pandemic from March to November 2020 did not give testimony of a state or Government possessing the insight that its actions should ideally be rooted in a value system built on the two principles on which this paper hinges. It firstly did not demonstrate respect for the sphere autonomy of all the other societal relationships that formed part of civil society in South Africa; it seemed intent on dominating the scene from the vantage point of its own sphere of competence. This approach elicited praise from some corners (understandably from those who agreed with the decisions and actions of the Department of Basic Education) during some of the phases of the state of emergency, and also criticism (from those who referred to the situation as chaotic and unplanned). According to the latter, the minister and her department were creating uncertainty and confusion with their indecisive approach (Prince, Van der Walt & Gregan, 2020).

Secondly, it did not demonstrate ethics of justice, caring and community towards the learners, the parents, the teachers, school governing bodies and other parties involved in the pedagogical effort. Whether the decisions and actions of the current Government were deliberately state-centred and control-driven or can be ascribed to inexperience and ineptness is difficult to say. It might also be possible that the authorities lacked experience with large-scale disruptive events and their socio-economic ramifications. A more accurate verdict in this regard might be passed once we have observed the Government and its officials functioning in other emergencies such as a possible second flare-up of the pandemic. The government and its organs and instruments would do well if they saw all the other societal institutions as equivalent to itself and as partners in the struggle against the pandemic, and not as part of the populace that has to be governed by a micro-managing and essentially centralised nanny state.

It is to be hoped that, in the event of another possible pandemic or state of emergency that might affect schooling in South Africa, and of course also elsewhere, school governing bodies will be allowed the space to act in accordance with their particular sphere of competence (as outlined in the relevant legislation), within the broad guidelines proclaimed by central Government, with the ancillary support and guidance of the relevant provincial departments of education and with the support of all other institutions somehow involved in school education.

7. CONCLUSION

South Africans, particularly their Government, might learn a lesson from what transpired during the lockdown period, which is that civil society will seek its own equilibrium if allowed to do so. The state does not need to become a nanny state during a lockdown or state of emergency. It has to trust the other, co-valent, societal relationships of which civil society is made up, including teachers-in-organisation, parents-in-organisation, school governing bodies, business and industry, to take decisions in accordance with their areas of competence and within the broad guidelines provided by Government. It should restrict itself to the task of regulating life and existence on behalf of all the other social entities in the country, thereby providing space for all the others to work and take decisions within their respective spheres of competence.

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