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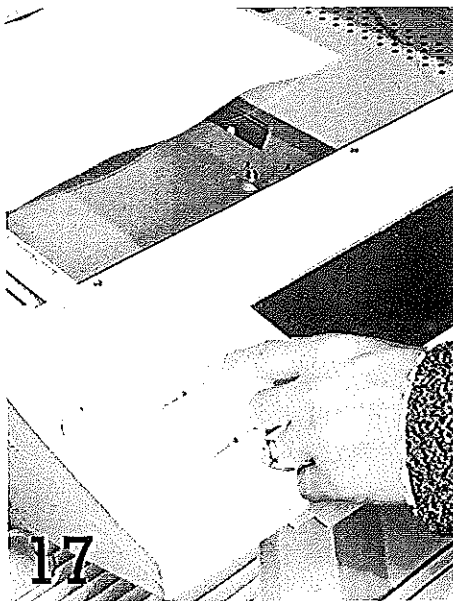
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A Tale of Two Pledges: Developments in South Africa and the United States

As reflected by the history and occasional controversy surrounding the Pledge of Allegiance to the Flag of the United States, which first appeared in 1892, having students engage in this form of daily patriotic activity is designed to promote national unity as school children grown into adulthood.

In the United States, the most recent issue involving the Pledge focused on whether the inclusion of the words “under God,” which were added in 1954 in the face of threats from Communism, was constitutionally permissible (Russo 2004).

The Supreme Court essentially sidestepped the issue, holding that a divorced non-custodial father could not file suit because he lacked standing or the legal ability to chal-

lenge the inclusion of the words “under God” in the pledge (*Elk Grove Unified School District v. Newdow* 2004; Russo and Mawdsley 2004). Insofar as the father since re-filed litigation with parents who share his attitudes, the case is again making its way through the legal system (*Newdow v. Congress of United States* 2005).

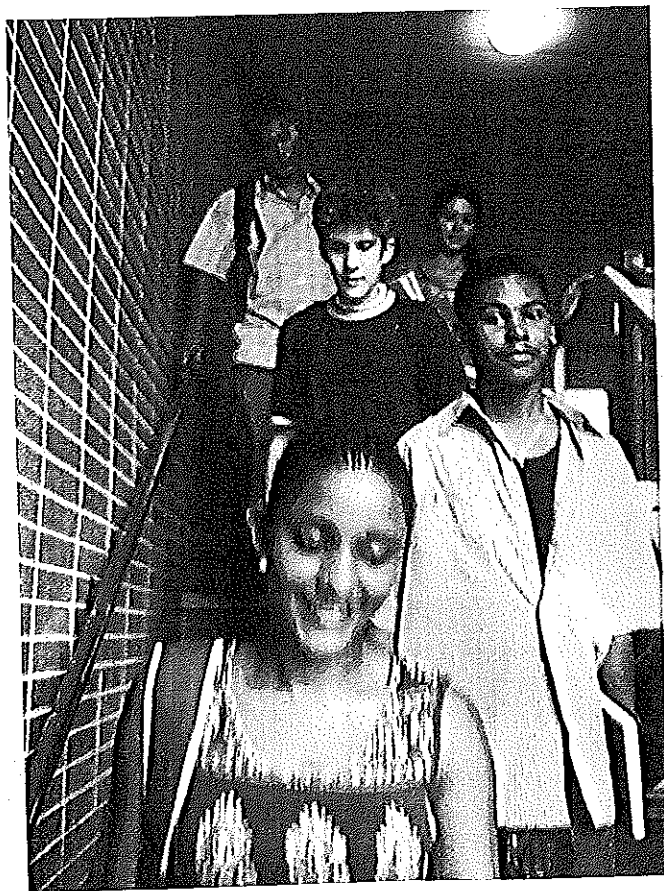
In a similar fashion, political leaders in the Republic of South Africa recently proposed the adoption of a national school pledge toward the goal of achieving national unity. Instead of dealing with the issue of God, the debate over the South African pledge is concerned with recognizing, and ultimately redressing, past injustices committed under the system of racial apartheid.

Not surprisingly, the South African pledge has caused significant disagreement. The debate has arisen largely, but not exclusively, because the pledge is recited by children who had not played a part role in the apartheid system, since most of them were not born when the apartheid era came to a close with the adoption of the interim South African Constitution of 1994, the predecessor of the 1996 Constitution that remains in effect.

Amid ongoing debate in South Africa over the proposed pledge, the first part of this column reflects largely on the situation there in light of ASBO’s desire to inform school business officials and other educational leaders about emerging issues in other parts of the world. The column rounds out with five reflections on the value of patriotic pledges for students—whether in South Africa, the United States, or other nations—because such activity in schools can help to develop common bonds in increasingly diverse societies.

The South African National School Pledge

Adopted at the outset of the post-apartheid era, line 2 of the preamble of the Constitution of the Republic of South Africa, Act 108 of 1996, calls on all to “Recognise the injustices of our past” in the sense that religions were not previously guaranteed recognition of consideration in South Africa. However, Section 15(1), which guarantees that “Everyone has the rights to freedom of conscience, religion, thought, belief and opinion,” may conflict with the proposed pledge.



By Elda De Waal, Ph.D., and Charles J. Russo, J.D., Ed.D.

In an attempt to address past injustices, the government, with the assistance of a national forum of religious leaders, has sought to introduce a pledge, or oath, in schools to make South African children aware that rights go hand in hand with responsibilities. This bill would not be a law or a statute, but would be a school document that reflects how South Africans could handle their new freedoms as part of a democratic society. To this end, the first paragraph of the pledge reads:

We the youth of South Africa, recognising the injustices of our past, honour those who suffered and sacrificed for justice and freedom. We will respect and protect the dignity of each person, and stand up for justice. We sincerely declare that we shall uphold the rights and values of our constitution, and promise to act in accordance with the duties and responsibilities that flow from these rights.

The "injustices of our past" could be interpreted as referring to what one case described as "... a deep conflict between a minority which reserved for itself all control over the political instruments and a majority who sought to resist that domination" (*AZAPO v President of the Republic of South Africa* 1996 (4) SA 671 (CC) para 1). As a result of this conflict, and as has been widely recognized, fundamental human rights became "a major casualty . . . as the resistance of those punished by their denial was met by laws designed to counter the effectiveness of such resistance" (*AZAPO v President of the Republic of South Africa* 1996 (4) SA 671 (CC) para 1).

The phrase "those who suffered . . . for justice and freedom" has been taken from the Preamble of the Constitution (1996) and is generally understood as referring to everyone who joined the struggle against apartheid. It is unclear why the words "and sacrificed" were added unless it is meant to have more dramatic effect to school children.

As debate continues, it is virtually impossible to divide the pledge's critics and supporters into clear categories. For example, a noteworthy critic is Professor Jonathan Jansen, a leading member of the struggle against apartheid who declared that the national school pledge was a bad idea since students would merely recite it without critical reflection, that it was wrongly timed because many people still do not believe that anything negative happened in the past, and that it was composed by the wrong group of people insofar as the national forum of religious leaders should rather work in communities and stay out of schools (Jansen 2008). Still, others support the pledge.

Parliament's motive in introducing the national school pledge needs to be commended highly on two fronts. First, the pledge is designed to bring about national reconciliation and unity in a nation with 11 official languages and many diverse peoples. Second, Parliament hoped to provide students with a greater sense of their history while playing a part in the process of reconciliation.

Yet, in the wake of growing political turmoil both in South Africa and neighboring Zimbabwe, coupled with the government's inability to manage the country better as reflected by rolling power outages (perhaps better known as brown-

outs in the United States) and increasing concerns of corruption charges against public officials, it is difficult to not view the pledge, without internal supports in schools to explain its role, as a kind of cynical ploy designed to deflect public attention from other, seemingly more pressing, issues.

The irony in the South African government's efforts to eliminate teaching about the Bible and prayer that is designed to free public schools from pre-set ideological structures is that it views the pledge as the answer to the most serious problems experienced by the nation's schools. Unfortunately, though, such an approach fails to heed other pressing issues confronting South African schools—concerns that they share with schools throughout the world, such as student safety in the face of growing violence in schools, adequate resources for buildings and materials, and keeping teachers (and students) healthy amid the rampant spread of the HIV-AIDS pandemic.

If anything, one cannot help but to wonder whether the pledge is not professing some kind of ideology because it is, as yet, unaccompanied by any significant curricular changes to aid in its introduction. The South African government would thus strengthen its hand if it were to make an explicit statement as to the purpose behind the pledge, focusing on the positive outcome of national unity.

Reflections

School business officials and education leaders, whether in South Africa, the United States, or elsewhere around the world, may wish to keep five important points in mind when suggesting that students make public affirmations committed to a human rights culture in which quality education and learning can take place.

1. Education and political leaders should be clear as to their goal in initiating or continuing pledges in schools. To the extent that pledges can be presented clearly as designed to bring diverse peoples together, they can offer a significant benefit to all, especially in multi-ethnic, diverse societies.
2. Pledges should not be connected to partisan political movements. Rather, pledges should be aimed at re-centering the behavior of students toward peers, teachers and other educators, and members of the community at-large in acquiring adult attitudes about patriotism or what may also be deemed civic pride. Only in this way can nations achieve unity while producing educated citizens who are ready to participate fully in democratic societies.
3. Students need to be convinced, and aware, of the implications of what they are saying when they recite pledges. In other words, it would be to no avail for students to recite words of a pledge that they acquire by rote learning without intrinsic conviction as to the essence of its content. As such, schools should provide students with appropriate curricular background whether initiating new, or continuing, pledges or similar activities.
4. In a point that follows directly from the to previous item, prevailing school cultures should enhance the transformation of the hearts, minds, and attitudes of students with respect to others in the larger society within which

they live. Absent such a transformation before implementing a pledge, the actions of school officials risk becoming exercises in futility.

5. As reflected by litigation wherein the United States Supreme Court initially found that children who were Jehovah's Witnesses were required to recite the Pledge (*Minersville School District v. Gobitis* 1940), but reversed itself a scant three years later in the midst of World War II (*West Virginia State Board of Education v. Barnette* 1943), not all religions are comfortable with having children recite public pledges.

While these cases did not deal with religion per se, they did focus on the closely related free speech rights of religious minorities. Even so, in the latter case, as in subsequent disputes, the courts did not ban the pledge outright due to the sensitivities of religious minorities. Rather, the Supreme Court noted that while students cannot be compelled to participate in the pledge, school officials could continue to use it as a means of developing a shared sense of common social values.

Even after *Newdow* (2004) it is widely accepted as a pedagogical tool that is used to help children become productive citizens who share common values. There is no serious doubt, then, about the constitutionality of pledge other than over the inclusion of the contested words "under God." The Fourth Circuit thus ruled that the voluntary daily recitation of the pledge, including the words "under God," is constitutional because it does not have a religious purpose or effect and does not create excessive government entanglement with religion insofar as even though it was a religious statement, it is largely a patriotic expression (*Myers v. Loudoun County Public Schools* 2005).

Returning to the situation in South Africa, while an argument can be made that it is not in line with the Constitution to compel students to participate in the pledge, an equally strong argument can be made that such a patriotic activity can help to hasten national unity in an emerging democracy. It is up to national leaders to

as they seek to develop national unity and consensus in a nascent democracy.

Conclusion

In sum, South Africa, like other nations, needs to guard against Shakespeare's concern that cynicism can creep in with regard to the value of a "good mouth-filling oath" that may sound good on paper but which accomplishes little in reality.

As leaders, especially in South Africa, call for the use of a patriotic pledge in schools, they are likely to be better served by using it as a key instrument in pursuit of building national consensus as to the values that open, democratic societies share as they work to alleviate present injustices while avoiding the mistakes of the past. ■

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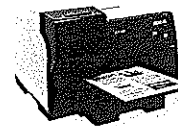
Elda De Waal, Ph.D., chair of the South African Education Law Association, is a senior lecturer for educational sciences at the Vanderbijlpark Campus of North-West University in South Africa.

Charles J. Russo, J.D., Ed.D. Panzer Chair in Education and adjunct professor of law at the University of Dayton in Ohio, is chair of the Editorial Board of *School Business Affairs* and vice-chair of ASBO's Legal Aspects Committee. Email: charles_j_russo@hotmail.com

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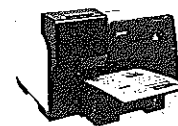
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