

FOREWORD

Hans and I were both educated under Christian National Education (CNE), which was an education programme devised by a group of Afrikaner churches, and which became the guiding norm for education under the National Party. The clue to what CNE was is in its name, although I'd suggest that the "Christian" and the "National" played a disproportionately weighty role in what and how we were taught.

Under CNE, your values and social responsibilities were a direct consequence of your national identity – shorthand for your race. You were of course meant to be a good Christian too, and while this included some focus on acceptance of cultural diversity, it was always obviously the case that some cultures (races) were superior to others.

It was during the CNE era that government gave strong control to school boards, who were elected by parents in the school's district. The legacy of CNE lives on today, in that school governing boards continue to dictate certain aspects of a school's character – in particular, their approach to religious observance and teaching.

That this is still the case today is more than a historical anachronism – it is also regressive, and oppressive to the rights and interests of public school learners and their parents. As Judge Van Der Linde notes in his ruling in the OGD versus 6 public schools case – and as you will read about in this book:

“the religious policy of a public school must be developed within a framework that accepts that the education process should aim at the development of a national, democratic respect of our country's diverse cultural and religious traditions, and that accepts that freedom of conscience and of religion must be respected at all public schools.”

There is to my mind no way in which a school can help develop that respect for diversity if it prioritises the interests of one religion over others, or over non-religious value systems such as Humanism. This is because the governing board's implementation of religious observance will always constitute a prior censorship of religion – a school cannot feasibly incorporate everything, so something is invariably left out.

OGD have succeeded (at the time of writing – appeals may follow) in restricting a public school's ability to identify itself as explicitly representing a particular religious tradition. This is a good start, but it stops far short of ensuring that governing boards honour the spirit of this ruling in day-to-day activities in schools.

There is a long legal road ahead if we are to ensure that the full diversity of South African religious belief is respected. Respect for that diversity does not constitute hostility to any one faith, or to religious faith in general. Instead, it demands that the state should not allow the public school system to be used to aid any particular religious faith, or religious faith in general, as opposed to non-religious views.

Whether you are religious or not, it is in your interests for public schools to operate in a secular (meaning non-religious rather than anti-religious) fashion. Just as a child who considers herself non-religious should not feel pressure to conform to the expectations of Christianity simply because they attend a school in an area that is predominantly Christian, a child who considers herself Muslim should enjoy the same freedoms – and these are the freedoms that Hans and OGD are fighting for.

Jacques Rousseau, Chairperson of the Free Society Institute

TIE A YELLOW RIBBON

Our triplets were five and in Grade R at Stellenbosch Primary when a school circular gave notice of a “Jesus week” starting 17 March 2008. The event was planned because the school wished to raise awareness among their pupils about God’s grace. Various praise and worship activities were arranged. The school, the notice explained, wanted pupils to try “extra hard” at being altruistic. Yellow ribbons would be offered to every pupil and staff member to wear “completely voluntarily” for the week, tied around their arms to show how their “lights” shine for Jesus.

This was a rude awakening for a 49-year old father schooled under the yoke of Christian apartheid; schools had clearly not relinquished their state-subsidised role of extended Sunday school. I was foolish to think the quasi-political church of my youth would relinquish its control in matters of education. Equally troublesome, the dogmatic religious influence of yesteryear had by now made room for a conjoined evangelical twin. I never could stomach slap-dash faiths.

There were three transgressions in the circular: The in/out group mentality created by the yellow ribbons that harked back to apartheid was the first, the second was to suggest that all children should be thankful for receiving alms from a vengeful god and the third was for state funded employees to promote their chosen faith. The planned Jesus week was both immoral and unlawful. I asked myself: WWJD; What Would Justice Demand?

Our children were born free of the racially divisive ideology of yesteryear, yet were now to be categorised as “the other” by virtue of their scepticism. We had already taught them about gods and myths, and they didn’t belong in the “praising Jesus!” camp.

Moreover, wearing yellow ribbons would be a harsh reminder of the yellow armbands and patches the Nazi nationalists forced Jews to wear during WWII. The out-group in this modern-day school playground version would be identified an absence of yellow ribbons, but just like Jews would have preferred not to be identified by the yellow marks of Cain, children of five would certainly no less wish not to stand out and be identified as the suspect minority by not letting their substitute “lights” shine for an invisible stranger. We showed our children Dachau and Auschwitz when they were eight, and they were horrified by how callous grown-ups could be. We didn’t tell them that such a mind-set wasn’t uncommon in South Africa.

It is not within the mandate of public servants to fill the minds of strangers’ children with ideas of original sin, damnation, resentful gods or a guy living in your heart. Teachers are grossly unqualified to provide expert religious instruction, and few parents appreciate the abuse of the privileged relationship between educators and their progeny. Proselytizing tutors are contemptible shysters: Those who consider the harvesting of souls a calling should become preachers, not teachers.

I wrote an anonymous letter of complaint to the principal, Hawkie de Villiers, who claimed ignorance of the content of his own school’s circular. The grovelling sessions and yellow identifiers that were planned in a fit of religious stupor were thankfully cancelled and our children were spared embarrassment and coercion. Little did I know at the time that the issue would flare up again the following year and lead to a much publicized High Court matter eight years thereafter that would involve two ministers, nine organisations, a busload of legal professionals, thousands of schools and me branded as the Antichrist.

A NATION REBORN

Nelson Mandela earned his entry in Time Magazine's "100 Most Important People of the Twentieth Century" by negotiating a moderately peaceful transition for South Africa, a country in turmoil by the mid 1980's. The nationalist government was superseded by a modern rights-based democracy with a contemporary constitution and a schools act promulgated in 1996. Seven years later a National Policy on Religion and Education ("National Policy") was gazetted by the Minister of Basic Education at the time, Kader Asmal.

Christian National Education (CNE), the earlier brainchild of the FAKⁱ, was an ideological framework for the two-tiered primary and secondary level education system of the previous government. A strong union existed between the church and the state, personified by the Vorster brothers, of which one would become an apartheid prime minister and the other moderator of the Cape Synod of the Afrikaans Dutch Reformed Church (DRC or "*NG Kerk*"). Christianity and apartheid were intertwined and all schooling was deemed to be Christian. An afrikaner-calvinistⁱⁱ brand of Protestantism directed government policy and school curricula, combining elements of seventeenth century Calvinism with a "chosen people" theme. Each person's race supposedly defined his social responsibilities and political opportunities. The whites' task, my generation was taught, was to convert but not mix with the heathens, citing the tower of Babel narrative in Genesis 11 as divine guidance for separate development. Ethnic nationalism, coupled with curricula limited to what would not offend the Bible, was taught. "Interfaculty Philosophy", which had as goal to make little Calvinists of students, was a compulsory first year subject at Potchefstroom Universityⁱⁱⁱ, one of three engines of staid Afrikaner thinking.

The DRC, who was complicit in the ousted National Party's policies, later confessed its decidedly unchristian involvement in apartheid and lost credibility among many of its followers, particularly the younger generation who were to resist black and red "perils" that were later found to be largely figments of elders' imaginations. Having found solace in religion during tumultuous times, the so-called Afrikaans "sister" churches^{iv} no longer guaranteed the promise of God's protection to those in need of existential certainty. We were a nation in flux. Some drifted towards emotive churches while others became disillusioned with organised religion. Afrikaans churches haemorrhaged members.

Our transition to a full democracy was unsettling for many whites, particularly the Afrikaans-speaking ones. Those who depended on their ethnographic privileges had to deal with a drop in esteem, influence and job opportunities. Members of the secret but influential Afrikaner Brotherhood ("*Broederbond*"), who had strongly influenced Afrikaner whites' careers, were stripped of their power and left with shame. Many were later eager to describe how they resigned or "never really believed" in its objectives of cultural privileging. Washing of hands became endemic.

The crumbling of the erstwhile theocratic stranglehold on the nation's basic education left a sudden void that was quickly filled by influential individuals and organisations with similar agendas but new cloaks hewn from two different cloths; one still smelling of cultural ethno-nationalism and the other of a shallower evangelical fabric. Woven on their lapels were garish badges of democracy and neighbourly love, but their real motives remained covert: The one group would spawn the new cultural entrepreneurs that defended whatever privileges they could still hide under the new dispensation – they refer mainly to God. The second group set out to cultivate Pharisees that would pray on sports fields and hold promise of future tithes – they talk mostly of Jesus.

FREEDOMS AND RIGHTS

‘We must respect the other fellow's religion, but only in the sense and to the extent that we respect his theory that his wife is beautiful and his children smart.’ - H. L. Mencken

With the promulgation of its negotiated Constitution in 1996, South Africa became, in legal terms at least, one of the most modern rights-based democracies in the world. Although a constitution cannot guarantee prosperity it can set boundaries of conduct on a country's citizenry, guiding them towards a long-term collective responsibility.

Chapter Two of our Constitution contains a Bill of Rights^v that every citizen of the country can depend on. It starts off by stating that: ‘This Bill of Rights is a cornerstone of democracy in South Africa. It enshrines the rights of all people in our country and affirms the democratic values of human dignity, equality and freedom. The state must respect, protect, promote and fulfil the rights in the Bill of rights.’ There can be no confusion on its intent, and the Ten Commandments or tafsīr are nowhere implied.

Chapter Eight of the Bill applies these rights to all law and binds the organs of the state, including its public schools, to its execution.

In Chapter Nine we find that everyone is equal before, enjoys equal protection by and must benefit equally from the law. The imperative of equality includes the full and equal enjoyment of all rights and freedoms. The state, its institutions and every individual are forbidden to discriminate unfairly against anyone on the grounds of, among others, race, gender, sex, pregnancy, colour, sexual orientation, religion, conscience, belief, culture, language or place of birth. Furthermore, to promote the achievement of equality, legislative and other measures designed to protect or advance persons, or categories of persons that were previously disadvantaged by such unfair discrimination, may be taken to correct the wrongs of the past.

The Bill's Chapter Fourteen explicitly protects every person's privacy. Someone may choose to divulge intimate detail about herself in privacy or in the public domain as she sees fit, further explained in chapter 16 of the Bill, but no person or instrument of the state, including public schools, is allowed involuntary access to personal information unless granted by court order.

The Bill of Rights' Chapter 15 is one of heated debate. The section most relevant to religion on public school grounds reads as follows:

1. Everyone has the right to freedom of conscience, religion, thought, belief and opinion.
2. Religious observances may be conducted at state or state-aided institutions, provided that
 - a. those observances follow rules made by the appropriate public authorities;
 - b. they are conducted on an equitable basis; and
 - c. attendance at them is free and voluntary.

Much confusion has been feigned and misinterpretations justified by apparently not noticing that religious observances may be held at but not arranged by state institutions, and that religious observances must follow rules made by a plurality of appropriate public authorities, which, in the case of public schools, would include the Minister of Basic Education.

BUT THAT'S NOT ALL

The National Policy on Religion in Education^{vi} was the result of an effort that started in the early 1990's, was developed by various forums and committees through the years and eventually achieved its goals guided by principles of constitutional values, the distinction between the

objectives of public institutions from those of the home, family and the religious community, the need to create an integrated and informed society that affirms diversity, and the teaching of religion, religions and religious diversity by ecclesiastically trained professionals. “Protected from any discriminatory practices based on religion, citizens are thereby free from any religious coercion that might be implied by the state”, unlike the norm under the previous government.

The policy's introduction explains its intention and purpose to recognise and celebrate the diversity within our country, where no particular religious ethos should dominate over or suppress other cultures, languages and religions. Asmal describes how pupils have been subjected to religious observances that were not of their favour and without much say in the matter, and that such practices must end. He succinctly summarises the role of the school when he writes: “...the public school has an educational responsibility for teaching and learning about religion and religions, and for promoting these, but that it should do so in ways that are different from the religious instruction and religious nurture provided by the home, family, and religious community.” Later in the document he reminds us that “...religious individuals and groups must be assured of their freedom from any state interference with regard to freedom of conscience, religion, thought, belief and opinion.”

“Under the constitutional guarantee of freedom of religion, the state, neither advancing nor inhibiting religion, must assume a position of fairness, informed by a parity of esteem of all religions, and worldviews. ...While honouring the linguistic, cultural, religious or secular backgrounds of pupils, educational institutions cannot allow the overt or covert denigration of any religion or secular world-view.”

The National Policy applies to all public schools, but citizens retain the right to establish independent schools – religious ones if they so wish – at their own expense. The policy makes the important differentiation between:

- Religion Education (RE) that does not promote a particular religion but only teaches observable facts about religion, religions and religious diversity. RE is to inform pupils that religions are an important but not exclusive source of moral values: “Moral values are not the monopoly of religions, much less the exclusive property of any one religion.”
- Religious Instruction that teaches learners how to be religious, or how best to follow a particular religion. This freedom is allowed for homes and other community structures but is strictly forbidden in any organs of the state. However, the “...policy encourages the provision of religious instruction by religious bodies and other accredited groups outside the formal school curriculum on school premises, provided that opportunities be afforded in an equitable manner to all religious bodies represented in a school, that no denigration or caricaturing of any other religion take place, and that attendance ... be voluntary.”
- Religious Observances that may be conducted at – and it is important to note the proposition “at” – public schools, outside the educational function of the school and only if the participation of pupils is voluntary.

The policy also mentions that “...the state cannot allow unfair access to the use of its resources to propagate any particular religion or religions. The state must maintain parity of esteem with respect to religion, religious or secular beliefs in all of its public institutions, including its public schools”. Some would later claim that they had misunderstood this, but how such simple language can be misconceived remains a mystery.

Crucially, the religious freedoms of teachers may never subjugate the rights and freedoms of learners. Our educators have to treat Paganism, Satanism, atheism and Christianity with equal

respect. South Africa is no longer a racially divided and religion-inspired state where whiteness or Christianity may be privileged, but a democratic and diverse nation with equal rights for all. South Africa is no longer a Christian country.

A WORLD STANDARD EDUCATION

Our education system has perfect intentions but struggles with grave issues of absenteeism, mismanagement, poor implementation and corruption in a subset of schools where labour unions, most notoriously SADTU, hold sway. Some pupils still learn under trees. Others are slightly better off and have schools with mud walls. Many schools don't have basic necessities and textbooks sometimes get delivered late. Despite the hard work of dedicated Ministers of Basic Education, many of our schools still produce mediocre, sometimes shockingly uneducated scholars. This book is not about those issues.

Parts of our schooling system function quite well and receive adequate funding. In the more affluent urban areas the system functions reliably and delivers a truly world standard education. We even have a few exceptional schools, including exceptional public schools. Whatever lacks in our education, it is not through poor content or lack of intent.

The curricula are comprehensive and up to date. Our learners are now taught a balanced and nuanced history of South Africa and the world, and our biology books include evolution, even if a contentious subject for denialists – a poll in Rapport on 31 August 2014 showed that half of its readers felt evolution should not be taught to learners.

It wasn't always like this. Our previous government worked closely with the afrikaner-calvinist DRC to ensure that a nationalist superiority complex was instilled in each South African generation through CNE. Biology reflected the world as God supposedly created it in six days, with no sign of evolution and no explanation for how Adam and Eve got belly buttons. Human anatomy and reproduction used to be the most contentious subjects covered, and only during the final school year. Learners who were of alien faiths sat on lawns or steps while the other praised their lily-white Lord. We're still fighting that mind-set, decades after its warranted demise.

The contents of our education today is fact-based and child-centred. The sanitized curricula of CNE were modernized to foster critical thinking, teach evolution and raise sexual awareness. We even teach our new generations facts about religions, though atheism is hardly mentioned and Satanism never. But this book is not about that either.

Traditionalists still resist our wider, analytical education and remain reluctant to confront reality, likely due to fears imprinted during childhood. Described in detail in my earlier work, we can summarise the process of instilled religious bias as the deliberate effort to fill the young mind with magical thinking, then sealing it off from revision with a cork of fear.

Apart from grand traumatic events we seldom remember what made us fear. You won't stick your finger in a candle flame, even though you likely did as a baby. Now you can't remember why, but you avoid contact with candle flames. A fear for burning had been cemented in your deepest, inaccessible memories. But you remember other things, like the smell of fresh bread, which might take you back to a visit with grandmother who perhaps used to bake such. These are your conscious memories; quite incomplete (we actually remember very little and make up the missing parts) but accessible. You have conscious access to memories of those later events. This conscious memory only starts forming during the third year of life.

Religious instruction utilize this effect. During a child's first years he is taught about the wonderful Jesus who loves him. Only later is he taught about the vengeful alter ego and eternal damnation. You may remember being taught how Jesus will save you provided you act like others wish you to; how non-conforming people will be eternally damned and sex should be saved for

marriage; that God watches over you even when you masturbate, a reminder written on the walls of Oudtshoorn school toilets. This program of being “good” (as opposed to the misguided “bad” programs of other denominations, or the evil atheist agenda) stays with you and keeps you on the righteous path.

But you hardly remember how fears for straying from the path were instilled in you. You may not consciously recall such incidents of programming by threat of sin and damnation, but a fear may well up in your gut when atheism or evolution is mentioned, or Christopher Hitchens's book “God is Not Great” is suggested to you. You may even experience guilt when you have sex with the lights on. You most certainly live in constant reminder if you are a gay Christian.

The logical fallacy of “poisoning the well” describes the effort to create an association of negative emotions to distract subjects from actual evidence in an argument. To deliberately and continuously work at instilling such associations of negative emotions with specific everyday phenomena like evolution, knowledge, other religions, atheism and even other races in young receptive minds over a period of years – the deliberate poisoning of minds – is part and parcel of autocratic religious instruction.

South African public schools are targeted by religious and cultural hardliners whose particular brands of belief tend to be highly prescriptive, authoritarian, sin-bound and hostile towards aspects of the mundane. It's wrong to call them fundamentalists, which means something else outside the scope of this book. These are most certainly not the faithful in general, but a subset of believers who have the task on their shoulders to purify the world, vilify gays and make sure everyone stops masturbating. What keeps them up at night? Not just the actions of others, but too often mere knowledge.

During the Dark Ages, knowledge in the West was limited to what priests and wise men knew. Reason and “natural theology” were applied to corroborate God's hand in “creation”, from rainbows to the shape of bananas. The ugly side of creation was ascribed to Evil. Everything in-between was supposedly part of God's Mysterious Plan and dissenters were killed.

Slowly this hitherto mysterious universe opened up its secrets to curious minds, most of them quite pious. Serious challenges to the literally religious world-view started appearing, including the heliocentric planetary model, tectonic plate theory, the discovery of deep time, the germ theory of illness and the *coup de grâce*: Darwin's theory of evolution. Our forefathers had bumped their heads against the Genesis ceiling, beyond which knowledge contradicted a literal interpretation of the Bible. Either the scripture's explanations or the new science had to be wrong.

The Church retaliated by burning many a heretic at the stake but eventually failed to suppress science, as Islam managed to do a few centuries earlier. Weary from the Thirty Years War, separation of church and state became the norm in Europe. The strongly religious fled persecution and exported their conservatism to foreign lands, including regions that would later become the USA and South Africa. Politics and education were liberated from religion in much of the Old West, but not here. Many Western thinkers, from Kant to Kuhn, continued resisting our growing evidence-based understanding of reality.

THE REGRESSIVE IMPULSE

In the early 1900's, largely in response to astonishing scientific progress and more specifically Darwin's revelations, a deliberate decision was made by the Fundamentalists of the USA to “turn back” and remain true to the “fundamentals of the Bible”. These scriptural essentials included the

Saviour actually having been born from a virgin his alter ego had impregnated, to literally die on a cross, rise from the grave and ascend to heaven as described in Genesis, everything taken as written and nothing interpreted as poetic or symbolic. The Fundamentalists chose to wilfully and deliberately keep their minds, and those of their children, occupied firmly below the approved knowledge demarcated by the Genesis ceiling.

Science was eventually unshackled from the church's influence. Thinkers and scientists weren't burned at the stake nor put under house arrest anymore, though dissenters could still lose jobs and spouses, or even have their children removed from them when they became too embarrassing to the church. The pace of understanding accelerated exponentially.

Creationism – the literal interpretation of Genesis despite the rest of the world moving on – experienced a lapse after the much publicised Scopes “Monkey” trial^{vii} but was reinvigorated when the space race triggered a scientific awakening in the 60's USA. Schools became the primary target for creationist indoctrination, leading to the dramatic Kitzmiller vs Dover School Board trial^{viii} in the USA where the conservative Judge Jones came to the informed conclusion that evolution is an accurate, scientific description of reality while “Intelligent Design” is creationism in disguise and decidedly far removed from reality. Science was vindicated in the West and religion became a social asset, like art – an act of human expression open to public evaluation and criticism, at least for some.

During the course of the nineteenth and twentieth centuries science and its patrons (often erroneously called “Darwinists”, for few of the enlightened had actually studied Darwin or biology) abandoned dogma more and more while the literally religious (dogmatists), which included prominent Reformist afrikaner-calvinists, buttressed and defended the Genesis ceiling. We were deliberately kept ignorant about much of science, politics and history. Commercial television, launched in Britain in 1936 and Brazil in 1950, reached South African homes only in 1976. Evolution and sex were kept from our textbooks till the dawn of the new millennium.

Cultural regressives deployed a poisoning of minds agenda on a grand scale, epitomised by the disingenuous Ark Museum built in the USA by the Genesis-obsessed Ken Ham^{ix}, aka Ken ‘Sham’. The tensions between denialists and modern society triggered the culture wars, and dogmatists and zealots resorted to dirty politics. To keep the minds of strangers' children ignorant, religiously-inspired teachers dedicated careers to guarding the hallowed Genesis ceiling and force Jesus into kids' hearts.

But civilisation is an unrelenting work in progress. People invent and technology advances. Even the laziest couch potatoes eventually benefit from the inexorable long-term improvements in humanity with fewer conflicts, less poverty, reinvented electricity, better healthcare and safety, reduced crime, continuous social integration, new infrastructure, extended transport networks, globalised markets, refined politics and longer lifespans. Progress seems inevitable, and parents have to decide whether to prepare their children properly for a future dissimilar from our times or do them a disservice and bump them off the grid like the Amish. Denialists become left-behinds, at best working for others. Lead, follow or live in Orania.

LIBERTY AND FAITH

A free individual is most able to find his happiness within an unrestricted, safe and cooperative community. It is impossible to argue for an Ayn Randian figurehead bent on accumulating riches without recognising the billions before him that enabled his civilised existence and the billions around him that provide the living infrastructure that he can benefit from. We are neither our

cultures nor isolated islands. Society is therefore necessarily an amalgamation of disparate individuals who collectively produce the technologies and civilisation required that affords each individual the opportunity to find his niche, and flourish. Even the rich need institutions to safeguard or apply their riches. Life is best lived somewhere between asphyxiating *ubuntu* and unrestrained libertarianism. Intentionally or not, our Constitution reflects this balance, protecting each individual's inalienable rights and freedoms, yet setting limits on his conduct in protection of others.

One cannot claim to support the constitutional democratic freedoms of individuals without acknowledging that such freedoms necessarily include the freedom to believe. Likewise, one cannot support the concept of democracy without acknowledging that democracy includes the freedom to support everyone from the looney left to the rabid right. But there is never a freedom to harm or alienate others from *their* rights. Our rights are immutable.

I have no need, incentive or convincing reason to believe in supernatural powers controlling nature, yet I am not convinced that robbing others of that inclination or comfort would benefit society as a whole. When a Syrian friend loses two brothers and a wife in war, "praying" for him consoles his heart, and I remain in awe of holy sites such as the *Sagrada Familia* and the Cathedral of Toledo, and songs like *Pie Jesu* and *Va, pensiero*. But I also demand my freedom to repudiate the preposterous and ridicule the ridiculous.

There can be no excuse for coercing individuals to believe, prohibiting disbelief, indoctrinating children with the irrational, condoning the abuse of trust, or fleecing the needy and naïve. I therefore have no respect for preachers who deceive, parents who enforce ignorance and teachers who abuse their mandate. Separation of church and state, the boon of Europe's political success, implies the separation of dogma and reason. It is one thing to invite people to voluntarily join manipulative, faith-inspired organisations but quite another for such organisations to seek influence over non-members' children. It's *your* hell; *you* can go burn in it.

THE DYNAMICS OF EDUCATION

Back to our fact-based, child-centred education system. The globally relevant knowledge and practices to be impressed on children during their school years are recorded in text books and form the *technical* or *explicit curriculum*. But in South Africa we have a tribal hangover from our apartheid past that resists parts of this curriculum because some of the knowledge threaten the brittle Genesis ceiling. Members of our cultural conservatives therefore work relentlessly at hiding or obfuscating much of the knowledge that is contained in the textbooks. These efforts, never openly discussed but divisive, preferential and unlawful, is how the teaching of evolution, sexuality and aspects of religion become part of the *hidden curriculum* – sections of the syllabus that are glossed over, omitted or derided. The main suspects who deliberately adulterate the syllabi are the two groups mentioned earlier; the theocratic cultural tycoons with tribal^x aspirations and the zealots with minds set to autopilot.

This happens across the country; tribalists and zealots dutifully imprinting unsolicited dogma in the minds of strangers' children during an impressionable age and in a very susceptible relationship, separated from parents and in care of a teacher. Dogmatists know this and deliberately abuse these trustful liaisons.

In the Afrikaans newspaper Rapport (21/5/2017) for example, the Reformed Church of South Africa's reverend Cassie Aucamp advised that the dwindling support for Christianity in South Africa is worrisome ("*kommerwekkend*"), "... but if communities change to the extent that

Christians are no longer in the majority, we would have to put our children in private schools”. He asserts that religion in schools not only has to do with scripture reading and prayer, but the perspective from which subjects like science are presented. There you have it – only a sanitized version of science subtly demarcated by the Genesis ceiling is to be taught to children in blatantly sectarian schools.

He is completely wrong about science of course. Science is not as perspective bound as the dogmatists or postmodernists would like us to believe, but works perfectly well and exactly the same in South Africa as it does in India or on the Moon, whether exercised by Christian, Hindu or atheist, now or 1000 years hence. The theory of evolution meshes perfectly with the theories of gravity and planetary movement, tectonic plate movement, deep time, germ theory of disease and many others. It’s the Genesis account that sits at odds with everything else, including science, folklore and stories from other religions, and hundreds of other creation myths. In fact, there are two contradicting creation myths in Genesis alone. Let’s teach our children that, too. We’re already hiding so much from kids and adults alike^{xii}; let’s not add the arts of knowledge and reason to the mix.

Science is both a self-correcting method to find and describe reality by people of all religions and none as it is the resulting body of thoroughly peer-reviewed knowledge recorded in textbooks. It’s not science that is perspective bound^{xiii}, but the Genesis ceiling it threatens. Religious dogmatists cannot tolerate for pupils to learn any facts that threaten that fragile canopy, which is why Ken Ham said: “No apparent, claimed or perceived evidence in any field, including history and chronology, can be valid if it contradicts the Scriptural record.”

On 12 March 2015 I was debating religion in schools at the *Woordfees* in Stellenbosch with Paul Colditz, CEO of FEDSAS, the FEDeration of South African School governing bodies. Responding to a prompt from the audience, Colditz intoned in a drawling voice: “The teacher worth his or her salt **will** say there are different ‘theories’ and will present [notions of our origin] from those different ‘theories’” (his emphasis). His claim of multiple theories is a fabrication vacuously perpetuated by dogmatists: There is only one scientific theory on the development of life, and that is evolution. The rest are creation stories or myths^{xiii} from ancient tales of ignorant wonder, precious to many but unhelpful to science. Perhaps, following the pontiff’s suggestion, our braver teachers could impart knowledge of the world’s rich collection of equally fascinating myths of our origin, including how the universe was ejaculated by the masturbating Egyptian god Atum. It would only be fair.

And if we really have to teach learners creation as an alternative to evolution in biology, surely we should also teach them alchemy and homeopathy in chemistry, and water divination, telekinesis and astrology in physics? Or should we rather take the advice of Neil deGrasse Tyson that the culture clash between science and preacher-teachers is “...about the need to separate ignorant, scientifically illiterate people from the ranks of teachers.”

The efforts to hide parts of the curriculum also poisons the scientific well long before learners reach high school. Some teachers add huge dollops of hooey and magical thinking to what children are supposed to learn, and work hard at imprinting noble “values” like dread of divine damnation. They derogate science, demarcate in/out groups, collaborate with school governing bodies and their masters on hidden agendas, work religion into everything they teach, promote sectarianism, teach kids to fear hell and love a capricious god, teach hypotheses of noblemen living in Good People’s hearts and promote – nay, demand – religious faith. And Paul Colditz defends this self-righteous regressive impulse under the rubric of teachers “living their faith” in schools and pretending that all education is necessarily presented from a perspective^{xiv}. This is

deceitful jargon – education needs only be presented from the contents of the technical curriculum. Anything else would be politics and dogma.

Compare Colditz's public statements with quotes of Ken Ham^{xv} to see the resemblance in minds. The question then becomes if this is the type of unreflective thinking we want our children's education to be stunted by. Religion in the hands of the cultural regressives and evangelical soul-catchers abuses taxes and state infrastructure to promote whatever sectarian beliefs, biases and fears each misdirected teacher happens to favour, protected by the shameless efforts of influential individuals and organisations with crooked fingers in the country's education system. So much for the integrity of the righteous.

PROGRESSING BACKWARDS

Although the planned Jesus week was cancelled after my complaint and laughed off as a silly exercise suggested by a zealous mother of an equally fervent learner, religious indoctrination continued unabated at Stellenbosch Primary. Prayer and scripture readings occurred daily and sporting events were opened with prayer. Our children were taught they were children of Jesus and that everything in the world belonged to him. My wife assured me that Jesus hadn't in fact fathered our children, but the school's first listed value of 'putting trust in God' still irked me: It claimed that learners could accomplish anything "through God", which would include living forever or ridding the world of war. I have no respect for such absolutist and patently false claims about the workings of the world. Primary children have no proper grasp on hyperbole and figure of speech – they will happily believe what their teachers tell them, be it about talking bunnies or snakes.

We were especially concerned about teaching members of a hyper-zealous Christian sect known for their rabid opposition to evolution and voracious desire to win soldiers for Jesus, and the declared policy that the school shall have a Christian ethos that will be expressed in all activities^{xvi}. This gave carte blanche to fanatical teachers to evangelise our youngsters, already confused about the origin of trees by a misguided uncle. And it happened as expected: Our three kids were informed that "we" wear crosses as jewellery and that they should believe in God. The teachers were way out of bounds and the principal unapologetically supportive.

In February 2009 I addressed a written complaint to the director of the Winelands Education District, Clifton Frolick. Progress was exceedingly slow. Mr Frolick and I eventually had a cordial meeting on a cold autumn day at Mugg & Bean in Stellenbosch. He seemed approachable and apologetic but proved to be either disinterested or incompetent.

No doubt stimulated by the preceding events, a school circular dated 7 May 2009 informed parents that a discussion among the school governing body (SGB) and personnel was held to get clarity on "what it would entail being a public state school with a Christian ethos". Having a Christian ethos was not negotiable, only what it would entail, and the personnel already included resolute zealots. A document for discussion was hosted on the school's website and parents were invited to comment before it became the school's New! Improved! religion policy. The effort was presided over by the chairman of their SGB at the time, reverend Johan van der Merwe, re-elected. The policy was adamant that the school shall have a Christian ethos and prayers were condoned, "voluntarily" attended, of course: Pupils could always elect to stand outside in the cold winter rain while their peers prayed to God to protect those exposed to cold winter rain.

I objected anonymously to the school, fearing victimisation of our six-year-olds. I had studied the National Policy and responded in a detailed 6000 word response on the 25th, highlighting various transgressions in their draft policy in the most constructive and reasonable manner possible. But the correspondence was terminated on the grounds that the SGB was satisfied their policy met legal requirements and that they could anyway not be sure that I was a *bona fide* parent of the school. The policy would be steamrollered in.

An old school friend offered to do a press article. She had a background as journalist and ample contacts. We met with a number of individuals on the matter and she submitted the article to the Rapport. The paper suggested changes, the main issue being that the article didn't name the slighted parent. The article needed a black sheep. Anonymity just doesn't carry the same weight in newspapers as people mentioned by name.

I wrote a note to the SGB again suggesting we reopen discussions to avoid publicity. They refused. I suggested we have an open debate. They refused again. I even suggested public deliberation. Also refused. Here, then, is the publicity I promised them in 2009.

My wife and I discussed the possible repercussions of publicly opposing the easily offended religious establishment. Would our children be victimised? Would I become the target of hateful aggression? What might the reputational damage be, and the retaliation towards my family? There were no obvious answers to these questions – the Bible mentions neighbourly love but more often talks of revenge, reprisal, vengeance and smiting; not a comforting thought when dealing with its most ardent fans. Then I thought of having to explain to our children that they were exposed to unwanted, grossly unscientific and unashamedly self-righteous religious indoctrination for 12 years at school because their father didn't have the courage to challenge the system. Let's do it, I thought, a decision that would keep me busy for years, alienate my brother and brand me as public enemy number one in many eyes.

An unrelated business trip delayed the article's revision and re-submission. In the meantime Rapport took note of a casual statement made by the founder of Skeptics South Africa, prof George Claassen, that his organisation would sue errant schools. This development caused my reviewed article to only make it to page two of the 19 September 2009 edition of Rapport, while its front page declared that public schools would be sued for their religion policies.

The Wednesday Claassen called to tell me that he had to withdraw due to commercial pressure. Apart from the vicious vitriol he had attracted, spiteful clients were threatening to boycott their family business. On Friday Rapport called out of the blue to ask if I would "take over the mantle" from the professor. I confirmed; if not I, then who? The first domino tumbled.

The following Sunday's Rapport remains a collector's item. The front page dripped with emotive content: Across the top was a banner with satirist Casper De Vries waving fingers at critics. Below that, under a heading larger than the article itself, a claim, erroneously but perhaps deliberately attributed to me that religion doesn't belong in schools. The last third of the page was devoted to a clergyman who had embarrassed his congregation. Any adult Afrikaner who didn't know about the religion-in-schools issue on that day either didn't read the papers or wasn't in the country. Thankfully the only photo of me the paper could find on such short notice was a small Facebook profile picture.

Realising that debate was flaring up fast in the public domain I hastily penned a web page, www.hulle.co.za. "*Hulle*", meaning "them", identified the out-group in the typical *us* against *them* habit. On it I listed the unfolding press references and explained what the issue was. The media caught fire. Interview followed interview: *Kruis en Dwars*, Rainbow FM, *Radio Kansel*, *Wat's Die Storie*, *Fokus (met Freek)*, Cape Talk and others, including an SABC3 discussion with the Minister of Basic Education, Angie Motshekga (Interface, 17/01/2010). She chastised me for not taking this up with the school first, which I confirmed I had done, without success. I should have taken it up with the education department, she admonished me. But I tried, I said, to no avail. She would see that I receive a response from the department, she promised, which two weeks later I did. The school made a few token changes but prayers persisted.

Articles popped up in *Eikestad Nuus*, *Die Burger*, *Die Beeld*, *Volksblad*, *The Star*, *Die Kerkbode* and *Kletskerk* for weeks; mainly in the Afrikaans press.

The interviews had mixed success. Interviewers asked the wrong questions and I remained confused about what the big fuss was about. All I've ever wanted was for schools to abide by the National Policy.

Having majored in Religious Studies I was aware of the value religion played in some people's lives, even if others cared more about their favourite soapie. Surely what the National Policy envisaged was as close to a perfect medium as one could hope for. It was a negotiated agreement, after all. Why hate me for demanding that schools act lawfully, and not as proxy parents or utterly unqualified preachers?

During the *Fokus met Freek* (Focus with Freek) interview the host, Freek Robinson, opened the television interview by asking me point blank whether I was an atheist. Knowing full well that many of those watching equate atheism with Satanism, I realised this was not the path to take. Had I simply responded in confirmation the minds of a large section of his viewers would have clouded over in religious angst. The ignorant add their own warped confusions to the term and too often naively associate the view with the worst characteristics possible, as their preachers and parents have conditioned them to. Perhaps he deliberately tried to put me at a disadvantage, knowing that brief television debates do not afford time for proper debate. I answered vaguely as best I could, and the interview didn't resolve anything for the viewers. Freek may have scored a personal point that day but he did his country a disservice. The next time he interviewed me I was ready for such inane questions, and left the studio triumphantly afterwards. Knit one, slip one.

Some of the television debates had lighter moments. In one^{xvii} I was linked up from the Seapoint SABC studio while the other participants were in Auckland Park, 1600 km away. I was pictured on a large compound screen behind the other panellists, with a view of Hout Bay behind me, making me tower like Poseidon over the mere mortals in the Gauteng studio. That was the SABC Newsroom debate where financial support from AfriForum was pledged to the offending schools by its CEO Kallie Kriel, who claimed that it really wasn't necessary for us to "fro out de baby wif de baafwater", a defence later echoed by the opponents outside the court. If your defence sucks, claim persecution. Eight years later I was congratulated on the same show.

AfriForum is the activist arm of the labour union Solidarity, who claims itself to "believe in" a Christian foundation, the protection of minorities and Afrikaans, one of the eleven officially recognised languages of South Africa. As a civil rights movement they purportedly defend minority rights. "Purportedly", as it became clear through the religion-in-schools stand-off that they don't actually defend the rights of minorities but claim privileges for the Afrikaner cultural minority where they still dominate; in public schools.

It is easy to draw parallels between the staunchly Christian Afrikaner that was humiliated by the British colonisers from 1795 and particularly after the Anglo Boer war circa 1900, and the German humiliation that triggered WWII. The same psychological factors that might have seeded Nazi nationalism may have ignited the Afrikaner nationalism that built on the Glen Grey Act of 1894 and the later Land Act under British rule to conceive Apartheid in 1948. Perhaps we should try to understand, even if we have difficulty forgiving, labour unions and civil rights organisations who still so desperately protect the interests of this twice humiliated white tribe. But the wars were at least partially of their own making, and forgiving becomes difficult when you wake up inside your own culture to find you have been deceived, and that the lying continues today. As will become evident, these culture-focused "Afrikaner" organisations still manipulate and deceive to retain their last vestiges of domination.

The emotive crowd quickly added their weight. One Jessie Bester, gushing about his Grade 12 Humansdorp biology teacher's refusal to teach evolution, started a Facebook prayer group "*Christenskap sal Vrylik in Skole Aanbly, Come Hell or High Water!!*" The group quickly attracted thousands of members worldwide, who were to go on their knees for ten minutes from

9pm on 2 October 2009, praying for my quest to fail. I thanked him for the favour of setting up such a large empirical experiment to test the efficacy of prayer. The experiment proved that prayer doesn't work.

The furore in the press slowly petered out while I dedicated 18 months to a book that explains what the contentious issues are regarding religion in schools. As an Afrikaans-speaking South African I wrote the book in Afrikaans, for "the Afrikaner", whoever he may be. *Die Vrese van Ons Vaders* ("The Fears Of Our Fathers"^{xviii}) was launched on the umpteenth judgement day, 21 May 2011. I never received a cent from the publisher, Griffel: I had learned the hard way that one can't trust those who can be exempted from their transgressions by praying for forgiveness.

In the book I argued in detail how magical thinking is imprinted in the developing child's brain while fear of wavering off the chosen path is added on afterwards to prevent deviation from the indoctrinated norm. Most of us live with vestiges of a magical understanding of how the world supposedly works, a view that doesn't fit well with what science has already known about reality for decades, yet is kept alive through a subtle, inculcated fear of even considering any alternative. The result is lifelong turmoil in our intimate and existential thoughts, and for many a naive misunderstanding and wilful ignorance of reality. *Die Vrese van Ons Vaders* suggests how this happens.

Next I started a Facebook group for disenchanting parents. They fumed, complained, sought advice. But we still got nowhere. The schools had won the first round and shuttered their doors to outsiders. No parent in his right mind would spend large amounts of money suing a public school for its religion policy when it costs less to put his child in a private school. Institutions like FEDSAS knew this and could advise their followers to uphold the status quo.

But the fire still burned within – the conflict wasn't over. Next I registered a non-profit company with which to tackle this pervasive issue of evading the Constitution and National Policy. When the appointed auditors in Stellenbosch realised that the organisation was challenging Christian hegemony in public schools they terminated our business relationship. I explained that this was not, as the press had reported, about banning religion from schools but about adhering to the law. They still refused the business.

They weren't the only ones. At the time I was also having work done by a contracted engineer. When he realised who I was, again from press articles, he too ended our relationship. I moved that business abroad.

Stuff this, I thought, and created a voluntary association instead with the involvement of two close friends, astronomer/magician Auke Slotegraaf and palaeontologist/radio panellist dr Jurie van den Heever. Remembering that my previous organisation's name, the *Afrikaner Vrydenkersbeweging* ("AVB", Afrikaner Freethought Movement) had been forgotten quickly, I thought long and hard for an appropriate name that would stick in the public's collective mind. I found it in *die Organisasie vir Godsdienste-Onderrig en Demokrasie* (translated as the Organization for Religions Education and Democracy). The infamous acronym, O.G.O.D., stuck this time. Many refused to even pronounce it.

A friend of mine, Adriaan Mostert, introduced me to an advocate Hendrik van Nieuwenhuizen, who in turn referred me to a supportive attorney, Kevin Hyde. They mustered support from HB Marais SC (senior counsel^{xix}). The spark re-ignited; I had found a pro bono team who wanted to hear our story. Jessie Bester in the meantime left town without finishing his LLB. Prayer hadn't solved his own problems either, or perhaps God had other, mysterious plans for him.

In 2014 Thabo Modipa wrote of a “gloomy picture” in his Masters dissertation on the implementation of the National Policy at schools^{xx}.

RESURRECTION

By now we had a list of complaints from dozens of parents dissatisfied with religious privilege in schools. But we needed parents courageous enough to provide affidavits, knowing the repercussions this would likely trigger from the religious establishment. Most hesitated because they couldn't afford reprisal from their families, colleagues or communities. Their children might have been victimised (which later happened); they might have alienated family members (this, too, later happened) and spouses, lose employment or have their businesses boycotted (as happened). Even budding romances were terminated because of association with "that fucker", being me. Neighbourly love is highly selective and usually reserved for the chosen ones.

Slowly the bravest parents stepped forward. Some requested anonymity. We built our case school by school. Advocate Hendrik van Nieuwenhuizen spent days interviewing the parents and collating their evidence in affidavits, consulting with advocate HB Marais SC. The case expanded and the list of offending schools grew. Linden High, alma mater of Freek Robinson, was implicated. Advocate Nyiko Nxumalo later joined the team.

Finally our advocates were satisfied that we had sufficient grounds to request the High Court's intervention. Months of travelling, taking affidavits, collating, dictating, typing and building the case had led to a final document that would become the demand for constitutional redress. On 14 August 2014, 18 years into our rights-based Constitution and 11 years since the promulgation of the National Policy, we filed a notice of motion to interdict six of the 24 000 or so South African public schools whose practices would serve as examples of wrongdoing.

The respondents were Randhart Primary in Alberton; Baanbreker Primary in Boksburg; Garsfontein Primary in Pretoria; Linden High in Johannesburg, Oudtshoorn High and Langenhoven Gymnasium in Oudtshoorn; and the Ministers of Basic Education and of Justice and Correctional Service. The ministers weren't charged with wrongdoing but had a direct interest in the outcome of the matter. It would be another 33 months, 1005 days to be exact, before we reached the court.

The first section of the notice of motion explains in simple terms that we considered it in breach of various laws, which we referenced, for any public school **to promote or to allow its staff to promote adherence to predominantly one religion during its school activities, to promote the interests of any religion, to align or associate itself with any religion, to require any learner, directly or indirectly, to disclose whether or not such learner adheres to any religion or to which religion, if any, the learner adheres, to maintain any record of the religion learners adhere to, or to segregate or permit the segregation of learners on the basis of religious adherence.**

The charges were summarised in a press release of 20 August which made it clear that the matter was about equitability of religions and the right to privacy of the learners. I attach a slightly shortened version of the document as an appendix. Reading the charges makes it clear that OGO never suggested banning religion or religious observances from schools, a claim that quickly became a mantra of the aggrieved parties.

More parents came forward; Christians, Pagans, Hindus, atheists and others, but we had what we needed and didn't want to muddle or delay the case any further. Though Martin Luther launched the Reformation with his document *Ninety-five Theses* in 1517, OGO listed 71 likely transgressions of learners' rights in its 17-page notice of motion filed in the South Gauteng Division of the High Court.

THE REACTION

First to break the news of the legal action was Casper de Vries on Cliff Central. Marianne Thamm was second, writing for Daily Maverick. It was a slow brew. Then the Afrikaans press got wind of the story and went ballistic. They portrayed the case all wrong, with little if any reflection on the actual relief we sought. Journalists quoted the primal reactions of headmasters and headline writers tapped into the fears of the Afrikaner psyche. Activist dr Dan Roodt unsuccessfully demanded Afrikaans copies of all the court documents.

The schools didn't respond well to the motion. They've never had any complaints from any parent in the past, they claimed. This was a witch hunt, they said; an ironic term for them to use if there ever was one. Armageddon was upon us; the world would come to an end if religion was to be banned from schools. This despite the obvious proof around the world that the most religious countries, regardless of which religion dominates, also happen to be more violent and less prosperous^{xxi}. Claims of persecution abounded.

This induced overreaction would later shoot the opponents in their collective foot. From August to December of 2014 the headlines screamed persecution, just before the opponents launched a research project to determine the feelings of pupils attending the offending schools. By that time learners, their parents and other followers of the Afrikaans press were made to worry that the "atheist" OGD organisation was going to ban Jesus from school grounds. It never was about banning anything religious from schools, only about the overt privileging of specific religions. OGD had exposed religious apartheid.

Coenie de Vos, principal at Oudtshoorn High, lamented the court action and suggested learners across the country should approach their schools individually with the myriad cases of rights abuses. He seemed oblivious to the scale of the problem, or what effort and tenacity it requires to get schools to conform to the Constitution. Or perhaps principals revelled in repudiating rights on a case by case basis where every SGBs could act as judge and jury, and conveniently "forgetting" earlier complaints.

My original negotiations with Stellenbosch Primary proved why schools would prefer such a case-by-case approach: Each disgruntled parent would need to approach her school as if asking them a favour, a condoned concession for her odd family or child. She would be the lesser in a dual where the school represented the favoured view. They would have resources to consult, including the likes of FEDSAS, to advise them to protect Christian hegemony for the sake of cultural privileging and the Afrikaner *Volk's* survival. They might even have a sympathetic lawyer or reverend serving on the SGB to slant the table in their favour. And if the parent would hold a particularly unpopular worldview, perhaps Paganism or atheism, she will be at an added disadvantage by having to explain to them that her child won't dance on the sports fields at full moon or set the library on fire. And when the SGB loses patience or the rugby season starts they would tell the parent that they've gone far enough with accommodating her unappreciated minority faith and remind her that she has the freedom to move her child to an unchristian school that might be more accepting of aliens. The parent then has the choice to fit in, sod off, take costly legal steps or try to involve a hopefully sympathetic press, provided she doesn't mind getting her child's name on the front page. Such a scenario, still common in our public schools at the time of writing, was common practice under apartheid laws, which the Constitution commands us not only to cease, but to redress.

It became apparent that principals were, by their own accounts, clueless about events at their schools. Headmasters claim ignorance of what's written in their schools' newsletters and seem bewildered that there have ever been dissatisfied parents. Some even claimed, despite the written examples we had supplied, that "no parent" had "ever" complained about their practices. Many had no idea about proselytizing teachers. Another hadn't "really paid attention" to the content of a two storey Uniting Christian Student Association (UCSA) banner threatening children with hell unless they chose salvation through *their* god, with powerful symbols of hands reaching from the pits of hades to heavenly clouds. I began realizing how schools had managed to retain Christian dominance: Their SGB's would define schools as sectarian under guidance from supportive organizations, while headmasters suffered memory lapses. Or could the end justify the means? Might they conspire and deceive, then pray for forgiveness?

In an act of religious solidarity AfriForum pledged two million Rand to defend the status quo, though they demanded contributions of R50 000 from each of the six schools. Other initiatives were launched to collect funds – clearly no advocate was willing to defend their opposition pro bono. I myself contributed R10 to the SMS collection drive.

I was soon blamed for not taking Muslim schools to task, usually with the added suggestion that I'd be too scared to do so. The fact is that nobody to date has shown me a single South African public school proclaiming to have a Muslim ethos and accommodating others. I also sincerely doubt that Muslims in South Africa would react to allegations of constitutional misconduct in the way the opponents did. Christians in South Africa pose a bigger risk to my safety than Muslims do.

Bea Bosman of Monte Vista suggested we move our children to a Muslim school so they could be forced to pray and read the Quran. Jeff Wyatt pointedly asked what I was still doing in a Christian country, suggesting that I go speak my crap ("*stront*") with Muslims. Another critic proposed that I move to the theocratic Middle East so Muslims could stone me. Ironically, I had lived in Qatar for nine months and visited Islamic Saudi Arabia, Bahrain, the UAE and Malaysia before our kids were born, and was treated exceedingly well. I can't be sure Christians over here will leave me be however: Daan Kruger referred to me as worthless pus ("*etter*"), suggesting someone put a price on my head as it can't be difficult to "take me out"; all my information could be requested for an easy strike. Etienne le Roux described me as a white fucker that should be "marked".

Tohan Louw, David Petzer and other Christians oozing neighbourly love were equally vociferous, if a tad less threatening. Francois Jordaan suggested my business should be boycotted. Johan Loock even proposed drafting a list of all the businesses that the OGOD associates were involved in or worked for so they could all be spurned, as later happened to one of the parents in the case. Some critics were amusing, like the one describing me as a baboon turd set on dividing the white nation. Johnny JayKay Kidson opined that my mother had raised the afterbirth. Gerty van Niekerk thought of me, as thousands might do, as a Satanist with a Satanist organisation. My brother told me I'd get nowhere with this. Later, in 2016, classmates André Esterhuyse, Chris de Bruyn and Marina Sparkham made sure I wouldn't attend my 40-year class reunion.

I could never fathom why parents should have to negotiate the Constitution and National Policy with uncompromising public schools and knuckle-dragging regressives, or be reviled and defamed by the bastard children of religion and politics for demanding constitutional rights and freedoms. Legal recourse against national sectarian schooling may be less dramatic but as essential as the 1976 civil uprising against national Afrikaans schooling.

The hateful responses from *verkramptes*^{xxii} eventually made it easier for me and OGOD to send unambiguous messages of final reckoning. Negotiation is a fruitless strategy when dealing with *homo unius libri*.

LIGHTS, CAMERA, AAAAAND ACTION!

OGOD filed its 114-page founding affidavit and 17-page motion to interdict the unlawful practices at the six schools in mid-August 2014. As was expected the schools, backed by AfriForum and FEDSAS, on 10 September filed a notice of intention to oppose. A month later the Minister of Basic Education gave notice that her office would abide by the court's decision, but after the schools had joined the Minister as a Third Party to impugn the National Policy as unconstitutional, *ultra vires* and/or unenforceable, her office decided to become directly involved: It had become clear that the schools would pull out all stops to try and defend Christianity's ingrained advantage.

Neither us nor the opponents enforced the legally allowed response periods. The opponents requested four extensions before submitting their bundle of answering affidavits late in April 2015. Their 1945-page document made for delightful reading. It had glaring errors and self-contradictions speckled all over it like bird poop on a breakfast table. A large section of it was made up of a research report that reflected the sentiments of school children of the six schools. Much of the document was irrelevant and sections of it even reprehensible, but I revelled in its confirmation of our claims. In our subsequent heads (summary) of arguments we would later cite their own research results to confirm our claims against the schools.

The CASAC^{xxiii} submitted their affidavit on 10 June 2015 and the Minister of Basic Education hers on 20 October, both in support of our objectives.

The *Suid-Afrikaanse Onderwys-Unie* (SAOU) requested to be accepted as an *amicus curiae* or "friend of the court" in December. Sadly, they later withdrew this request to participate after they were hounded into submission by the Afrikaans establishment.

More institutions applied to be allowed as *amici curiae*: AfriForum^{xxiv}, Solidarity^{xxv}, CFJ^{xxvi}, FoRSA^{xxvii} and SACftPaPoRRaF^{xxviii} (or something), and NASGB^{xxix} was added as the eight respondent.

In January 2016 OGOd filed its replying affidavit and the opponents theirs in July. They were by now obfuscating the issue by wriggling away from the constitutional directives into the murky waters of professional opinion, cultural pretence and religious conviction, further exposing their theocratic colours. We reciprocated by filing a critique from the acclaimed prof Cornelia Roux on the shortcomings in their research and opinions, but realised they might wish to force an expensive and time-consuming trial with professionals arguing over perceptions and Utopias. We blocked that route on 25 October by filing OGOd's heads of argument without reference to any professional opinions, letting their research findings stand in our favour. We also set our first ultimatum to them to file summary by the end of February. The opponents filed on the deadline date. The case was finally ready to be heard. Barring acts of god or the Second Coming, we would finally get our day in court. We to a request for a full bench of three judges to make sure this case received the attention, objectivity and weight it deserved.

On 10 January 2017 we received notice from the Office of the Deputy Judge President: The case had been set for hearing from 15 to 17 May 2017. The judges would be Lamont, Van Der Linde and Siwendu JJ.

DEFENDING THE CONSTITUTION

The CASAC and the Minister of Basic Education weren't arguing on our behalf but opposed the opposition's claims that the Minister's office did not have the requisite power to define a national

policy for schools, and if she did, it was unconstitutional. Or at least partly so. Or it didn't apply to them. Whatever.

SAOU joined as *amicus curiae* and it was generally accepted that they would oppose OGOD, but when they finally filed their heads of argument by end of April 2017 it became obvious that they were at least in support of the National Policy. SAOU explained in their summary that teachers were in the unenviable position where their careers depended on adhering to the directives of the SGBs that employ them, yet were bound by the Constitution: "...teachers...are placed in an impossible position between two binding sources of authority", they affirmed.

The reaction against SAOU was profound. Chris Klopper, CEO of SAOU and signatory to their affidavits, was vilified to the extent that I feared his career was at stake. He had crossed the Rubicon alone when he proclaimed that "Everyone is entitled to an own personal view that can be stated responsibly, openly and freely without the risk of intimidation or discrimination". Betrayal! How could the irreligious and other enemies of *die Volk* be granted a voice? The Afrikaner establishment despises dissent; always had.

Compare the actions of and reactions against Chris Klopper with the figure who signed the opponents' replying affidavit and heads of argument, Paul Colditz. He is a qualified lawyer with a sterling background and experience, so I have no reason to doubt his grasp of South African law in general and the Constitution, National Policy and Schools Act in particular. Yet Colditz's responses to the matter have consistently been contrary to what a reasonable, intelligent and informed person's should be, especially after our appearance in court. He is proficient at appealing to the emotions^{xxx}, fears^{xxxi} and popular views^{xxxii} of the uninformed, playing the man instead of the ball^{xxxiii} and generally acting like a cry-baby. His relentless efforts to describe the matter and my person in absolute terms, discredit my character, question my intentions, claim persecution and misinform the public smack of mischievous intent to bolster sentimental support for an indefensible case of cultural privileging. Who is the better man then – the one who acts with social integrity, or the deleterious propagandist? It's precisely for his often covert political agendas that "the Afrikaner" has a tarnished reputation. *Quo vadis, Oom Paul?*

NASGB, the largest representative association of school governing bodies of the four associations recognised in South Africa, joined as *amicus* quite late in the game. Representing more than 8000, or one third, of South Africa's schools, they "... strive for the fulfilment of a unitary, non-racial, non-sexist and democratic education system [and] to unite School Governing Bodies across geographic, racial, religious, ethic, language and class orientation". Nothing tribal here. Their motive for joining was that the six opposing schools were predominantly white and Afrikaans-speaking and they wished to present on behalf of the majority of the remaining schools, even if race, language and income have no bearing on the constitutional imperatives. Supplementary affidavits from schools in Limpopo, Eastern Cape, Kwa-Zulu-Natal, Gauteng, Northwest and the Free State accompanied their submission. Unlike the opposing schools and their supporters, the NASGB was not arguing against the legality of the National Policy. If AfriForum and Solidarity really had the interests of all learners at heart they would have extended a helping hand to NASGB too, as they had to FEDSAS. Perhaps they only have one hand.

DEFENDING THE STATUS QUO

Our most vociferous opponents were the ones having grave difficulty accepting the constitutional directives reflected in the National Policy.

FEDSAS had seized the opportunity to influence school management by establishing itself in 1993 as the guardian of predominantly white schools, shortly before school governing bodies were mandated by the 1996 act. With the transition of power from the old and soon to be defunct National Party to a fully democratic and human rights based society in 1994, fresh organisations stepped into the vacated shoes of the disenfranchised Broederbond, the hallmark of afrikaner-calvinist control rooted in Potchefstroom, Pretoria, Stellenbosch and Bloemfontein. Although FEDSAS was to be the flame bearer of the respondents in this case, they represent the SGBs of only 8% of South African schools, albeit the more affluent and mostly Afrikaans-speaking “model-C(hristian)” institutions. I would shudder to think of their agenda as a covert attempt to keep our future leaders and work force pure by averting aliens to lesser establishments.

Cause for Justice (CFJ) is widely known for resisting all social progress, from reproductive rights and pleas for the legal condonation of assisted suicide to internet freedom and gay marriage. It would have been a miracle had they not joined the fracas.

Freedom of Religion SA (FoRSA) is an energetic, loud-mouth little club fighter punching in the wind. It loves “joining” other legal teams and having photos taken on court steps with fellow advocates without contributing much of substance, though their righteous causes provide them reason to demand contributions from their admirers. Unlike most of the other religious bullies, they have a decidedly evangelical streak, though both teams dream of God’s imminent reign on earth.

The **SACftPaPoRRaF** fights, as its full name suggests, for religious rights and freedoms above and beyond human rights. They assume that their religious freedoms include the freedom to suppress the rights of others, allowing them to damn heretics to hell but crying foul when someone makes fun of their dogma. Their efforts are little more than chest beating, as the rights they so fondly claim to protect and promote are either already protected and promoted by the Constitution, or subservient to it. It is not up to a band of old men in creepy clothes to pull additional rights from a black hat – either the Constitution grants you those rights or you don’t have them. They’re conniving with sympathisers in the Department of Education to advance a “Charter on Rights and Responsibilities for Religious Conduct in Learning Environments” with the usual exuberant support from FoRSA. Their desire for a theocracy will however never be realised.

AfriForum is no stranger to cultural conflict. Pretending all social struggle to have minority oppression undertones, its mandate supposedly binds it to fight for “Equal rights and duties of all members of society, with a specific focus on minority community groups”; the “Cultural and language rights of minority groups”; “The right of all members of society to equally benefit from the use and application of public funds generated from or as a result of government tax/income” and “The enforcement of ... legislation for the protection of these rights”. This lofty mandate was even captured in their affidavit, before the section where they claimed a right to tyranny of the majority. The bigotry is strong in this one. They were also cahoots in deceiving the public: Kallie Kriel, at the helm of AfriForum, bore false witness on radio^{xxxiv} by bluntly claiming that the “militant atheist” organisation OGOB wanted to prohibit learners from participating in religious observances. He not only lied about our objectives but “militant” is a crass misnomer, as no atheist has ever blown up a church or taken hostages in the name of Nobody. Reaching the top in this organisation’s hierarchy seems to require servitude more than integrity.

Solidarity is a predominantly white labour organisation that supports the diversion of state resources to Protestantism – our matter being a prime example. Flexing their muscles by mandating the *Volk* to boycott restaurant franchises in solidarity with boorish brutes^{xxxv}, they

like to demonstrate how its cultural clan can hurt or even financially ruin those whom they dislike by mere association. FEDSAS is their wing-man and AfriForum their co-pilot; birds of a cultural supremacy feather.

Allow me to digress. In an insightful article printed shortly after the High Court appearance, journalist Rebecca Davis suggested that white Afrikaners are retaliating against perceived threats to their lives, language and culture. With their social power diminished, they now rely on money (white monopoly capital springs to mind) to enable groups like AfriForum and Solidarity to defend or bankroll legal actions such as "... the case heard by [the High Court] this week, where an organisation called the *Organisasie vir Godsdiensle-Onderrig en Demokrasie* (cheekily shortened to OGOD) is taking six ... government schools to court over their enforced Christian ethos..."

"AfriForum explains in its heads of argument that it joined the case because it 'represents a portion of society who is directly affected by the case'. The language it uses in its arguments is highly revealing: the threat is one of 'alienating communities'; of 'strip[ping] religious communities of their freedom to practise religion, not only as individuals but also as a community'; of ensuring the 'total deprivation of [Christian] rights'.

Ms Davis explained accurately and without difficulty that our demand was merely that state funds not be spent on advancing a religion, and that I had asked for equitable treatment for all religions in school, for the ending religious privileging and for inviting more religions into schools.

"Nonetheless, AfriForum's argument continues: 'If the state was to buy into the form of neutrality that [OGOD] proposes and elects to expel religious practises from schools, it will in effect elevate the worldview of [OGOD] above that of the respondent schools... Those persons who do not conform, would effectively be ostracised from society.'"

She mentions how AfriForum warns: "If religious freedoms are completely washed out of public schools, it would lead to a withdrawal from public schools of a large portion of society who form part of religious communities... The more communities withdraw and become isolated from the public sphere, the more unstable and volatile society would become.' The result? 'A foreseeable isolationist movement amongst different religious communities will probably arise.'"

Then she makes the observation: "If that sounds to you like a bit of an over-the-top response [and veiled threat, I should add] to a proposal that state schools host prayer meetings after school rather than within school hours, you're not alone. But the point is that for groups like AfriForum, a much wider principle is at stake: the need to protect the rights and traditions of a community which feels itself ever more pushed to the margins of the state.

"We feel like the whole school governance debate is one that conservative organisations keep pushing back on,' SECTION27's Faranaaz Veravia told the Daily Maverick on Thursday. 'They've tried this around language, admissions, religion... These are debates that have long been settled.'"^{xxxvi} The cultural entrepreneurs have already been stripped of self-acclaimed racial, moral and language entitlements; religious privileging is their last ticket.

I can hardly improve on this section of the Daily Maverick article save to make mention of evangelicals' parasitic participation in the culture wars. The crusaders are a diverse bunch on different missions; arranging pray-a-longs, dispersing group-speak, recruiting soldiers for Jesus or reaping souls for future tithing. They became a strange bedfellow to the staid Afrikaner Christian establishment, the type where, when you wake up finding her lying in your embrace the morning after the night before, you'd rather chew your own arm off at the shoulder than wake her.

But let's unpack some of this article's insights and quotes. Where "AfriForum explains in its heads of argument that ... the threat is one of "alienating communities"; of "strip[ping] religious communities of their freedom to practise religion, not only as individuals but also as a community"; of ensuring the "total deprivation of [Christian] rights", it is pure propaganda. Erecting "We are Christians" signs on school grounds, writing "God is great" on toilet walls or leaving Bibles in washrooms alienate those who don't appreciate Jesus looking over their shoulders while doing a Number Two. There's no preventing communities from practising their religions or the deprivation of any right to "Praise Jesus" either, only a demand not to coerce disinterested learners to engage by printing (as one example) those exact words on the covers of pupils' work books. No church will be razed to the ground, no Sunday School closed down and no Bible forcefully taken from school bags; hence there is no reason to claim prosecution. No "worldview of OGOD" is being enforced, but only the directives of the Constitution as reflected in the National Policy. Red herrings everywhere.

They got one part right: "Those persons who do not conform, would effectively be ostracised from society." That's exactly what happens to non-Christians and particularly pagans and the irreligious in public schools proclaimed for Christ. I haven't been invited to a braai in Pretoria for years, and even the upstanding Chris Klopper fell afoul of this hatred. It's how the self-righteous Linden-type Protestants bully minorities into docile submission, coercing them into compliance or attempting to force them to find (non-existent) non-Christian schools elsewhere in their neighbourhoods so that their hallowed grounds can remain culturally pure, if not white. And if the sanctimonious *Christapo* don't agree with these statements of mine, why would they claim the reverse would happen when they lose sovereignty? Have they no shame in their one-sided, tribal, close-minded view of the world? If this isn't religious fascism, what is?

"If religious freedoms are completely washed out of public schools, it would lead to a withdrawal from public schools of a large portion of society who form part of religious communities..." We saw that comment from Cassie Aucamp, yes; this "portion of society" is really only interested in cultural authority and religious privileging. Well, let them drink beer instead of the blood-wine of Jesus.

"The more communities withdraw and become isolated from the public sphere, the more unstable and volatile society would become." This assertion is highly debatable, and what they fail to mention is their own hand in isolating and alienating those very communities whose interests they claim to represent. "The Afikaner" isn't being pushed to the margins of the state, but in a fit of self-proclaimed victimhood they dust off their wagons and trek to them yonder hills themselves, led by mendacious bigots. It's how they do things; have done for centuries, except there's nowhere to trek to anymore. Even Perth has become saturated.

It is one thing fearing cultural extinction, but quite another fearing something spawned entirely from your own vivid imagination and obsession with cultural privilege. It's deceitful in the extreme for an oppressor to argue that the imagined possibility of tyranny by the subdued is an excuse to retain illegal advantages. Hadn't they learned from PW Botha's fateful mistakes?

Where did this insatiable autocratic ache to control the lives of strangers originate? And the desire to flee to Far, Far Away? Perhaps it's a primal urge in the psyche of the cultural cave-dweller. Or could it be that a fear of retributive oppression is feigned in a ploy to retain group privilege, perhaps even cultural purity, by the underhanded tactic of appealing to the emotions of the public, a public raised ignorant through CNE and kept uninformed by a biased press?

CONFABULATION

From the get go the public was erroneously made to believe that the motion was an attempt by an “atheist organisation” to prohibit religious observances and icons in schools, enforce a bleak and sterile worldview on South Africa’s vulnerable children and rob pupils of their freedom of religion and recourse to grace. “Keep religion in schools” read many a headline, contrary to OGOD’s actual plea of inviting more religions from the communities into schools. The worst propagandists were the offending schools themselves, the organisations defending their practices and the mainly Afrikaans press. Deceitful allegations like these were even recorded in the opponents’ affidavits, as if judges could be swayed by insecurities.

My first reaction was to inform the public that they were being misled, deliberately or otherwise. I tried to convey that message in my interviews and presentations, but eventually realised the value of giving the opponents enough rope to hang themselves with: If all animals were created equal but some regarded themselves as more equal than others, sooner or later the pigs would be exposed. I only had to wait.

The further the case progressed the less I wanted to explain and just let the matter run its course. A high degree of ignorance about the Constitution and the National Policy remained. Yet, over time, responses to posts in social media and comments on published articles on the matter turned from outright hostility to outright hostility interspersed with support. The public started to get the message. Perhaps it was advantageous that the matter dragged on for so long, for it gave the public time to understand and debate the core issues. The responses turned from victimisation and name-calling to more reasoned posts over the years. I began to feel a little safer.

The matter never was about robbing anyone of their religious freedoms, but eventually morphed into an fight to whittle down the entrenched privileging of Protestant apartheid that had existed since the introduction of CNE in 1942. OGOD didn’t want to rob anyone of the opportunity to attend religious observances, freely and without coercion, on public school grounds. Parents should accept responsibility for introducing their children to religion in their own chosen way while allowing the state to do its duty of providing fact-based, child-centred, globally relevant education to children. Why should teachers be expected to open the school day with prayer or sing-song when parents can do it on their way to school? Why should schools stand in for parents who are too hung over or lazy to take their little ones to church and Sunday school?

BEING MORE EQUAL THAN OTHERS

Ignorance and arrogance are the joint sources of prejudice. Members of any socially dominant group, be it on the basis of race, origin, colour, religion, sexual preference or other demographic, too often don’t understand or simply don’t care about the impact of their bigotry on the suppressed. The impact is aggravated when the dominant group enforces segregation to keep themselves unchallenged or “pure”, as apartheid, and the British colonists’ earlier Land Act, had done for decades. The subjugated are encouraged to be complacent. In our public schools learners are still judged on their beliefs, creating a false moral high ground for the dominant religion. Though the six opposing schools pretend that their scholars have a choice it’s a rigged alternative, because the consequences of not partaking in religious observances is used to manipulate the dissenters to submit. This is especially acute when the whole school is herded into the shape of the word “Jesus”, or 14 out of 15 pupils don’t question the habit of narcissistic Christians praying on sports fields.

Any school who segregates its pupils into learners of one religion and those of other convictions create “in” and “out” groups that are first defined by adopting a school ethos of the dominant religion, then institutionalised by labelling the non-adherents as “the others” who are accommodated. Schools pretend that these “others” have free choice, yet expect them to “opt out”, move away from the favoured group and huddle in an inferior space separate from the chosen ones or main events, with less engagement or inferior entertainment. “I can ... remember children from other religions who were excused from religious instruction. It is therefore no new ‘thing’”, wrote Etienne Loubser from Oakdale in the 11 September 2014 *Die Burger*. Such practices show the disenfranchised, now as it did under apartheid, that they are regarded by the dominant group as lesser members of society; second class citizens to merely be accommodated. Many a supervisor even openly chastise these lesser learners for him or her missing the activities, making learners feel guilty. A social hierarchy is thus created in our public schools where some learners are treated as more deserving of communal acknowledgement, respect and effort, while the others are insulted and belittled for their beliefs or lack thereof. This old-school cultural privileging, where a superior sectarian space within the wider public space is reserved for Christians, infusing public schools with apartheid values.

A public school is by definition supposed to be a shared public space where children are to gain access to deliberated, state-subsidized national education. When this state-sponsored space is saturated with sectarian values, practices, rituals and assertions of damnation and salvation, the public space is appropriated to become a territory of the privileged creed. The school grounds become a sectarian sea within which children are taught to swim, to use Izak Spangenberg’s metaphor.

Once the public space has been appropriated for cultural objectives, as is sadly still the case in many of our schools, cultural gatekeepers acquire power to control learners, teachers and management, weakening the educational mandate of those functions. Career positions at the schools are distorted and viewed as opportunities to gain and practice this acquired power instead of simply teaching – see for example my reference below to AG Visser Primary in Heidelberg. Sympathetic caretakers from the outside are invited into this territory to control it, set its mandate, imprint fears and divisive (Afrikaner?) values on children and identify the “bad apples” among them.

Through such cultural appropriation the relationship between child and school shifts from source of education to source of cultural control within which the child needs to fit in or attract sanctions. The child is taught to comply instead of to explore and learn unhindered. Pupils are stunted, taught to mistrust their own exploratory instincts, restrained intellectually and encouraged to absorb a predefined culture. Aliens are at best “accommodated”, but robbed of their freedoms and individuality, made to feel unwelcome and encouraged to leave. Resistance invites the label of rebel and pressure to find another, more accommodating institution. Public schools become culturally appropriated public spaces controlled by the most powerful groups in the community where cultural clones are purposefully nurtured, contrary to our constitutional demand to equitably represent and celebrate our diverse national society.

Children accessing state-funded schools are not to be made to feel that such public spaces, including school toilets, are territories of the preferred group instead of part of the commons. Public schools, most conspicuously those that used to cater for white children during the apartheid era, are defined by CNE-styled SGBs as enclaves of the privileged culture; now Christian instead of simply white. This cultural agenda, condoned by FEDSAS and SAOU, normalises for pupils that manipulation is part of the learning process. “Most disturbingly, it

forces acceptance by the child [and parent] of a situation of unfairness as though it were fair, to suppress their recognition and objection to this unfairness, and robs them of experiencing true fairness,” Sindra Da Corta wrote to me. Paul Colditz even made the thoughtless suggestion, quoted by Anika Marais in *Die Burger* of 20 September 2014, to put non-Christian mites^{xxxvii} on stage so their Christian peers could applaud them. Doing so would be spiteful victimisation, not celebration.

Segregation breeds intolerance and misunderstanding. This is hardly more evident than in religious bigotry, fuelled by ignorance. Children are alienated from their parents because their parents are different or don’t adhere to the same sectarian convictions, even within the same religion, as the teacher does.

Christian parents of a learner from a school in the Durbanville area were rightfully upset because the school had promoted Christianity of the twice-born variety, and because of what she was told by teachers the daughter were made to fear that her more traditionally Christian parents would go to hell. Another scholar in the same region was convinced by her teacher that her father, dying of pancreatic cancer at the time, would go to hell because he wasn’t a church-goer. Public school teachers do not have the liberty to teach pupils about hell and damnation, and doing so must be cause for termination of their employment as public servants; doubly so when they alienate learners from their parents. Chris Klopper has the freedom to damn me to hell in public because I’m an adult and can reciprocate by mentioning him in a book, but learners are more vulnerable and defenceless.

Confusion reigns when people speak and think about secularism, atheism, Satanism and even religion in general. Secularism, already explained earlier, is often equated with atheism and even communism, which is laughable. Similarly, atheism is often confused with Satanism, to the amusement and exasperation of atheists who believe as little in Satan as in any god, ghouls or Gollum. Equally misinformed, many believers within the Abrahamic religions contend that we all “believe in the same god anyway”, which underlines the ignorance of the believer and the need for religious education. Few Christians know, or may wish to know, how Christianity became semi-monotheistic. Qualified clerics know but won’t tell. There is a huge difference between all the proposed gods, and even where some variants do believe in the same original god, their understanding of and the demands required by that god are vastly different; so different that wars are fought over them. Christianity alone has tens of thousands of variants, with many regarding all others as heretical: Just try to get a Seventh Day Adventist, Roman Catholic, African Zionist and Dutch Reformist to agree on who among them is predestined for hell; merely believing that Jesus loves us is grossly inadequate. What if hell really is reserved for only 144 000 of us?

A favourite suggestion is that parents should take their kids to other schools if they don’t like Christian variants. One less bellicose example someone wrote was: “If you don’t want to put your child in a school based on Christian (Muslim/Jewish) values then put him in another school.” Well, no. First of all, public schools may not side with or promote a single specific religion – this much the Constitution and National Policy are clear on. If you don’t like South Africa’s Constitution, move your family to another country. Secondly, every public school in our country is legally bound to accept learners from its feeder area and treat them as equals, so your religious preference can’t be used to discriminate against others or make learners less appreciated. And lastly, apart from it being unlawful, it is also arrogant in the extreme to mark public school grounds like dogs mark trees, and then make “the other” feel unwelcome.

The opponents' last line of defence, reiterated by Paul Colditz on Eusebius McKaizer's 702 Talk Radio interview on 8 June 2017, was that public schools may still choose to be Christian as long as they accommodate others. Such a concession places an additional, superfluous burden on non-Christians whenever they're treated differently – they first need to convince the school that they deserve better. Christian learners are at no disadvantage in such schools, but others need to negotiate, take legal steps or turn to the press. The most pertinent example demonstrating this inequitable burden of proof is the question of class prayers at Stellenbosch Primary, as safeguarded in their religion policy of 2009. It was my efforts to have that policy changed that had the school claimed for Christ, got me stonewalled and eventually led to this legal matter being contended in the High Court eight years later, with veiled death threats and national exposure along the way. The school merely claimed compliance, leaving it in my hands to prove them wrong, including legal costs, time, effort, threats, boycotts and public embarrassment.

Here's another example: A 2015 Calvinia High school student board member certificate states, as its very first sentence, that a senior board member stands in service to God, signed by the student and principal. Regardless of the leadership qualities a learner may exhibit and marks she may attain, if a learner at Calvinia High in 2015 didn't subscribe to being in service of God she couldn't be a prefect. And in order to change that, she would have had to challenge the system, which in turn would have branded her a trouble-maker and wrecked her chances of becoming a prefect. In this way non-Christian learners are not only excused from participating in the Christian observances during school hours, but also from serving as prefects. Only Christians need apply.

I can provide hundreds more examples, but let's make the third the final one: Primary school AG Visser in Heidelberg states on its website^{xxxviii} that the school strives for parents who hold high regard for Christian values^{xxxix} and teachers who bend the knee for their saviour^{xl}. Through its parents, staff and learners the school further accepts that it is grounded in Christian principles, that all who are associated with the school are expected to live accordingly, and that the rule and omnipotence of the triune god is acknowledged. This is clearly discriminatory, unlawful and despicable. Privileging a culture is how the Broederbond used to operate in our public and private institutions during the apartheid years, and remains the ideology that schools and other cultural opportunists still defend.

Asserting special status for the majority on grounds of language, culture, colour or religion, then accommodating the lesser pupils, is unconstitutional and morally reprehensible. It is misleading for anyone to suggest that public schools may take on a Christian ethos and that non-Christians then be accommodated, without mentioning the financial and reputational burden that comes with the resultant struggle for equality, or the alienation that a culture of religious supremacy creates. Such induced disparity and entrenched bigotry is also why their lies and covert agendas need to be exposed and their feigned claims of persecution rejected with utmost contempt. Had all the "Christian" public schools adhered to the National Policy instead, all their learners' and teachers' worldviews and habits would have been treated equitably, and no pupil names – nor mine – would have appeared in newspapers because they weren't compliant Christians. Teachers don't even dare take this risk or their careers will be in jeopardy.

MORALITY

"Morals and values", two sides of the same coin, also frequently cropped up during discussions, more notably after the case. Parents wanted good values instilled in children; not so much in their own progeny it seemed – they could presumably take care of that themselves – but in others' kids

because it was supposedly due to the lack of good morals in schools that the world is going to the dogs, many claim.

Well, to be honest, the world isn't going to the dogs. Many regions struggle with social challenges, our country included, but it is hardly new and on aggregate the world is not going backwards, nor are there any signs of pending doom. I can't recall when last we had a necklace murder or bomb blast at a South African coffee shop, for example, never mind someone being burned at the stake or beheaded for blasphemy. The Syrian conflict is horrible; I have a dear Syrian friend fighting in Assad's army as artillery commander, eager to avenge the death of his wife in a car bomb blast in Homs in December 2015. But that conflict, as taxing as it is, is a regional conflict in the greater canvass of the world. Terrorism threatens Europe, but it has done so before, in the days of ETA and the Baader-Meinhof Group. And no, Islamic extremists are not going to take over the world. More people die from suicide than of wars and homicide combined^{xli}. If only people would stop following sensationalist clickbait and mischievous hype, and instead search for honest to goodness information, they would learn that we are now, in general, living in the best times in the entire history of human existence.

Values are common across religions but are not the monopoly of the faiths, removing any excuse to claim superiority of one religion over any other or faith in general. We can teach not to harm but to improve things, to show respect, be fair and to love without mentioning gods, and certainly without threatening eternal damnation. Reason is the better motivator.

Swapping religious schooling for secular education also does not bring about the calamities the uninformed claim. Irreligious countries tend to be safer and more prosperous, and there are solid indications that kids brought up in secular homes tend to be more altruistic than their decidedly meaner religious peers^{xlii} anyway.

Humans now live the longest lives ever, due in no part to prayer. We have real environmental and economic challenges but are addressing those pressing issues through good old science and reason and without the involvement of priests. Global organisations such as Unicef, the Red Cross and *Médecins Sans Frontières*, to name but a few, actually help people survive while the Vatican counts its money and shuffles paedophile priests away from public scrutiny. The world has halved its load of destitute people in just two generations, and for the first time ever, more of us experience obesity than famine. All of this have little bearing on religion in schools, of course, but it proves that we have reason to disregard the ubiquitous, depressive social fearmongering and claims to Christian superiority. If science and politics have brought us this far in just 300 years, imagine what the next 300 years might hold.

South Africa is a country of diversity. But so too are others like Canada and Singapore, which are more prosperous, secular and safer. It is deceitful to claim oppression yet demand privilege. Look to other countries and communities instead to see how they became successful: It wasn't through religious privilege and fearmongering but regional and global cooperation, and dedication to rational common goals. Be wary of those who manipulate emotions and suppress knowledge.

THE PAPERWORK

The approximately 4000 pages of submitted court documents are in the public domain for perusal, but herewith a few of the more interesting snippets from the various submissions.

OGOD

“The purpose of this application is to obtain declaratory relief that aspects of religious observance and religious instruction forming the subject of this affidavit are in breach of the National Policy on Religion and Education,” OGOD’s founding affidavit explicitly stated. Under the appropriate heading: “No crusade, witch-hunt or inquisition” we clearly stated: “At the outset I wish to emphasise that this application is by means nor should it be construed as an attack on Christianity, any particular religion or religion in general whatsoever, nor the right of any person to adhere to any religion. This is purely an application to protect the rights of all pupils in schools and in particular that of the Applicant’s members.”

“The majority of the Applicant’s members and those who have provided evidence for this application are coincidentally Afrikaans and have children who are or were pupils or were themselves pupils of the schools and were thus subjected to the schools’ coercion of Christian observances and instruction; and/or failure to equitably conduct religious observances.

“The Applicant wishes to make it clear that the Applicant does not wish to attack or debate the merits of any particular religion or its place in society, but purely to obtain the relief sought in the foregoing notice of motion to ensure its members, their children and pupils in general be protected from the infringement of the pupils’ constitutional rights.

“There are indeed many ways where religious observances may be held at public schools which would not affront the religion and education policy and the pupils’ constitutional rights, for example: [detail omitted]. ... But, with respect, we cannot allow pupils to be subjected to religious instruction or observances, even by indirect coercion.”

Included in the affidavit were photos and copies of various examples of rights infringements. We even added examples of written complaints to schools and the department of education that had been ignored. When schools therefore claim that “nobody has complained before” they’re lying through their blessed teeth. Honesty seems to be in short supply on the other side.

Despite clearly stipulating the objectives of OGOD, the opponents started barking furiously up the neighbours’ trees. It took them almost three years to get back to the central issues.

THE RESPONSE

The most entertaining of all the subsequent submissions was the schools’ initial 1945-page founding affidavit, of which the most mesmerising part was the annexed report written by Dr Tanya Robinson, richly embellished by partisan psychologists and theologians. The weighty tome was an intriguing collection of evasions and distractions; a classic work of smoke and mirrors in legalese interspersed with implausible excuses for tyranny of the majority. Schools treat non-Christians very well, they claimed, but had to file affidavits from eight *other* schools in the country to try and support that claim. They submitted expert opinions claiming how “their” (read: Christian) pupils would be distressed and left rudderless if Christianity should be removed from these schools, yet had no words for how the lack of other religions in each school's ethos already affected all the non-Christians attending them. They even submitted long explanations from NWU professors Nicolaas Vorster and Daniel Francois Muller, quoting extensively from the Bible,

and Johannesburg Archbishop Buli Tlhagale, to suggest that Christians who proselytise aren't – wait for it – real Christians. Tell that to schools who arrange Jesus weeks.

A lot of wailing spoiled the answering affidavit submitted by the schools. Claims of persecution and oppression abounded, for example: 'Just as learners and parents who may be in a minority position are entitled to be accommodated, so too they have a duty to respect and accommodate the rights of the majority. This respect is not being shown by the Applicant.' I challenge the opponents to show where I stood on a pulpit condemning believers to perdition, or commanded my followers to threatened their businesses or wellbeing.

"The research conducted has, among other things, included an online search of the Applicant's website and Facebook profile. The search was conducted because, amongst other things, it was immediately noticed that the name of the Applicant, when presented in acronym, could be seen as smugly rude or even, to some, blasphemous, namely 'O GOD'."

During breakfast one morning at the very comfortable Blue Mango Lodge in Kempton Park – free accommodation that was kindly offered to me while attending the court appearance – two ladies were ecstatic about the OGD shirt I was wearing and wanted two for themselves, which I kindly offered. Both were religious and felt the t-shirts would show their love for their god. One of them even suspected I was a pastor. A friend of mine, John Coutsouli, attended an event with his shirt, and likewise found admiration for the logo from Christians there. Clearly, rudeness and blasphemy are in the eyes of the offended.

"What makes clear that the deponent's conduct was in fact deliberate, was that several days before I was a panellist on '*Robinson Regstreeks*', I watched another interview on television also involving the deponent, together with Mr Kallie Kriel of AfriForum, and a Muslim academic, [it was the esteemed prof Farid Esack, Paul] in which the deponent was told on national television by both Mr Kriel and the Muslim academic that the t-shirt he was wearing (the same t-shirt) was offensive to people who were religious (the word religious and religion in this section of the affidavit does not include non-religious). ... These public rebukes made no impact on the Applicant and/or its deponent, Mr Pietersen. On 12th March 2015 on the occasion of the *Stellenbosse Woordfees*, Mr Pietersen and I debated the issue of religion in schools. He again appeared on stage with the offensive t-shirt. His supporters in the audience (few as they were) also wore the offensive t-shirt." *Mea culpa*. Being offended should be expected in a democratic society, Mr Colditz; some would see it as a right. Fact is, the marketing ploy worked rather well, as people remembered my initiative this time. Others would later call the acronym "cheeky". That's all it is, really. Sue me for blasphemy if you wish, but please don't whine; it's unbecoming of an aspiring folk hero.

"The Facebook page revealed that the Applicant is not only an atheist organisation [sic], but a radical atheist organisation [radical sic] that caricatures and denigrates religion and persons who hold religious beliefs." This is a stellar example of psychological projection, coming from people who fund pastors to identify and denigrate sinners. It also illustrates the classic mistake of not discerning the wood from the trees, alleging that individual frustration reflects an association's objectives. Charges of blasphemy and offense were rightfully ignored during the court appearance later, and the judges made no mention of similar shirts worn by OGD supporters in court (many as they were).

"It is one thing to exercise a choice to be an atheist. It is quite another to have to express such belief by mocking, belittling and attacking the religious beliefs of others." The shoe chafes on the other foot, doesn't it Mr Colditz. Just read what your cohorts and the clergy think of atheists, and

how the label is used by your kind to play the man instead of the ball; not to mention uniting your own supporters in collective hysteria. Then recall the parable of the splinter in the eye. And order your own glow-in-the-dark shirt from tinyurl.com/hupako.

“The mockery and denigration of religion does not end there. The next image uploaded by the Applicant onto its website is one that shows religious persons, and again specifically Christians, to be violent, uncouth and backward. The image shows an angry mob with the three identifiable figures therein wearing garb associated through the ages with Christianity with darkened and angry expressions on their faces [also associated through the ages with Christianity] and carrying clubs and firebrands. The words on the image read as follows: *LOS GODSDIENS IN SKOLE OF ONS P@&S VIR JOU*. The characters @& should be replaced with two letters which I refrain from doing, since it spells out one of the most vile words in Afrikaans, one utterly derogatory of women. The free translation is ‘LEAVE RELIGION IN SCHOOLS OR WE WILL C**T YOU.’” The height of irony; having read the preceding assertions I suspect many a reader have by now already formed a picture in their minds of Paul Colditz and company brandishing clubs and firebrands. Although a friend, Riaan Grobler, was the creator of the impudent meme I didn’t ban it from OGD’s Facebook group because it was delightfully fitting and well within limits of tolerable public conduct. The picture also aptly illustrated the visceral reactions of our foes; it is as accurate a portrayal of the backlash to the OGD motion as any Zapiro political cartoon would be.

The cartoon mentioned is no more denigrating and disrespectful than telling a learner that her father is going to hell, describing a worldview as sterile and meaningless or associating atheism with Satanism, and Satanism in turn with the most vile of people on earth, even suggesting they consume babies, as some of the more ill-informed often do. Nor does Christianity hold the moral high ground on the treatment of women; let us not forget the blame Eve carries for God’s oversight or how Lot’s daughters were offered for vile abuse.

THE RESEARCH

The opposition's research effort was enlightening. But one has to understand the research findings in the context of its social environment and moment in history. Headlines from newspapers in the Afrikaans press around October 2014 exclaimed: "Witch Hunt On Christianity", "Fight To Ban Religion From Schools", "Remove God From Schools", "Religion Abuses Children's Rights" and "Christian Values Must Be Gone From Schools" in large script. AfriForum kicked off a program to "Keep Religion In Schools" and a duo of energized clergymen cycled 6000 km through pastoral towns to muster support (and sponsorship of their narcissistic holiday) in defence of Jesus, involving schools *en masse*. No primarily black or secular schools were included in their project.

Paul Colditz, who reminds me of a Boer War general when he's not impersonating Gen Custer, would later describe the case as a "...fanatical assault on Christianity from the atheist sector"^{xliii}. This despite the fact that neither OGO nor I had ever suggested to remove any religions from any school, or force atheism – heaven forbid – onto anyone. I have to date not even given them enough motivation to make offending memes of me, had someone been creative enough.

While the worst of the headlines were fading in history the six offending schools calmed their parents down to a workable level of panic. In the midst of this perhaps deliberately induced group hysteria Dr Robinson was tasked to conduct an enquiry into the state of the souls of learners. Guess what she found: "Learners [of Oudtshoorn High] described the anxiety that this case has created for them and how it has disrupted their schooling because of their own fears and concerns about the case." It doesn't require training and experience in social science research to realise that results from an enquiry during a period of propaganda-induced panic couldn't possibly be regarded as free from induced environmental bias – it would be like assessing Auschwitz prisoners' attitudes on the agricultural merits of Zyklon-B.

The consequence of the scaremongering is reflected throughout the investigation's findings. The research question Dr Robinson set out to answer, presumably on request of her paymasters, was: "Does the Christian ethos, along with the described religious observances and practices in public schools, have a negative impact on the six schools' learner children?" Considering the images of evil atheism transforming schools into Gotham city-like institutions one would expect the Bible to be Christian learners' last hope. Bring out the clubs and firebrands!

The research question even contained a tacit admission that the schools we mentioned had an overt Christian bias in all their formal activities. Every affidavit the opponents submitted made our task of proving their transgressions easier, and the research results further confirmed our claims. Dr Robinson even neatly tabled a list of their sins on page 152 of her report. AfriForum had flushed research money down the ideological drain, and we were smiling. Call me Mr Smug.

The opponents had never fought to keep religions in schools, just as OGO had never fought to remove any. They tried to defend Protestant supremacy instead, but didn't have the integrity to call it that. At no point would they consider schools to be religiously neutral and equally accommodating to every religion their learners would need, as the Constitution and National Policy demand. In the end, Dr Robinson suggested schools should "...re-evaluate options and alternatives to accommodate learners who might feel uncomfortable with the Christian ethos at the school."

Lo and behold, the "...quantitative data showed a minority who had negative perceptions of or felt negatively towards the Christian ethos and practice at the schools." But the psychologists invited to reply on the schools' behalf consoled their consciences by suggesting the minority should

approach the leaders of the majority so special arrangements can be made to accommodate them. If the minorities would talk to them, they suggested, the gatekeepers can perhaps learn to understand their frustrations and undertake to be nice to them and “accommodate” them, and the whole exercise will help the minority pupils learn how to overcome difficulties and build character and become stronger and better off in the end. It sounded as if Christian public schools are doing non-Christians some kind of perverted favour. In summary, this is what the experts claimed. No need to take my word for it – read the affidavits.

“Her main findings or opinions on coercion,” the affidavit states at some point, “specifically implicit coercion, in the context of religion in public schools are as follows:

- from a professional psychology perspective, religious affiliation and practice is considered a diversity issue – similar to disability, or gender and cultural differences;
- it is not advisable for children to avoid engaging in challenging issues, such as religious diversity;
- moderately challenging situations are vital for the development of mastery, resilience, a positive identity, and social skills which all contribute to the future competence to function effectively in a democratic, diverse society;
- research consistently points to the adverse effect of overprotective parenting on a child’s development.”

I would be the last person to plead for an utopia where no child ever stubbed a toe. The question however is why, contrary to our Constitution’s demand for equality, public schools are to pile additional challenges in front of minorities? Why would it be less advisable for non-Christian kids to avoid engaging in challenging issues, such as religious diversity, than for little Christians? Why would Dr Robinson be concerned that prohibiting or restricting “...the learners of Randhart Primary from adhering to a Christian ethos will be greatly challenging for the learners of this primary school”, but non-Christians there are left to cope with a foreign ethos as best they can? Are Baanbreker Christians cut from a lesser cloth perhaps? Do Linden Christians need more protection? Why should a child of another faith be obliged to discuss the matter with her Garsfontein masters to deserve acknowledgement? Why should the irreligious be subjected to these “moderate challenges” from Oudtshoorn schools in order to develop mastery, resilience, a positive identity and social skills, while young Christians there are denied such character building opportunities? Should public school teachers choose who should be challenged? Are Christians more equal than others, or weaker in character?

The question of “moderate challenges” also came up during an informal meeting I had with prof Danie Goosen, my earlier lecturer in Religious Studies and head of the FAK at the time of writing. Just before we had an *Unreal Breakfast* at a Spur[®], a mother had called to seek advice about a teacher educating her Grade 5 child about hell. When I mentioned the problem of wayward educators teaching learners about hell and eternal damnation he shrugged it off as the type of challenge we all have to learn to cope with.

We should all learn to cope with the vicissitudes of life, and I fully support the idea that children should not be shielded from moderate challenges. But there is a crucial difference that apologists for myths of ceaseless damnation need to grasp: For a trusted teacher to inform a stranger’s impressionable young child, who has never heard about original sin and an unforgiving divinity, that he will burn in a hellish pit of fire for all eternity unless some invisible man sets up home in his heart is a far, far more terrifying concept to process than telling him his father is a drunkard and his mother a slut tart.

THE STATISTICS

Some of the more valuable findings in Dr Robinson's 724-page report – seven times the volume of this book – were that 11% of grade 12 learners thought their school at times discriminated against or is negative towards other religions. About a third of senior learners weren't aware of alternative arrangements for non-Christians. A whole 79% of learners from Linden High were blissfully unaware that 17% felt that Christian values were at times forced upon them during assembly and 12% that teachers were doing so. Eight percent of Grade 12's even felt it unpleasant to be in a school with Christian values and 64% of them agreed that learners who do not follow Christian values have felt excluded. But as long as the majority was happy, everybody seemed happy – why make a fuss when only 20% of learners feel that Christians are sometimes advantaged? Notably, insight comes with age: Though only 3% of Grade 8 learners seem aware of Christian privileging in their school, this steadily grows to 36% by Grade 12.

In the primary schools, 7% of parents admit to bullying on religious grounds. Great opportunity for character building, one presumes.

Nineteen percent of Garsfontein Primary kids had friends who “did not know” Jesus and 24% of Grade R learners would have “happy” faces if they may no longer read from the Bible at school. While a fair 12% of Grade R kids don't enjoy learning about Jesus at school, by Grade 5 they have all been prejudiced successfully. Similarly, while 68% of Grade 1 learners felt happy to learn about other religions at Baanbreker Primary, only 13% felt the same by Grade 7. Taken at face value, this may indicate that CNE is alive and well in Boksburg.

“It was explained by the participants that all Religious Education (sic) takes place as per the department curriculum and that this forms part of the subject Life Orientation. It was indicated that the learners find it interesting but the school has had incidents where parents confronted them to indicate that they did not feel comfortable that their children learned about religions other than the Christian faith, and that these learners were then also accommodated. ... [T]he majority of parents (88%) [felt] that their children's moral and spiritual development will be negatively affected if the Christian ethos is eliminated from Laerskool Garsfontein.”

At Oudtshoorn Secondary, 13% of the students reported having teachers force Christian values on them. This rose to 20% by Grade 12, while 28% felt that singing Christian songs can be a chore. Only 19% of all their learners were convinced that non-Christian learners never felt excluded and a mere 22% knew of alternative arrangements for non-Christian peers.

The research concealed important data because the poorly designed questions evidently favoured the majority. To name but one example: Dr Robinson concluded that “Between the three high schools 3%-6% of learner children indicated that they may sometimes be bullied by learners at their school because of their religious beliefs. There is, thus, a low rate of bullying that has been indicated that takes place in the schools because of a learner's religious beliefs.” If the same question had been asked to only the non-Christians, the percentage of irreligious being bullied by the religious would likely have been far higher. The results would have been indicative of the negative perceptions propagated in school communities, and the findings would have been more valuable. Alas, Dr Robinson was paid to assess learners' fears of being robbed of Christianity, not how non-Christians' felt sucking on the hind tit.

What the statistics did manage to show, if unintentionally, is that non-Christians learners are at a distinct disadvantage and that the schools had no idea what impact their majoritarian policies and practices had on minority learners, exactly what the Constitution forbids and seeks to

redress. We welcomed the research results with surprise and glee; AfriForum's research funds had been spent entirely to OGD's advantage.

IN DEFENCE OF A CHRISTIAN ETHOS

The opponents further claimed in their affidavits that parents have the primary right to educate their children, which right, according to them, extended to an education in values. Of course parents may educate – and expect the state to assist in the education of – their children, which right does not however extend to religious instruction of strangers' children in publicly funded schools. Nor are values the sole propriety of religions, or are all religious values necessarily beneficial to society. This much is explained in the National Policy.

As Erna Oliver observed in her 2010 study “Afrikaner Christianity and the concept of empire”^{xliv} that “...about 85 per cent of the South African population adheres to religions that forbid participation in criminal and unethical behaviour. In theory then, South Africans should be able to live normal, creative lives in a country where the rainbow nation, guided by, amongst other things, the moral foundations of faith, lives and works peacefully together aiming to improve the quality of life for everyone. However, day-to-day living in our country is not for the fainthearted. ...South Africa tops the list of countries worldwide when it comes to per capita assaults, AIDS deaths, gun violence, homicide and rape. South Africa is fourth on the list for robberies and drug offences and tenth for burglaries and the total number of crimes committed (Nationmaster 2009). Nearly half of the population lives in poverty and more than a quarter of the people are unemployed (Statistics South Africa 2004).” Our churches have failed us – the emperor parades naked. Yet every liberty won in social progress, from banning slavery to universal suffrage and upending apartheid, was resisted by Christians and their churches on moral grounds.

Try prompting a self-proclaimed Christian public school to describe what they mean with “Christian ethos”. They won't. Does it mean gays are to be reviled? Women subjugated? Slaves kept? Kids beaten with a rod? Dissenters killed? Daughters offered as sex slaves? Rape victims married off to their rapists? Neighbourly love reserved for Christian neighbours? Teaching positions reserved for the chaste and faithful? These are all well-known Christian values extolled and observed through the ages, even if a few have by now fallen out of favour. Such conspicuously Christian values are not valuable to our society, nor do I think the Minister of Basic Education would want them taught in schools.

Our constitution reflects excellent values with no reference to any divine imperative. It isn't difficult to teach children universal values without involving any church or hellfire. To wit: Dr Jaco Deacon, deputy CEO of FEDSAS, praised the organisation's *Value-Driven Schools* program early in 2013. FEDSAS had drafted a schedule of values and offered workshops to assist schools to change themselves from being rule-based to value-driven. The values that formed the cornerstone of this program were *Respect, Compassion, Honesty* and *Integrity*, values that anyone of any religion or none can subscribe to.

BUT WHAT ABOUT THE TEACHERS?

SAOU's final submission was a welcome relief. Sanity prevailed when their counsel, advocate Steve Budlender, drafted their heads of argument, explaining “...the need for the SAOU to clarify and revise certain submissions in its founding affidavit.”

Because SAOU withdrew from the matter their heads of argument were rendered impotent. I quote important extracts from it here so readers, and especially teachers, may appreciate why the SAOU was bullied out of court by their cultural peers.

“It is necessary to emphasize that the SAOU and its members are committed to upholding the National Policy. In the SAOU’s view the National Policy is consistent with section 15(2) of the Constitution and, in addition, provides helpful guidance and clarity to teachers whom would otherwise be left in a state of considerable uncertainty regarding these important issues.”

“Indeed, the SAOU ... participated and commented extensively on the National Policy while it was being formulated...” they confirmed, naming various ways in which they were involved and contributed. This was what the court needed to hear, even if the remaining opponents withdrew their permission for SAOU to be allowed as *amicus curiae* and SAOU succumbed to their threats. I can only hope that Chris Klopper and the 37 000 members of SAOU can begin to feel how holding an unpopular view in the manipulative Protestant education establishment leads to vitriol and ostracism.

“At the heart of this matter is the question of the permissible ambit of religious observances in public schools.”

“Since filing its application, the SAOU has reflected upon the submissions it seeks to advance in the main application. In particular, upon careful consideration and deliberation, the SAOU has recognised that various submissions ... contradict aspects of the ... National Policy, and are unsustainable. ... The decision by the SAOU to revise its submissions has been taken only after seeking extensive external legal advice, (including the advice of two different sets of counsel). It was only after careful consideration of that advice that the refinement reflected in this affidavit could be effected.

“...where the policy and instructions of the SGB of a school are not consistent with the National Policy and the Constitution, the teachers concerned are placed in an impossible position.

“Whereas the Respondent schools have, as further alternative relief, challenged the constitutional validity of the National Policy, the SAOU submits that the National Policy is a necessary, appropriate and constitutionally compliant articulation of section 15(2) of the Constitution.

“The submissions that follow ... focus on three issues, which concern the constitutional principles that the SAOU believes are necessary for a proper adjudication of the matter:

1. First, they describe the constitutional powers of the role-players in the school governance framework, and explain the invidious position in which teachers find themselves when the conduct of schools and governing bodies departs from national policy, legislation and/or the Constitution.
2. Second, they submit that a proper interpretation of section 15 of the Constitution requires that public schools should guard against alignment with a particular religion, or a limited set of religions that promote sectarian interests.
3. Third, they consider the implications of section 28(2) of the Constitution, which requires that the best interests of the child are of paramount importance in every matter concerning the child. The SAOU argues that, in light of the impressionability of children, and the captive nature of the school environment, the best interests of children are not served by alignment with a particular religion.

“The SAOU agree that the Schools Act confers primary and immediate responsibility for the formulation of rules on religious observances, at particular schools, upon SGBs. No policy but that of the SGB can dictate to a particular school how to conduct its observances.” It’s at this point where the schools stopped thinking. “However”, the SAOU continues, “it would be misplaced to understand the devolution of the responsibility to SGBs as ‘absolute and impervious to executive intervention’.

- The power must be exercised subject to the Constitution, the Schools Act and provincial law.
- Section 15(2) of the Constitution, unlike Section 7 of the Schools Act, does not limit the appropriate public body to SGBs.
- In any event, the Schools Act, read with NEPA, grants the Minister the power to make policy on a wide range of issues, which includes religious observances.

“The Minister’s policy on religion may not be targeted at any particular school, or it would illegitimately usurp the powers of the SGBs. But it can – and the SAOU submits it should – provide general guidance to schools as to the appropriate parameters of religious observances. ...[T]here is a patent need for a degree of uniformity and guidance. The creation of norms that apply to all schools is crucial for educational development.” National policies serve a national purpose.

“The Constitutional Court has addressed the difficulty associated with a lack of uniformity in the context of corporal punishment:

[Corporal punishment] will inevitably be administered with different force at different institutions, or by different teachers, and here is always the possibility that it will be excessive. Children are put in a very vulnerable situation because they (and their parents possibly) can only complain about excessive punishment at the risk of angering the school or community.

“The same ... is true of religious observance. It will inevitably be administered to different degrees at different schools, with the distinct possibility of rights infringements. Children are likely placed in a similarly vulnerable position when they and their parents wish to complain about the nature of the observances. So too, ... are teachers.

“Unfortunately, SGBs have sometimes misunderstood the constitutional imperatives that apply to them, including in relation to admissions, pregnancy and language policies. As noted above, government functionaries may not ignore SGB policies, even if they believe them to be unconstitutional. They must either act in accordance with their own powers under the Schools Act, or must apply to court to set them aside.” Misunderstanding the law looks the same as simply ignoring it, which is why FEDSAS could promote religious elitism – no teacher can afford to approach a court on their or pupils’ rights infringements, particularly where no jurisprudence existed. Teachers are similarly coerced into submission.

“Unlike policies on language, pregnancy and admission, which rarely, if ever, require direct implementation by individual teachers, religious observance requires daily implementation by teachers in classrooms, assemblies and at school functions. Members of the SAOU, who are largely aware of the National Policy ... are thus placed in an invidious position when they are required to act contrary to it.

“Section 15(1) does not only protect freedom of ‘religion’. It also protects freedom of ‘conscience’ and ‘thought, belief and opinion’. It thus protects non-belief, as well as non-religious belief, and includes the right to be a sceptic, agnostic or atheist, or an adherent of any religion, irrespective of its size. Indeed the right to act according either to one’s beliefs or non-beliefs is one of the key ingredients of any person’s dignity.

“Section 15(1) does not mandate the strict separation of church and state. ...Nevertheless, the Constitutional Court has held that the alignment by the state with a particular religion will generally result in an infringement of the right to freedom of religion, belief and opinion. ...Thus, the right to freedom of religion, belief and opinion prohibits the alignment of the state with any single religion or set of religions. For the state to align itself with a particular religion, in the

absence of a neutral justification, impermissibly coerces adherents to other faiths, as well as non-believers.

“The schools ... appear to suggest that schools themselves have a right to freedom of religion, belief and thought. On this basis, the Respondent schools argue that schools have the right to a religious identity, of which they are denied. ...This argument is without merit. In fact, far from being a right, the taking on by a school of a particular religious identity is prohibited [their emphasis]:

- It is beyond question that learners and educators at schools are entitled to a religious identity, and that they may exhibit that identity. The school is obliged to respect and accommodate their beliefs. But that is altogether different to suggest that the school *qua* school is entitled to a religious identity.
- Section 15(2) ... offers additional protection against coercion. Under section 15(1), the over-alignment by the state with a particular religion has been held to be coercive on non-adherents of that religion. There is nothing in the language or purpose of section 15(2) warranting a departure from that position.
- On the contrary, the language of section 15(2) makes clear that no such departure is warranted.
- Those decisions make clear that subtle coercion, including through peer pressure for voluntary prayer, can cause a religious observance to fall foul of section 15(2).

“The decision of the Constitutional Court in Pillay rejected the argument that if parents and learners do not like the religious policy of a public school, they can attend another. This implies that a public school cannot require, as a condition of admission, the waiver by a parent of a child’s constitutional rights.... Such a waiver could rarely be justified as being in the best interests of the child. In *Kotze vs Kotze* the court refused to include in a divorce order a clause providing that the parties’ son would be educated in the Apostolic Church. It held that the clause, which purported to waive his religious rights, would deny the child the freedom of religion he was entitled to, was not in his best interests, and predetermined his future.

“...having a majority within the school does not permit favouring them at the expense of the minority. Indeed, one of the functions of the Constitution is to protect the rights of minorities, especially when the majority might consider their beliefs unusual. The implication of there being small minority religions in the Respondent schools is that they are not powerful, are vulnerable, and deserve the protection of the law for precisely that reason.” It would be ironic when the law is one day used to shield Satanism against Christians in our public schools.

“In constitutional terms, the quality of a belief cannot be dependent on the number of adherents nor on how widespread or reduced the acceptance of its ideas might be, nor, in principle, should it matter how slight the intrusion by the state is. The objective of section 14 is to keep the state away from favouring or disfavoursing any particular world-view... Yet conformity to majoritarian standards is precisely what the Respondent schools seek to impose.

“The impossibility of knowing the beliefs of every learner, and the ever-changing nature of the student body, is precisely what obligates the school not to align itself with any one religion.”

“An additional reason for non-alignment with any particular religion is that it is repellent to potential learners, not currently at the school, that do not adhere to that religion. As much was made clear in *Ermelo*, and later endorsed in *Rivonia*: The governing body of a public school must in addition recognise that it is entrusted with a public resource which must be managed not only

in the interests of those who happen to be learners and parents at the time but also in the interests of the broader community ... and in the light of the values of our Constitution.

“The danger of subtle coercion... is more pronounced in school environments. Thus, our courts have recognised that peer pressure is pervasive in school communities, making even voluntary prayer often coercive. This pressure is especially strong felt at ceremonies of special significance to students, such as prize-givings, graduation ceremonies and the like. It is misleading to speak of attendance at such ceremonies as ‘free and voluntary’. ...a student is not free to absent herself from the graduation exercise in any real sense of the term ‘voluntary’, for absence would require forfeiture of those intangible benefits which have motivated the student through youth and all her high school years. Accordingly, a policy that ensures that observance is free and voluntary is one that allows religious attendance on an opt-in basis during break times and after school, not an opt-out basis during regular school hours. As one of the Respondent schools’ own expert, Dr Robinson, acknowledges, requirements such as that a written letter for exemption must be written to the school, and that supervision is provided for exempted children, ‘leaves the door open for segregation and discrimination’ and ‘subtle coercion.’” It seems SAOU had also found the research useful.

Writing an open letter on behalf of “himself and numerous [?!] concerned teachers with whom he had spoken”, an old principal of Linden High, Louis van Dyk, denied that the affidavits submitted by Chris Klopper in any way represented the views of the approximately 37 000 members of SAOU and that, if they were representative, it would signal the end of SAOU. “If the Court upholds Klopper and OGO’s views, it would mean that practices such as opening with prayer, ... singing of religious songs, praying before rugby [matches], opening of meetings with prayer, to name a few, would be unlawful”. Keep in mind that gatekeepers are likely to interview and appoint teachers in the manner that the Broederbond did, so asking the opinions of your favourite teachers at errant schools would be like asking Lance Armstrong on TV if he condones doping in sport. Clearly the cultural caretakers still expects our influential organisations to support the continuation of Christian supremacy in public schools, as envisaged by the apartheid government, the Broederbond and the Dutch Reformed Church. According to these cultural fossils, SAOU is not even to continue to exist if it were to act lawfully.

He continues: “As astounded and shocked as we were on reading Chris Klopper’s submissions, was the reaction of joy that the self-proclaimed atheist, Hans Pietersen, the driver behind the case to ban [sic] religion from schools, expressed. He writes the following on Facebook: ‘The heads of argument submitted by SAOU filled me with tears of joy. It is in support of our request for an interdict and completely opposite of what we were expecting. I withdraw any negative remarks I might have made in the past about SAOU and Chris Klopper.’” I don’t need to revisit the lie about OGO’s intentions echoed by Van Dyk, but the reader should by now have come to realise that lying for Jesus is common practice in the Afrikaner establishment. FEDSAS must have plagiarised the values of *Respect*, *Compassion*, *Honesty* and *Integrity* from an outsider.

Note the use of the term 'atheist' as a warning to the faithful. Van Dyk, Colditz and other scaremongers wouldn't consider identifying me as a self-proclaimed Roman Catholic or Judaist, had I been either. But being an atheist, and a self-proclaimed one at that, is reason enough for apprehension. *Capice*, Mr Robinson? I’m sure you do.

Even more disheartening is how the schools then conducted a snap survey of their teachers’ supposed rejection of SAOU’s heads of argument. One educator wrote to me in private explaining how the “anonymous” review was anything but – it required teachers’ names to be filled in. The same was done during Dr Robinson’s research, when some parents even refused to participate

because the questionnaires were not treated confidentially. Teachers, parents and learners alike are intimidated to provide the responses the custodians require.

JUDGEMENT DAY

With respondents delaying every submission, new friends of the court joining every other month and tactics being deployed to postpone, derail or obfuscate the matter having been exhausted, the dawning of the court date almost felt surreal. After nine years the disempowered learners at public schools would finally have their day in court.

My transport arrived late to Johannesburg CBD that Monday. Having departed Stellenbosch late the previous morning I hadn't had time to freshen up, and arrived at the High Court still dressed in my travel attire. Reinhardt Louw was exceptionally kind to travel from Pretoria to meet and drop me at the court, with 50 beautifully printed black OGOD t-shirts that he and Jessi Simon had donated to the cause. A host of friends were waiting for me, including Jani Greeff, Rick Raubenheimer and Emil Wentzel from the South African Secular Society. We gave t-shirts to three appreciative car guards and took a photo that was an immediate hit on Facebook. I changed my shirt amid the small crowd on the sidewalk and my pants in Jani's car, conveniently parked right in front of the court. We handed more shirts to the sizeable crowd of supporters who had come to experience the first day while friends kept seats for us in the gallery of courtroom GC. We were seated well before the ten o' clock demand to rise for the entrance of the judges.

Most of the court proper was filled with legal representatives and file bearers; more than a dozen advocates and almost as many attorneys. The gallery at the rear was filled with a sizeable chunk of OGOD supporters, journalists and a handful of what seemed from the taut expressions on their faces – like bearers of terrible tides – what I assumed to be supporters of the opponents. Paul Colditz looked nifty in a bright blue shirt tucked in a sombre suit. Marius Sullivan and a Section27 photographer were duly authorised and present to capture this “watershed case” in a collection of photographs later posted on our Facebook® page, OGOD – South Africa.

In matters like this the appearances of the applicant, respondent(s) and *amici curiae* before the court are not to argue the case *in toto*. That is done in the affidavits and heads of arguments that are submitted in advance, which the judge(s) work through ahead of the court appearance. Unlike a court appearance where an accused party stands in the dock to defend himself against allegations of wrongdoing, this type of matter is to review claims already submitted. Standing before the judges allows each party to give a final suggestion based on evidence and argument already before them, and allows the judge(s) to question each counsel.

In the OGOD vs Randhart and Others matter, each party could make a final bid to convince the court of its views on religion in public schools. The discussion of what transpired in court over three days that follows therefore doesn't reflect all the arguments in the matter but were pertinent comments and questions based on what had been submitted earlier.

ARGUMENTS DAY 1

On 15 May 1252, 765 years before this case, Pope Innocent IV issued the papal bull *ad extirpanda*, which authorized the torture of heretics during the Medieval Inquisition. On the same day in 1869 Susan Anthony and Elizabeth Stanton founded the National Woman Suffrage Association in New York. We had come a long way.

It was on 15 May 1940 that McDonald's opened its first restaurant in California, which has no bearing on this matter whatsoever.

The judges filed in; first the leading judge, Colin Lamont, followed by judges Willem van der Linde and Thina Siwendu. This procession would be followed every morning, tea and lunch break for the three-day duration of the hearing.

After a short discussion on the time slots for each counsel and the most appropriate sequence we'd follow, the case was officially and successfully opened without scripture reading or prayer. Each judge had copies of the submitted documents and the Constitution, which they consulted regularly. There were no Bibles in sight – Jani brought copies the following day for the photographers to use. Galileo would have been jealous; Giordano Bruno even more so.

Advocate Marais SC opened the proceedings by stipulating that OGO did not want, as was widely alleged by the respondents and media, to have religions, religious observances or religious symbols banned from public schools. Instead, as was clearly indicated in all our papers and my own informal communications, OGO wanted practices that infringed on the Constitution and the National Policy on Religion in Education to be interdicted, which would in effect result in more varied presentations and observances of religions, all of whom should be regarded as equal.

We needed to establish jurisprudence; court opinions that would settle which activities the schools so eagerly participated in were unlawful. The lack of court rulings has been the opponents' back door all the time. Although the Constitution was promulgated in 1996 and the National Policy in 2003, no case law had existed on which parents could rely to prove schools' religion related activities and policies to be unlawful. The verdict of this court would be the first case law to be established with which to hold errant schools accountable, as had already happened in matters of dress code, language and learner pregnancies. History was indeed in the making.

Tellingly, the judges had very few questions for OGO's counsel and only verified our attitude towards the petty. Their pointed questions were reserved for the respondents. If the judges had read most of the material ahead of the court appearance, as I suspect they had, they already knew perfectly well what was really at stake. It wouldn't be that OGO wanted to ban religious activities, but that the schools were complicit in drafting religion policies that violated their learners' constitutional rights. The schools' legal representatives were going to be hard pressed to get their arguments past a bench of three judges.

Advocate Johan Du Toit SC followed, arguing on behalf of the schools. Most of their arguments claimed the school community had a right for its representatives in the school, i.e. the school governing body members, to draft a religion policy that reflected the wishes of said community. OGO agrees with that, of course, except where such policies violate the Constitution, the National Policy or other legislation. This I had proved during my original involvement with the drafting of the religion policy of Stellenbosch Primary in 2009; it was not the fact that their SGB had drafted the policy, but that they refused to bring it in line with the directives of the National Policy. My suspicion at the time was that their refusal was under guidance of their ideological masters, something I can't prove but which reverend Johan van der Merwe, chairman of that SGB at the time, should be able to confirm. Being a reverend I'd expect him to be truthful, though he might have forgotten by now.

The judges repeatedly questioned the various opponents on the fairness of an opt-out system, a theme that would run through all three days. Rational answers to that question evaded the advocates for the schools and *amici* alike. The opponents insisted that non-conforming parents should inform every school that their children would "opt out", disregarding even the wishes and rights of the child. As long as parents informed the schools that they had opted out, the schools

wouldn't be able to resist the request, which seemed to them to afford equal opportunity. But the Constitution demands equitability and voluntary participation, not exclusion on the grounds of religion.

Garsfontein parents were even allowed to excuse their children from Life Orientation classes when other religions were discussed, Dr Robinson had reported. The same pressure is applied when teaching evolution – the child has to be excused, the subject gets muddled with creationism or the topic doesn't get taught at all. There are biology teachers country-wide who refuse to touch on human reproduction and reproductive organs on grounds of their religious conservatism. Apparently this is how Colditz wants teachers to be “blatantly honest” about their religion “without indoctrinating learners”. Hiding parts of the curriculum by “opting out” of the syllabus or using freedom of religion as an excuse to ignore critically important subject matter in your own chosen field were unlikely what the National Policy had in mind. The Opponents' professional opinions ignored these coercive and differentiating practices and focused on character building of the non-Christians and habits of “authentic” Christians instead. But the judges didn't seem too concerned about reports, opinions or the majority's sentiments; eventually the Constitution, through the Schools Act, would hold sway.

The schools declared that learners were coping well under the current system of opting out. “Coping well” wasn't defined, explained or proved, just claimed. This would be the way most claims were handled – if it was stated in court it must be true. The consequences of opting out were not given any consideration. I involuntarily thought back to times when conscripted kids in South Africa's 23-year Border War or the USA's Vietnam War could opt out on the grounds of conscientious objection, and the social consequences that brought. A conscientious objection made public creates a tacky stigma that ruins relationships among peers and family, disparages critical thinking, promotes conformity and belittles divergence and diversity, all contrary to our child-centred and rights-based education objectives. Opting in, as prospective soldiers now do in both South Africa and the USA, carries no such reputational risk.

None of the *amici* managed to respond convincingly to questions from the judges on the practicality of minority kids opting out. One apologetic advocate even tried to evade the issue by proposing that this case is actually about tolerance; that minorities should be equally tolerant of the majority as the majority is of minorities. According to this astonishingly warped logic, minorities should tolerate being dominated and settle for resigning from the schools' schemes.

ARGUMENTS DAY 2

On 16 May 1792 Denmark abolished slave trade and on that day in 1944 the first Hungarian Jews reached Auschwitz.

The presentations on the second day could hardly be regarded as arguments; most were little more than assertions made in apparent desperation, and quoting from the research findings. The day was largely wasted on *amici* trying to convince the judges that secularism stifles diversity, and how putting a damper on religious privilege would cause society to fail. As if it did in Canada, Sweden, Denmark and other remarkably successful secular countries.

It seems the word “secular” has a confounded meaning, or at least that some people would like it to sound ominous so they could scare others. With the Red and Black Perils now part of South Africa's history, the Secular Peril seems to be the new evil kid on the block.

“Secular”, according to the Oxford dictionary (and they should know), is an adjective that means “not connected with religious or spiritual matters”. That's it. It doesn't refer to any connections with Satan, who is a decidedly religious character, or anything anti-religious. It is not a religion

or worldview like Christianity or atheism is; that would be akin to arguing that baldness is a hair colour or abstinence a sexual position. Whereas a church is regarded by some to be a sacred building, a municipal office is a secular one. There may be Bibles or Qurans inside, people may like to pray there on occasion and there are likely to be computer screens adorned with pictures of little fluffy animals and Jesus, but the office space is not dedicated to religion. It is neutral towards religion, not hostile to it.

The court was asked to consider this matter as one of self-determination of communities; in effect, to consider mob rule, or more euphemistically, cultural capitalism. Solidarity argued along such lines, suggesting that culture and religion were “often” so interwoven that they cannot be separated, which supposedly dictates what SGBs are to do. Culture *über alles*.

Some confusion might have arisen by reading the introduction to the National Policy on Religion and Education too superficially. In the minister’s foreword to the Policy we read him stating that “...our country is not a secular state where there is a very strict separation between religion and the state...” Paul Colditz obviously took note of this, because it became a monotonous mantra he would voice at every opportunity with as much gravitas as he could muster, as if he had coined the term “secular” himself. Everything else written about religion in schools in the late minister’s foreword was ignored and he didn’t seem to grasp the importance of punctuation: The introduction excluded the crucial comma that would have given the sentence the meaning Colditz wanted to read into it, had it been printed as “...our country is not a secular state, where there is a very strict separation between religion and the state”. No sir; our country may not be an *anti-religious* secular state, but secular it is. Let’s not apply hermeneutics to law.

Minister Asmal explained that South Africa lies between a theocratic state that is associated with a particular religion and a repressionist version – the word “secular” is notably absent here – where religion is inhibited. In his words, we “...reject both the theocratic model of the religious state, such as the ‘Christian-National’ state in our own history that tried to impose religion in public institutions [ahem!], as well as any repressionist model that would adopt a hostile stance towards religion”. The Constitution clearly allows for religions in schools, but public schools must respect all worldviews equally. They cannot give preference to any majority view and may not enforce any particular religious or “cultural” ethos on learners.

Asmal went further to describe South Africa not as a *separationist* secular state with a clear “wall of separation” (another Colditz nugget) between church and state, but a *co-operative* secular state that allows interaction between state and religion. Distinctly separate spheres are to be established for each, with scope for interaction between the two, even on public school premises, while “...ensuring the protection of citizens from religious discrimination or coercion” where “religious individuals and groups must be assured of their freedom from any state interference with regard to freedom of conscience, religion, thought, belief and opinion.”

Which is why the opposing parties suggested that schools have the right to choose their own religions and feign thought, belief and opinion. I wonder what Stellenbosch Primary was thinking last night? Shall we consider its opinion of the influx of refugees to Europe? Does it contemplate masturbation when the lights are out?

Minister Asmal suggested further that the state (including its public schools) would provide the constitutional guarantee of freedom of religion, “...neither advancing nor inhibiting religion, must assume a position of fairness, informed by a parity of esteem for all religions, and worldviews.” Either Colditz hadn’t read this far or couldn’t quite grasp its meaning. Neither had the *amici*, apparently.

Enforcing secular neutrality towards religions in state institutions cannot remotely be regarded as enforcing a sterile environment devoid of religious symbols and observances. Let's have Christianity in schools, but then on equal footing with Islam, Paganism, Hinduism, Judaism, Buddhism, Humanism, Atheism, Agnosticism and whatever other worldview is common in South Africa and the world. Schools may plaster icons of Christianity and snippets from the Bible on classroom walls but then should do so also for the crescent moon, the smiling Buddha and quotes from the Quran, Vedas and "God Is Not Great" by Christopher Hitchens. I insist, as does our National Policy.

Introductions to policies are merely enlightening, not binding. The Policy continues further to explain the state's role in the religious affairs of its citizens in much more detail. Even lazy school kids should grasp its intentions and directives. And the meat of those directives is described equally simply in a mere 13 paragraphs, with further information on religion education that was uncontested in the case.

Thirteen paragraphs that the opposition either interpreted from "their perspective", or found unconstitutional, or not binding or applicable to them. They seemed to think, as pres Jacob Zuma infamously stated, that they "...have more rights because we are the majority. Absolutely, that's how democracy works." The respondents and *amici* were arguing that it is within their rights to promote a single religion among children, and that doing so is good for learners. But they didn't specify which children they were referring to. Their own research confirmed that enforcing Christianity on the six schools' children weren't equally appreciated.

Adv Du Toit declared that irreligious parents appreciated Christian values in schools because it developed good moral values. One has to wonder what research he relied on. Solidarity argued that provincial legislation trumped national legislation. Another advocate suggested that the Constitution should abide. The judges kept straight faces. Regardless of which acts or policies were regarded as relevant, the #religioninschools matter was about how National Policy and various acts were implemented at schools to ensure protection of all of the learners' constitutional rights.

An argument was made that religion is the only available form of stress coping mechanism available to some of our learners, perhaps considering that 0.5% of South African households are entirely managed by kids. I suppose if hurting small animals prove to be another such mechanism, schools could consider keeping hamsters for their benefit. A straight question from a judge whether the opponents regard it in the interest of children to attend religious schooling drew an equally inadequate response.

Counsel for the opponents were eager to convince the judges of the sizeable majority of Christians in this country, conveniently forgetting the schismatic differences between them. When I had to represent OGOD on SABC's *Umhlobobo Wenene* radio station for example, I had to find an isiZulu speaker, which I did in a young gentleman by the name of Tumi. He is a devout Seventh Day Adventist, a Christian, and still sore from the humiliation and discrimination he had to endure from his fellow Christian brethren during his recent school years. Tumi, like many other Christians, supports the objectives of OGOD and made a perfect Christian representative for our cause.

The defence presented "proof" from a Christian report on data suspiciously extrapolated from earlier research to suggest that 86% of South Africans are Christians and 95% "associate themselves" with Christianity. These are highly dubious claims, perhaps easier to make when advocates no longer swear on the Bible. Christianity, they claimed, had grown tremendously in

South Africa over the past few years, something the churches must find perplexing considering their dwindling numbers. What they didn't mention was how corruption, poverty, unemployment and crime had grown in unison. The religion that claims moral superiority and 86% support has clearly failed our society, not only during apartheid but also after the Mandela era. There is to date no evidence that the Christian morals which the opponents applaud, have benefitted us. Perhaps things would have been worse if fewer inmates had been Christians. Even the Christian apologist prof Christina Landman had to admit that murderers can be from good, church-going Christian stock (*Die Burger*, 19 May 2017).

The last census that specifically asked religious orientation was in 2001. It proved that Christianity was most popular, but that's taking the data at face value. A moderate Christian is closer in religious temperament to a moderate Muslim than a mystic Christian is to Bible-thumping self-claimed prophets like Angus Buchan and Gretha Wiid.

The 2001 census^{xlv} offered some interesting insights: Less than 7% of South Africans belonged to the traditional Afrikaans-speaking protestant Reformed "sister" churches at that time, about 1% less than those belonging to the Pentecostal/Charismatic variants of Christianity. Zionist and Apostolic Christians made up close to 30% of the religious. These churches are not brethren – what one omits from his observances the other considers sufficient reason to be damned.

In 2001 irreligious South Africans weighed in at around 15% of the population, while Muslims, Hindus, Judaists, African Traditionalists and all other non-Christian believers made up less than 5% of the total. That's right: Even though AfriForum and company are eager to bring Islam into the picture when they argue for religious protection, they fail on every occasion to mention non-belief, Christianity's biggest "opposition" in the religion stakes. While only about 1 in 50 South Africans are Muslim, 1 in 7 are irreligious and 1 in 20 avowed atheists. Roughly three times more South Africans regard religion to be unimportant in their lives than the combined number of all followers of non-Christian religions, while Christians are all but uniform in their convictions. Our Protestants only regard the Pope and his followers as Christian when numbers are tallied for statistical purposes.

Unfortunately for the opponents, being of a majority summonses the application of constitutional rights. The Constitution is at pains to defend minorities, especially against those who were privileged in the past, as Christians have clearly been under the previous regime. The opponents were therefore unconvincing, sometimes pathetically so, when they tried to argue why Christianity should still be indulged in state institutions. Those days are gone. Today the rights and beliefs of minorities, including the irreligious, pagans, African Traditionalists and even Satanists are equal to the rights of any Thomas, Luke and Mary.

The irreligious, particularly atheists, secularists and humanists, remain some of the most reviled members of our society, which becomes painfully obvious when one reads the vitriol coming from Christians opposing the constitutional directives and policy. The schools and their supporting organisations frequently refer to me as that "self-avowed" or "militant" atheist, using the term as an indication of poor character, and a violent one at that. Apart from such more mundane nicknames, I've been called everything from the Antichrist to Beelzebub, and apparently smell evil too: "Filth of the World, disciples of Satan. His stench on you betrays you despite all your 'noble' reasons for 'protecting' our children. One day you will die the same way you lived: without hope," wrote one Cobus Swanepoel in the typical expression of Christian love I so often receive. I find such name-calling mostly entertaining; every derogatory name thrown at me strengthens my resolve to beat the fanatics down to the seventh circle of Hades, because I can imagine the effect of religious bullying on a child of another or no faith in a public "Christian" primary school.

Some research findings were highlighted, though no response was given when a judge asked what comparative studies were done at secular schools. Blank faces were similarly drawn when he suggested that it may be superficial to accept the conclusions of Dr Robinson's research if studies of other children at other religious schools didn't corroborate her findings. The opponents hadn't considered the likes of Westerford High^{xlvi} in Newlands. Evidence rests on comprehensive, unbiased research, not claimed academic authority or the cost of the project. The only reasonable conclusion was that Dr Robinson's findings were likely biased and certainly inconclusive.

Cause for Justice argued that the National Policy on Religion and Education wasn't binding on schools. They suggested that OGOD's matter was too broad and went too far, assuming that we wanted religions out of schools. They relied on German case law to support their defence that attending observances should not necessarily be regarded as coercive. OGOD's counsel would give multiple reasons the next day why German case law is inappropriate to South Africa, one of which is its lack of protection of the individual's privacy.

SACftPaPoRRaF suggested that OGOD's case discriminated against the majority and that we had to show evidence of harm. That wasn't necessary, or course – all we needed to show was abuse of learners' rights, which we did, the schools admitted in their affidavits and Dr Robinson's findings corroborated. This *amicus* tried to convince the court that reasonable accommodation is achieved in schools with a singular religious ethos and that opting out was such reasonable accommodation. They claimed that the understanding of the Constitution by the general body of religious institutions was that any public school could set a religious ethos, and that parents had a right of their private ethos being extended to "their" schools. This was surprising coming from people skilled in the art of drawing precise conclusions from long, ancient, labyrinthine texts written in foreign scripts. It served no purpose, they claimed, to "pit learners against each other" on the basis of different religions. They repeated the claim that schools as individual entities have their own right to identity and even tried to get the case thrown out because we supposedly should have taken the matter to the Equality Court instead.

Counsel for AfriForum proposed that the majority, "whether 90% Christian, 90% white or 90% black", could set a majority supported ethos. This is in direct conflict of their mandate that suggest they support "Equal rights and duties of all members of society, with a specific focus on minority community groups", the "cultural and language rights of minority groups", "the right of all members of society to equally benefit from the use and application of public funds generated from or as a result of government tax/income" and "the enforcement of ... legislation for the protection of these rights". Only they will know how they manage to sleep at night.

They even claimed that equality of religions in schools won't promote unity in diversity but diversity to the detriment of everyone, much like proposing that balanced meals would cause widespread malnutrition. They also suggested that each of the 24 000 or so public schools should be dealt with as a particular school with a particular set of learners from that feeder area, as if each school may operate independent of national laws and policies.

They also suggested that schools are juristic persons with rights to identity and of expression through each SGB. There seemed to be a strong echo on this point. Just about every *amicus* also trotted out the "accommodation" defence. It was a long day requiring much patience.

Much of what NASGB argued are supportive of what we had held from the start, for example that a complete absence of religious observances at public schools would be unconstitutional and that the state, through its instruments of education, shouldn't take sides on questions of belief, nor impose religious belief. They agreed that the National Policy highlights a transformation from

education with one set of values to one that now values diversity, that institutions endorsing a particular religion would encourage coercion and that a complete negation of religion would lead to similar problems. They supported our view that the National Policy provides useful guidelines to schools that conform to the Constitution and that it should be used even if it isn't binding, a view repeated the next day by the advocate for CASAC. NASGB presented religion policies from eight different schools across the country that were devised and implemented by SGBs and which, they claimed, conformed to the Constitution. If true, the FEDSAS schools would be well advised to learn from them.

Where NASGB differed from OGOD's view was in their assertion that schools needed to know what religions learners belong to in order to make the arrangements. Asking learners' religious preferences not only falls foul of learner's constitutional right to privacy but is also unnecessary. Requests from qualified institutions in their respective communities would instead indicate to schools which religions wish to be involved – that's the beauty of opting in and voluntary participation. It is not up to the school to arrange religious observances: Instead, qualified religious organisations from each school community may approach them and arrange observances outside normal school activities, which learners from any religious background may then freely choose to attend if they so wish. Therefore the school doesn't need to know which religions students associate with, as interested parties from their communities will approach them, and such parties would have equal access to their premises. It would also allow pupils to attend religious observances with friends of other religions if they wish. This perceptual difference between OGOD and NASGB is not a serious matter in my view, as it is easily corrected with a simple mind shift and hardly any effort. It would in fact make the schools' tasks easier as arrangements for observances would be left in other people's hands, reflect the needs of the community and require smaller investments from the schools. Nothing gave me reason to doubt NASGB's probity, a welcome relief from the cultural shenanigans of others.

A judge made the crucial observation at this point that no school may request or force disclosure of personal information. This much seemed beyond argument already. A child adhering to Religion A may even choose to attend observances of Religion B, as Judge Lamont had suggested the day before. That's exactly what "free and voluntary" means, and not, as Dr Robinson noted in her report on an assembly at Baanbreker Primary: "The learners were asked to stand and to sing a Christian song, 'Do you have oil in your lamp'. The learners stood and sang the song with enthusiasm, and it was evident that the majority of learners participated passionately in singing the Christian song." Such an approach does not offer free and voluntary participation, regardless of the majority's perceived or claimed understanding, nor are all Christians happy about kids singing gospel songs.

The opponents and *amici*, except NASGB, had done their best to get the case dismissed, defend their coercive policies and claim the unconstitutionality of the National Policy, yet eventually only managed to confirm their unrelenting bias towards Protestant supremacy and cultural dominance in public schools.

The day brightened up when the turn of Advocate Matthew Chaskalson SC to argue on behalf of the office of the Minister of Basic Education. He explained why the National Policy was relevant and why the Minister was empowered to implement national policies and laws curbing the powers of SGBs within our constitutional framework. He responded specifically to issues raised around the National Policy and its constitutionality. He explained that only five provisions in the National Policy were binding, that all five of those were in accordance with the Constitution and

that the provisions of the National Policy that are positioned to protect learners' rights are indeed binding.

He emphasised once more that religious observances may be held at state institutions subject to the provisions of the Constitution, but that infringement of religious freedom is inevitable if schools should favour or endorse a particular faith. Public schools are actors and organs of the state and must act accordingly. Favouring a particular religion immediately creates a group of insiders who belong and outsiders who are tolerated. Around 4pm Advocate Chaskalson ended the day's presentations, which he would continue the next morning.

ARGUMENTS DAY 3

On this day in 1900 British troops relieved Mafeking, while 44 years later General Eisenhower would set D-Day for 5 June. On the same day ten years later, the US Supreme Court unanimously ruled for school integration, ending racially segregated schools in that country. The decision overturned the 1896 decision that proclaimed a doctrine of "separate but equal", which briefly featured in the South African 'tricameral' parliament system around the 1980's. On 17 May 2000 two former Ku Klux Klan members surrendered to police, charged for the bombing of a church 37 years earlier that had killed four young girls. The defence of racial supremacy and religious domination has palpable similarities.

The last day of the court proceedings was less tedious than the earlier two. Conrad Kotze brought his two children to experience "their" case being argued. They left as proud owners of OGDOD t-shirts and I received hugs.

Advocate Chaskalson SC continued his delivery confirming the legality of the National Policy. He reiterated that religious instruction may in no way be part of the formal school programme. Where religious observances were to be part of a school day, such events must reflect the multi-religious nature of the country and not just of the particular community in which the school is situated. Schools may not endorse a particular religion and the state cannot allow unfair access to its limited public resources. Schools may allow religious observances, he confirmed, subject to the constitutional principle of equality.

The assembly practices at Garsfontein fall foul of this directive. As Dr Robinson observed in her research report about the school: "As the learners entered the school hall, Christian songs were played through the sound system." That's unlawful. Children who would be "accommodated" by opting out would miss equal enjoyment of the school's infrastructure for no reason other than being of another faith, while playing non-religious music during assembly wouldn't harm anyone. They could of course intersperse Christian songs with Islamic, Hindi and other spiritual songs to make such events equitable, but hell would no doubt freeze over first. Baanbeker Primary goes even further and subjects its learners to formal Bible Study classes. They might as well put a middle finger on their coat of arms.

Advocate Chaskalson refuted the schools' claim that provincial policies would override national policy: National policies and laws must apply nationally by definition. He reminded the court that Section 146 of the Constitution allows for national law to override provincial law when there is a conflict for the promotion of equal opportunity and access to government services. Any National Act would always override Provincial Acts in case of conflicts.

Advocate dr Adila Hassim, cofounder of Section27, connected more dots on behalf of CASAC. She accepted that a policy is not equal to a law but that this didn't mean that policies may be ignored. She argued that the members of the South African executive, heads of departments and principals must take heed of the national policy when making school rules. She acknowledged

Section 16 of the Schools Act that empower principals to assist SGBs to perform executive functions but pointed out that those can't be in conflict with the heads of departments, law or policy. Powers of the SGB do not exist in a vacuum and must comply with the National Policy because SGBs represent organs of the state; they are duty bound to give effect to state policy. She again confirmed that our Constitution demands that no state institution, including but not limited to public schools, may endorse a particular religion, be it through mission statement, ethos or otherwise. Any preference of one religion over others undermine the values of the Constitution and any offer to "opt out" may influence or act as compulsion for people to comply. My critique of Stellenbosch Primary's religion policy was vindicated.

While advocates Chaskalson and Hassim were presenting, counsel D'Oliviera on the opponents' team tweeted requests for thoughts and prayers from supporters.

Judge Lamont gave the respondents a chance to reply to the advocates for the Minister and CASAC. The opponents alleged the two had misinterpreted the Schools Act Section 23 and that SGBs are not organs of the state. According to their interpretation, SGBs operated outside of the state's obligations and need not follow the National Policy, as if the SGBs gave schools permission to do as they please on religious matters. They seemed to believe themselves.

RETURN OF THE JEDI

At last advocate Hendrik van Nieuwenhuizen had the final say, the customary opportunity to reply and respond to the opponents' arguments. The courtroom benches were packed by now, with only standing room available, and the majority of visitors were dressed in OGOD shirts. Van Nieuwenhuizen was the person who had worked hardest on this matter. I would have applauded him if I were allowed to. Despite a sore throat and little rest the night before he responded on OGOD's behalf to the unconvincing arguments the opponents had tried to make.

Among his replies were multiple reasons why German courts' verdicts, which the opponents and especially CFJ had referenced repeatedly, were inappropriate in our country. But the most astute epiphany he had had the night before was that the opposition had focused on Article 15(2) of the Constitution, which protected pupils' rights to observances held on school premises. This clause had never been contentious. OGOD had been in agreement all along that "Religious observances may be conducted at state or state-aided institutions, provided that those observances follow rules made by the appropriate public authorities, they are conducted on an equitable basis, and attendance at them is free and voluntary." The opponents' fight to "keep religion in schools" had been nothing but futile barking up a desolate tree, or perhaps deliberate fearmongering. Might the end have justified the means? We may never know for sure.

OGOD and I have been of the opinion and supported the idea that public schools may entertain religious observances in the manner that clause 15(2) circumscribes. Our action against the schools' conduct revolved around clauses 9, 14 and 15(1) – the constitutional directives defending the *other* rights of learners, which we claimed they were transgressing and no school or SGB may choose to opt out of:

- **Everyone** is equal before the law and has the right to equal protection and benefit of the law (Clause 9),
- **Everyone** has a right to privacy (Clause 14),
- **Everyone** has an equal right to freedom of conscience, religion, thought, belief and opinion (Clause 15(1)).

The matter was decidedly not about what majorities wanted or professionals opined but about every single learner's right to equal enjoyment of rights and state benefits, a right to privacy and the right to be religious or not in any way, without being treated like a Vespa rider at a Buffalo Rally.

OGOD had always been in support of religious observances, arranged by others and held *at* public schools – it helps learners understand their peers and future associates. We only ever objected to observance being arranged *by* public schools as instruments of the state, for obvious reasons. The implication of this clause, ignored or denied by the opponents up till then, is that no public school staff member or pupil may open a class, sports event or staff meeting with any form of religious observance, for then the school as instrument of the state becomes complicit in the arrangement of such acts. Planning such events must instead be left to appropriate and vetted organisations from the community, and anyone attending these events must do so freely, voluntarily, without coercion, without having to divulge her beliefs and outside the school's schedule. It's really that simple.

And so it came to pass that, on the last day of the court appearance, with the assistance of our legal counsel and almost three years after submitting their notice to oppose, the respondents seemed to realise, or at least came to admit, that they had been fixated on a red herring of their own making all the time. Moreover, the opponents' research findings and professional opinions had come to naught. The case rested only on pupils' entrenched constitutional rights and not the fears, academic opinions, limited research results or what the majority wants. Their research findings even confirmed our original claims. I shudder to think AfriForum had ordered the research just to buy time, perhaps hoping my advisors or I would throw in the towel.

Tails quickly sought the company of legs. The genie was finally out of the bottle – the opponents were not really concerned about minority rights or the “voice of the child” but were apparently defending cultural nepotism in public schools. Tellingly, OGOD was then blamed for changing the charges against the schools halfway through the court case, as if that was even possible.

As the High Court closed for the day Advocate Badenhorst of FoRSA wrote: “The schools (supported by various “friends of the court”) have put up a solid case based on established case law, but there's no telling what the judges might decide. Appreciate all your prayers and messages during this time – have truly félt your love and support! And thank you, Lord, for Your amazing, unfailing grace!” The wait to see what God's amazing, unfailing grace would bring us had started.

PURGATORY

When Advocate Chaskalson SC unexpectedly extended his hand to me immediately after the proceedings I was simultaneously surprised and deeply honoured. He only smiled but his gesture suggested that he had noticed and acknowledged my impersonation of David against Goliath.

I didn't want to go home but had to tear myself away from friends – some old, some new, all deeper treasured – and return to home, family and business on the other side of the tunnel, to the 'Old Country'. The long wait for the verdict had begun. Sidney Olivier referred to this period as "waiting for OGODT", a pun likely wasted on many. Expectations were that the verdict could take eight weeks or more, but we had no way of knowing. I left shortly after the court doors closed and arrived home safely the next morning. Clearly God wasn't going to thwart my dream to taste victory just yet.

More interviews awaited. I missed some due to late notifications but realised that people who still didn't know about the case, or what we had actually asked for, probably don't have any vested interests in our country's basic education system. The judges' findings would be more important than another round of explanations.

I was tired. I slept well on the way back and even more so when home, but the following Tuesday, after a brief appearance on SABC Newsroom, I felt like the other bunny in the battery advert. I drove home in a daze and fell asleep for five hours.

I'm sure I wasn't the only exhausted one. A week earlier Adv Van Nieuwenhuizen had practically worked through the night to prepare for the following days, and his associates probably also had limited sleep. It was a small team of people on whose few shoulders the responsibility for driving this matter had rested. We received donations but we hadn't received a R2m handout or had our legal workload divided among dozens of legal professionals. I saw Adv Van Nieuwenhuizen's *pro bono* "invoice" showing hundreds of hours of work, many clocked while burning midnight oil, and all charged at nil Rand per hour. The respondents' advocates were coining it. Our team deserved admiration and I can only hope their families will forgive their many weeks of dedicated effort, and that their work will eventually be repaid in reputation. Standing up for minorities against well-funded organisations is one thing, but it is quite another representing disliked minorities without compensation.

Still, we had every reason to be proud. We were confident that the outcome would be principally in our favour even if there were smaller issues that might be seen as too niggly to spend effort on addressing. What purpose would it for example serve to have a secular school's saintly name changed? All we really wanted were equitability for all religions and respect for every learner's dignity and privacy, as demanded by our Constitution. There is no reason for the High Court to deny our pupils their rights. The vast majority of the 59 offending practices we had identified were sure to be interdicted by the outcome.

Following our court appearance, Baanbreker Primary published a circular with notes about the case. It fibbed for the Father once more by stating that OGOD had asked the court to ban all religious activities from schools; obviously the writer thereof either hadn't been informed properly or deliberately misinformed his readers. The letter concluded with the express statement that the status quo would be maintained until the verdict was made known, meaning they would continue privileging Protestantism and "accommodating" others. One for the road, I thought. We know what risks drunk driving holds.

It became obvious how schools would make use of the quiet period before the verdict to show their true colours. In a staged act of defiance, or what looked more like a desperate last attempt to get a leg over, they arranged prayer days, celebration days, flying-without-wings days and such during the week following the court case, on a day no longer reserved as a formal national holiday (holy-day) in South African. Many a public school had Something Big planned for Ascension Day on 25 May, when Christians celebrate the return of Jesus to heaven, most of them ignorant that Mohammad (PBUH) and a surprising number of other holies had done so too. And to ensure pupils attended these events, some schools were sly enough to arrange a curriculum test before commencement of the coerced religious observance.

At Northcliff High a learner unveiled her license to wear a hijab, which many likened to black citizens carrying a “*dompas*” when travelling to or from white residential areas during apartheid. Impala Primary in Kempton Park claimed to be the “largest Christian Afrikaans primary school”, declaring Christianity as one of their five foundational pillars and rising to the top of our hit list. Clearly schools had a learning curve ahead of them. Perhaps FEDSAS could devise another program to assist them to conform to legal requirements.

It will be the last year schools get away with misaligning their policies with the Constitution and National Policy; soon their principals would be held accountable to the High Court verdict. Just like schools’ resistance against the language, privacy and cultural rights of others had made the rest of the country weary of their feigned persecution, their sly manoeuvres are also making more and more members of the public aware and disrespectful of their hidden agendas.

The waiting period between the court appearance and the verdict had its frivolous moments too. On the evening of 24 May, social media buzzed with a message that the “Case in Bloemfontein High Court TO KEEP Christianity in Schools is (sic) concluded today. Christians have won the Case. Glory to God!”. The message seems to have originated on the Facebook profile of one Riekie Erasmus of Gauteng who was apparently schooled in Potchefstroom, the heartland of afrikaner-calvinism. By early the next morning this titbit of fake news had spawned thousands of blissful shares, and countless copies had made the gullible ecstatic. The abundance of responses, richly peppered with “Praise the Lord” and “Amen”, were predictably affirmative of the omnipotence of God and a lack of scepticism. A few believers sent me sarcastic messages, only to whimper away on my response. The case wasn’t even heard in Bloemfontein; someone had merely, and successfully, tested the naiveté of the faithful masses. It becomes clear why charismatic preachers can spray insect killer in their followers’ faces or make them drink fuel; it’s just too easy to dupe the credulous.

THE VERDICT

On 28 June 1914 Archduke Franz Ferdinand of Austria and his wife were assassinated in Sarajevo by a Serb nationalist, sparking a chain of events that would trigger WWI. Exactly five years later the Treaty of Versailles was signed, prompting John Maynard Keynes to predict that the harsh terms would lead to the economic collapse of Germany, with likely serious consequences for the world. He was right – it led to WWII. This date in 1965 saw the first US offensive in Vietnam and during a boxing match in 1997 Mike Tyson bit Evander Holyfield's ear off.

Attorney Kevin Hyde called me on a cold winter morning to tell me the ruling will be handed down at 11:00 the following day, 28 June. I could hardly contain my excitement. Messages started coming in from all over, mostly in celebration. I was in the Cape Town CBD at the time so couldn't read the document that Kevin had sent me and had to field four or five impromptu interviews while travelling, but I was assured that the court had sent a clear message regarding sectarian apartheid.

To better understand the verdict the reader should first consider our Notice of Motion (NoM) of 2014, which starts with the following text:

KINDLY TAKE NOTICE that the above Applicant intends making application to the above Honourable Court for an order in the following terms (emphasis added for explanatory purposes):

1. **That it be declared that it is:**

- a. **a breach of the National Policy** on Religion and Education published:
 - i. under GN 1307 in GG 25459 of September 2003;
 - ii. in terms of Section 3(4) of the National Educational Policy Act 27 of 1996; **and/or**
- b. **unconstitutional,**
for any public school, as defined in terms of the South African Schools Act 84 of 1996, to:
 - 1.1 **promote or to allow its staff to promote adherence to only one or predominantly one religion during its religion school activities;**
 - 1.2 **holdout that it promotes the interests of any religion;**
 - 1.3 aligned or associate itself with any religion;
 - 1.4 require any learner, either directly or indirectly, to disclose:
 - 1.4.1 whether or not such learner adheres to any religion;
 - 1.4.2 to which religion, if any, the learner adheres;
 - 1.5 maintain any record of the religion, if any, to which learners adhere;
 - 1.6 segregate or permit the segregation of learners on the basis of religious adherence;
 - 1.7 commit or permit any conduct referred to in prayer 2 infra;

2. **Interdicting and restraining:**

- 2.1 The First Respondent from:
 - 2.1.1 holding itself out or recording to have the purpose of the development of the complete learner to the honour of [the Christian] God on all spheres of life, amongst others, the religious, moral, intellectual, aesthetic, social and physical;
 - 2.1.2 advertising or holding itself out as a Christian school;
 - 2.1.3 requiring pupils or learners to subscribe to Christianity or endorse the First Respondent as a school with a Christian character;
 - 2.1.4 recording that its school badge represents:
 - 2.1.4.1 the holy trinity with a point symbolising belief in God;
 - 2.1.4.2 the central idea of belief that Laerskool Randhart as a Christian institution should convey to its learners;

- 2.1.5 recording its motto as “*Ons Glo*” (We Believe);
- 2.1.6 rendering religious instruction;

[For the sake of brevity I omit sections 2.2 to 2.6, which are in similar vein but relate to the other five schools, and of which the detail isn’t important for our purposes here]

- 3. No order as to costs;
- 4. Further and/or alternative relief.

OGOD’s NoM was accompanied by affidavits and supporting documents, the detail of which is superfluous for this discussion.

The outcome of the matter in the High Court is detailed and available on the internet^{xlvii}. The conclusion was mixed. Due to the principle of subsidiarity, the SGBs not being joined and the relevant school policies not being addressed in detail the court refused to take a stand on the privacy issue and our specific requests for the indictment of the schools’ transgressions. It did not imply that the activities we had listed were lawful or our requests for relief immaterial, but that other ways would be required to address them, according to the judge. I quote passages verbatim for further discussion, with emphases added:

“[3] The relief claimed in the amended notice of motion falls into two sets of prayers. Prayer 1 and its subparagraphs are for declarations, and prayer 2 and its subparagraphs are for seventy-one final interdicts. Prayer 1 sets out six main declarations, and ends by **incorporating all seventy-one interdicts listed in prayer 2** against the respondent schools as part of the prayer 1 declarations.”

Noteworthy is that all 71 of these prayers, or requests to the court, are summarised in the first prayer, which means that any finding on the first prayer has a direct bearing on the 71 interdicts listed in prayer 2.

The first prayer is summarised as follows, to which I add numbers in curly brackets: “[4] The six main declarations seek to have declared as a breach of the National Religion Policy and as unconstitutional a range of defined propositions, including {1} promoting only one religion in favour of others; {2} associating itself with any particular religion; {3} requiring of a learner to disclose (to the school) adherence to any particular religion; and {4} permitting religious observances during school programs on the basis that a learner may elect to opt out.” The rest of the text is omitted here for brevity.

After a lengthy set of arguments and statements the court comes to the following decision in its final paragraph (**emphasis added**):

[102] In the circumstances we issue the following order:

- (a) **It is declared that it offends ... the Schools Act ... for a public school**
 - (i) **to promote or allow its staff to promote that it, as a public school, adheres to only one or predominantly only one religion to the exclusion of others;** and
 - (ii) **to hold out that it promotes the interests of any one religion in favour of others.**
- (b) The remainder of the relief claimed is refused.
- (c) There is no order as to costs.

Subparagraphs 1.1 and 1.2 from our Notion of Motion clearly parallel subparagraphs 102(a)(i) and 102(a)(ii) of the relief granted.

The court order describes in technical detail why the requested interdictory relief (our paragraphs 2.1 to 2.6 in the Notice of Motion) were not granted. It also states in paragraph 102(b) that the remainder of the relief claimed is refused, and that no orders regarding costs are made.

Following the verdict many rejoiced for the wrong reason, thinking we had only received condonation for “two of the 77” requests, either failing to understand how the verdict was structured or perhaps deliberately concealing the full implication of the outcome. The devil lies in the detail.

We had reflected what we had considered to be offensive practices at the various schools in a list that was captured in our press release, attached as an appendix. Those examples were grouped under headings that formed the bases of our NoM. As an example, consider the following items from the press release: (2) **Advertising** or holding themselves to support specific religions; (13) **Publicising** that faith formed part of its vision, mission and ethos; (39) **Advertising** that pupils had “given their hearts” to a deity; (47) **Promoting** that it has a principal and personnel who illustrated that they were pious; (48) **Promoting** that many learners were ecclesiastically integrated with youth groups and that they lived their religion to the full; (49) **Publishing**, having or condoning religious authors’ work, sermons or lectures; (50) **Advertising** and promoting itself as a religious school; and (56) **Advertising** that it is a religiously founded school.

The court found that “**to promote or allow its staff to promote that it, as a public school, adheres to only one or predominantly only one religion to the exclusion of others**” is unlawful, and to the extent that the above expressions are tied to a single religion, all eight these items are declared as unlawful. “We remain concerned ... about the first issue, that of single faith branding; or, perhaps less secularly put, that of holding out that a public school endorses one particular religion to the exclusion of others. This issue is pertinently raised in those terms in the very first two declarations sought by the applicant,” the court found. And those very first two declarations were granted..

No interdict was granted against the individual practices. The court justified this decision on the basis of lower-rung remedies being available, and considered the MEC’s powers to reject or insist on an amended religious policy to be such an alternative remedy.

Fortunately Section 7 of the Schools Act reflects the pertinent section of the Constitution: “[29] The correlation here with s.15(2) of the Constitution is self-evident. In principle therefore, certainly as far as “religious observances” are concerned, the pathway to potential constitutional unlawfulness of the impugned conduct must, on the principle of subsidiarity, pass through s.7 of the Schools Act before s.15(2) of the Constitution may be invoked directly.” This allowed the court to judge on parts of the matter by invoking the Schools Act instead of the Constitution directly. The court therefore could confirm the unlawfulness of all the diverse practices we had listed, summarised in our first prayer. The verdict then also doesn’t condone any of the other practices, for example concerning learners’ privacy, but only that the court wouldn’t rule on them because of the subsidiarity principle. Respectfully, we don’t agree with the court’s argument on this, but in such matters one doesn’t get to raise a hand and request a re-examination.

There were other sections and arguments in the verdict that were puzzling, but to discuss the detail here would be premature and overly technical. The future remains pregnant with litigation potential.

Solidarity and SAOU were quick to pretend that nothing had changed, and that they had practically won the matter. FEDSAS even claimed that had they opposed the removal of “any form of religious observance from the school terrain”, pretending that OGO had suggested that. More cautious articles in the press, notably the foreign media, showed that others had sat up and noticed. But nothing materially was bound to happen for a few weeks at least, as the verdict had been handed down just before the winter school vacation and court recess, so everyone associated

with education were preparing for their customary hibernation. We granted the opposing parties till 5 August 2017 to give notice of leave to appeal and on 3 July placed them on record that their public relations effort was misleading and dangerous.

The antagonists were highly economical with the truth, not only insinuating that “only two of our 77 prayers” were answered (pardon the pun), but also that they had “won” the right to retain religion in schools – nothing new – and that nothing materially had changed. It becomes obvious why there are tens of thousands of denominations of Christianity – people don’t read properly what’s in front of them.

Claims were even made that public schools belong to the SGB’s, not the state, or that schools may be sectarian – more lies for Jesus. But this is what the verdict said: “[40] The interface with the department is important. ... education at public schools is the responsibility of a tripartite partnership made up of the SGBs, the provincial and the national departments:

"[56] An overarching design of the Act is that public schools are run by three crucial partners. The national government is represented by the Minister, whose primary role is to set uniform norms and standards for public schools. The provincial government acts through the MEC for Education who bears the obligation to establish and provide public schools and, together with the Head of the Provincial Department of Education, **exercises executive control over public schools through principals**. Parents of the learners and members of the community in which the school is located are represented in the school governing body - which exercises defined autonomy over **some** of the domestic affairs of the school.

“[41] This interface is evident not only in the MEC's oversight function relative to the contents of the religious policy, but also in the oversight function generally conferred on the HOD in respect of SGBs.”

“[43] Fourth, the religious policy must be developed having due regard to the need to develop a national, democratic respect for this country's diverse cultural and religious traditions; and it must respect freedom of conscience and of religion.”

Schools should further be reminded that “[33] Oversight of a SGB rests with the HOD **who may withdraw a function of a SGB**, or when the SGB has failed to perform functions allocated to it in terms of the Schools Act, appoint someone else to perform it.” The caveat is that the HOD and MEC should not be unduly influenced by plotting evangelists, as has been whispered to me. Such infiltration would lead to the capturing of our education responsibility by wily crusaders. Be vigilant; we all know what has happened to other state institutions over the past decade. Observe who meets with whom and why, and how state representatives conduct themselves in matters regarding religions in schools.

As for siding with a specific religion, we read: “[92] ...whether a public school may hold out that it has adopted one religion to the exclusion of others, we suggest the answer is No, for these reasons: First, feeder communities continually evolve, and must be encouraged to evolve, given an unnatural residential demographic configuration that has resulted from historic laws that were racially skewed.

“[93] Second, take the case of the minority religion (or non-religion) affiliated learner who, driven by economic and other circumstances to have no choice in the matter, attends a school that has adopted an ethos based on a religion not only other than her own, but exclusionary of her own. Even accepting the existence of SGB rules that make non-attendance at religious observances voluntary and substantively free and fair, does the fact that the school holds itself out as

subscribing to the ethos of a religion different from and exclusionary of hers, likely inculcate a sense of inferior differentness in her? ...[W]e think it could.

“[94] But whether or not a particular learner could be or is affected, the Gauteng Act expressly provides that the religious policy of a public school must be developed within a framework that accepts that the education process should aim at the development of a national, democratic respect of our country's diverse cultural and religious traditions, and that accepts that freedom of conscience and of religion must be respected at all public schools.

“[95] ... in this country our diversity is celebrated, not tolerated.

“[96] Third, accepting as one must, that **the SGB rules must provide equitably for all faiths (given present and evolving future demographics)**, would the adoption of a single faith brand that excludes others not misrepresent the legally required position? That learners of all faiths are (should be) welcome? We think it would.

“[101] ...neither an SGB nor a public school may lawfully hold out that it subscribes to only a single particular religion to the exclusion of others.” I rest my case, your Honour.

We had more reason for celebration. Regarding the National Policy, the court found that “the National Religion Policy ... has intra-governmental force as a policy direction, and in that regard it will legitimately inform the MEC and HOD in their assessment of SGB's laws insofar as they deal with religious policies, mission statements, and codes of conduct. The ample reach of its language appropriately affords accommodation of the potentially wide variety of religious practices that could legitimately be permitted at public schools.” The opponents miraculously started praising the virtues of the National Policy – which they had earlier laughed off as irrelevant – as if they'd suddenly found it on the back of their breakfast cereal boxes. Langenhoven Gimnasium in Oudtshoorn quietly obliterated the stark Christian cross on an outside wall.

SGB policies must comply with the National Policy. Another Colditz claim was laid to rest. We remain painfully aware of the effect an unresponsive MEC will have on rejecting unlawful policies, a weakness that FEDSAS and others might wish to exploit as they had exploited the earlier lack of case law.

Although the court order didn't reach as far as we'd hoped, we had kicked open the jammed hatch, raised public awareness on the issues, placed the National Policy “on the map” so to speak, focused the education establishment's attention on unlawful practices and the underperforming role of the MEC, identified key pressure points, exposed the regressive forces and laid the foundation for corrective actions. In its verdict the court even subtly suggested how to proceed: “...given the absence of the SGBs as joined parties - this court would not be able to make an order against them, **such as requiring them to resubmit their religious policies to the MEC.**” Parents may therefore already demand of the SGB of their schools to review offending religion policies and where necessary, resubmit those to their MEC's for approval, but that is likely to be a slow, laborious effort through unresponsive gatekeepers.

A simpler way would be to request redress from the Minister of Basic Education's local representative, the school principal. Where the religion policy or conduct of employees at any public school is in conflict with the verdict, parents should notify their school's principal in writing without delay, state their case with concrete examples and references to the High Court verdict, and demand that the principal corrects the issue within a reasonable timeframe before escalating the matter to the MEC. Examples of transgression would include any form of the promotion (“*bevordering*”) of one religion over others **or of faith over non-belief**, including any sign

or printed matter on the premises only referring to “God” or Jesus”, similar references on web sites, prayers in classes or over intercom systems, teaching of Christian creation myths while excluding others, praying to the Christian god on sports fields, suggesting that learners take Bibles on school camps, etc. – see our annexed press release for further examples. Case law has now been established. If attention needs to be given to the school's religion policy the principal can address such with the SGB in good time, without delaying corrective actions that are in contempt of the court order. Forget about friendly meetings and open door policies – those invariably morph into “no parent has complained to us before” excuses. Write or send an email instead, make sure of your facts, add photographic or recorded evidence (cell phones are wonderfully convenient nowadays), date everything, copy your school district's HOD^{xlvi} on the communication, insist on **written** responses within reasonable timeframes, and keep a paper trail. Communicate in English to enable easy escalation of your grievance to the MEC and courts. Pay particular attention to any form of victimisation of your child in response to your enquiry, as this will strengthen your case and weaken your principal's future career opportunities. Remember that your school's principal should serve you, and the SGB to represent you regardless of your worldview. Neither may rebuff or bully you, nor are they to collude against you. And if you need legal assistance, email Kevin Hyde Attorneys at kevin@kva.co.za.

The judges touched on South Africa being a secular state but were unspecific. Paragraph 95 of the verdict mentions “... a twin theme often raised during argument, and accepted by all, namely first, that we are not a secular State and, second, that in this country our diversity is celebrated, not tolerated”, but it wasn't clear who the “all” were who accepted that we supposedly aren't a secular country. Our Constitution doesn't describe us as secular, yet we are widely regarded by others as such, and in practice we fit the definition. The verdict states for example that “[22] ... in view of the diversity of our nation - one of neutrality and even-handedness; the State should not be seen to be picking sides in matters religion, neither vis-a-vis "non-believers", nor vis-a-vis other religions.” This statement not only underlines the secular nature of our state, but also reminds parents that no school may suggest that religion underpins its values or ethos in any manner whatsoever, be it a specific religion or religion in general. Doing so would alienate the significant 15% of citizens who successfully navigate life without recourse to faith and neglect the command to celebrate our diversity. We do not have a uniformly religious society and no religion, or even religion as a whole, may be privileged.

If the state apparatus – including public school appointees – has difficulty embracing your child's religion or lack thereof, demand from your principal and HOD to correct the matter immediately. And if anyone dares label your sceptic child – who perhaps won't “show respect” by refusing to close her eyes while devotees pray – as a rebel or troublemaker, report the principal to your HOD and MEC. It's his duty to prevent this from ever happening, just as it is his duty to ensure your child is never subjected to corporal punishment.

The SGB has clearly defined duties and must operate within the confines of the law and policies. That much is dictated in the Schools Act^{xlix} and the HOD has the power to intervene if they don't perform. You also have a right to be involved in the affairs of the school. You may for example request that your school's SGB co-opt someone accepting of your creed, be it Paganism, atheism or other, to ensure they represent not only you but the demographics of our national society. Similarly, the principal is bound by the Schools Act for “...the implementation of policy and legislation” – inducing the National Policy – and to actively “inform the governing body about policy and legislation”, and should be demoted if underperforming. If neither party respects your rights, report them both. They're not untouchable, and case law has now been established.

The state, its institutions and its paid agents are bound by the Constitution and Schools Act to respect your religion or lack thereof as much as they respect their own, but nothing in our Constitution requires of you to respect afrikaner-calvinism or tolerate proselytizing teachers. Give them the hell they deserve.

THE INDICTMENT

Our children are the next generation. This is more than a trite remark, for it underlines the need to prepare them for a future that will no doubt be different from our past, and not frighten them with ghosts from ancient history in the process. Regardless of the opinions of parents, children must, by necessity, be prepared for a more integrated, more globalised, more multicultural and a socially and technologically more advanced future. Up until 1900 human knowledge doubled every century and by the end of WWII, every 25 years. By now it doubles every 13 months, and the pace may soon be measured in hours.

It takes time for new knowledge to reach our textbooks, time to educate the next generation and time for them to find their place in the workforce of tomorrow. To prepare them for anything less than a more knowledgeable and developed future world is to do them a gross disservice. To hide knowledge from a learner is to amputate his mind – the basics, including evolution, need to be imparted and understood if they wish to fit in the future world. Our educational objective is very simple: Teach our children everything we know, but none of our fears.

There are no doubt conservatives in every demographic group – I've been branded as Satanist by an English-speaking black person on SAFM too – and it is their right, as it is everybody else's, to think, believe and be religious in their chosen way. But all parents, and our country as a whole, need to prepare our children for a different, informed, faster-paced future, and therefore carry the responsibility to educate them without inhibition. Religion and culture should be enablers, not suppressors. We don't need any more stubbornly ignorant, backward-thinking, wilfully ignorant citizens. They are already in oversupply.

Drawing conclusions from my experience with this matter almost forced the realisation on me as a parent that I had made the wrong decision by enrolling our children in an Afrikaans school. It is true that children taught in their home language fare better in subjects requiring analytical thought. It is therefore easy to conclude that our kids, growing up in an Afrikaans home, would fare better in an Afrikaans primary school than one of any other language. Yet it is also abundantly clear that it was largely the predominantly 'Christian' Afrikaans schools who refused to accept the Constitutional imperatives of our country. The NASGB, CASAC and the Minister's counsels had argued intelligently and decisively for schooling according to the principles, if not the letter, of the National Policy. It was the opposing, manifestly 'Christian' Afrikaans schools who used every possible argument, regardless how far-fetched, banal, moth-eaten and stupid it was, to protect the still prevalent Protestant hegemony of the defunct Broederbond and its disgraced afrikaner-calvinist creed.

Unfortunately, due to the schools' poorly disguised cultural industrialism, "the Afrikaner" is now suffering yet another reputational blow. His Reformed Christianity might rightfully soon be regarded as the *religion* of the oppressor. Solidarity's siding with a politically suspect segment of society does nothing to bridge our cultural divides, while AfriForum's claim of isolation may yet become a self-fulfilling prophesy, the result of the cultural entrepreneurs' own agendas and a grave they have been digging for Afrikaans themselves. When Breyten Breytenbach and Theuns Eloff lament the demise of Afrikaans at universities they should search for cause within their own culture, not "Mazi" language policies. Another *Oom* Paul might consider retiring to foreign lands.

The Afrikaner ethos safeguarded by the cultural entrepreneurs might also rightfully be regarded as the *culture* of the oppressor. That would be the case if culture and religion is as intertwined as the opposition had claimed, and the religion in question remains the quasi-Calvinist Christianity

of Vorster and Colditz. It were they who steadfastly refused to have our children, the future generation, collectively exposed to current knowledge and social experiences. It were they who wanted to keep education below the Genesis ceiling and send ever more ignorant and culturally naive clones into the future world. And it were the emotive, tithe-gathering, ingenuous Pharisees who hung from their pockets, gleefully exploiting the opportunity to extort the naïve. Every other religion in South Africa must be dismayed watching this circus.

I should have brought my children up English-speaking, and enrolled them in modern, future-focused institutions. My bad.

We live in the Western Cape, one of nine South African provinces. It has the most highly skilled workforce of any African region, the highest school graduation rate in the country, the lowest levels of racial tensions in the country and the highest percentage of degreed adults. The province is predominantly (50%) Afrikaans-speaking despite only 17% of the population being white. Here we speak the respectful Afrikaans of Pannevis and Langenhoven who inspired me to love the language. We don't preach the oppressive Afrikaans of Vorster and the 1974 Afrikaans medium decree that inspired the 1976 Soweto uprising, when Afrikaans was dubbed the *language* of the oppressor. Yet the grip on our Afrikaans schools held by the cultural capitalists from Bloemfontein and Pretoria still constrains our local education, exacerbated by the gleeful opportunism of simple-minded zealots. Folk leaders like Paul Colditz, Kallie Kriel, Jaco Deacon, Cassie Aucamp, Danie Goosen, Freek Robinson and other patriarchs of the orthodoxy need to concede that the most successful cultures of the world today include the decidedly secular UK, Japan and South Korea, and reconsider their old-school cultural agenda. Your CNE dream has been humiliated and our children can't afford to walk backwards into the future. Abandon your *ossewaens* – we need the wood.

THE FUTURE

Cultural supremacists and scrounging evangelists dread their shrinking jurisdiction and easy access to receptive pupils on the harvest fields of our public schools. The High Court verdict has cramped their control and denied them easy access, and will force them to win hearts and minds either in the privacy of their homes and churches or in the public sphere where they are openly – some would say 'militantly' – challenged by dissenters. But this case won't be the end of their efforts; that much we know from similar cases globally and from the stubbornness of our patriarchs. We have to think long-term.

Societies do not change overnight, doubly so where religious fervour festers, personal safety lacks and supremacists were nurtured under CNE apartheid. South Africa has pressing social and structural problems, and we must press forward. Although some parents may feel a more urgent need to have their issues in the education system solved soon, it's difficult to accelerate the pace of change beyond what the slowest can cope with¹. We've seen the tide turn over the past nine years, and given time, it will gather force. Progress is inevitable.

What is beyond dispute is that religions and godless worldviews alike are all equal in the eyes of South African law. Learners, including minorities and the sizable percentage of irreligious, must be treated equally and with constitutional respect, and the Department of Education will have to carry its responsibility. The 20% non-Christians will no longer be The Other that are reluctantly "accommodated" in coercive sectarian schools.

The crusade for religious privilege in South African public schools will persist long after the last gavel was struck. It's in the nature of those with vested interests, and more so for those who

imagine their cultural survival depends on continuing the Old Ways. We will need to be vigilant and keep the pressure on them. We, the people, united in our diversity.

!ke e: lɣarra l!ke

OGOD PRESS RELEASE

“Far from shutting down space to engage with religion, an application filed in the Gauteng High Court by an NGO seeking to prohibit six public schools from advertising themselves as exclusively “Christian” or as having a “Christian ethos”, actually aims to broaden the experience of religious and spiritual instruction in public schools, in keeping with the country’s Constitution and other policies.” - goo.gl/1BJxEv

Religious observances and rituals **may** be held legally at public institutions such as public schools, subject to the provisions of the Constitution. The National Policy on Religion in Education (NPRE) of 2003 provides detailed guidelines and sets clear goals and limits in this regard. But after 21 years of our Constitution, 12 years of the NPRE and seven years of ignoring requests for voluntary change, South African public schools still refuse to adhere to the guidelines and limits of the NPRE. Their defence is that (a) the School Governing Bodies Act, Schools Act and the Constitution give public schools the right to draft coercive and discriminatory religious policies, (b) the “appropriate public authorities” as mentioned in the Constitution (extract below) give School Governing Bodies ultimate power regarding religious policies and (c) the NPRE somehow does not apply to them. OGod however agrees with *The Council for the Advancement of the South African Constitution* (The CASAC, an *amicus curiae* in the case) that:

- the Minister of Basic Education retains authority regarding religious policies;
- the NPRE limits schools’ options; and
- we must break down the walls of the past, in this case those erected by the coercive policy of Christian National Education (CNE) of the previous government.

“The CASAC ... aims to advance the position that [the] National Religion Policy is consistent with the values in the Constitution ... [and] ... that certain practices at the respondent schools are inconsistent with both the National Religion Policy and the Constitution.” - <https://goo.gl/w1bS8G>

From the Constitution:

Freedom of religion, belief and opinion:

15. (1) Everyone has the right to freedom of conscience, religion, thought, belief and opinion.

(2) Religious observances may be conducted at state or state-aided institutions, provided that

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(a) those observances follow rules made by the *appropriate public authorities*;

(b) they are conducted on an *equitable basis*; and

(c) *attendance at them is free and voluntary*. [My emphasis].

It is OGod’s view that the schools protect, support and promote CNE-style basic education practices, justified by local majority rule, while the rights of learners and staff members are abused, ignored and denied. Various cultural organisations with vested interests support them.

In its affidavit OGod lists the following coercive practices:

(1) Claiming to develop children to the honour of a deity; (2) Advertising or holding themselves to support specific religions; (3) Requiring pupils to subscribe to a specific religion; (4) Refer to a deity in their school badges, logos and mottos; (5) Rendering religious instruction; (6) Expressly recording a mission within a religious tradition; (7) Having, as part of their weekly programme,

religious singing; (8) Having, as part of their curriculum, religious singing and religious instruction; (9) Handing out religious booklets or textbooks and/or promulgating religious stories; (10) Issuing prefects with T-shirts with religious symbols printed thereon; (11) Opening school assemblies with sermons or prayer; (12) Publicising the faith membership of its pupils; (13) Publicising that faith formed part of its vision, mission and ethos; (14) Opening the school day with scripture and prayer; (15) Structuring assemblies with religion as part thereof; (16) Singing or having religious songs sung; (17) Opening various activities with religion and prayer; (18) Inviting religious leaders to address learners, in school context, in religious matters; (19) Forming religious instruction as part of its curriculum or presenting religious instruction; (20) Requiring pupils or parents to disclose their religion, belief, opinion or conscientious objections; (21) Stating that pupils may not be friends with children who do not subscribe to the same religion; (22) Have prayers before or after sporting games dedicated to a deity • (23) Record that school badges represent that children are bound by way of places of worship; (24) Refer to deities in school anthems; (25) Allowing evangelisation courses to be presented; (26) Striving for education of learners according to religious principles as part of its disciplinary policy; (27) Having values that include learners to strive towards religious faith; (28) Instructing preschool children from a religious perspective or building preschool children in faith; (29) Allowing or promoting religion youth leaders to speak to children during assemblies or breaks; (30) Holding events whereby pupils are to identify themselves as members or non-members of a particular faith; (31) Working with learners to understand and self-discover in what relationship they stood with a deity; (32) Systematically or otherwise exposing or introducing learners to religious coercion; (33) Discussing with learners their own relationship with a deity and sharing religious teachings with friends; (34) Teaching creationism; (35) Start or end the school day by reading religious texts and prayer in classes; (36) Providing learners with religious texts; (37) Teaching that non-believers will go to hell; (38) Have children draw pictures depicting religious myths; (39) Advertising that pupils had “given their hearts” to a deity; (40) Opening assemblies with guest speakers from a faith by way of reading from religious texts, prayer and sermons; (41) Having projects or teaching pupils to honour a “Creator”; (42) Requiring pupils to pray; (43) Limiting and promoting the wearing of armbands pertaining to a faith; (44) Prayer in each class prior to adjournment at the end of the school day; (45) Promoting interest in religious youth camps and excursions; (46) Designating a room solely for the purposes of praying; (47) Promoting that it has a principal and personnel who illustrated that they were pious; (48) Promoting that many learners were ecclesiastically integrated with youth groups and that they lived their religion to the full; (49) Publishing, having or condoning religious authors’ work, sermons or lectures; (50) Advertising and promoting itself as a religious school • (51) Decorate its class rooms with verses from religious texts or religious paraphernalia of a singular religion; (52) Requiring pupils to pray or praying prior to examinations; (53) Endorsing a singular religion; (54) Listing religious youth movements as a cultural activity; (55) Requiring learners to take along religious texts on school camps; (56) Advertising that it is a religiously founded school; (57) Promoting or impressing religious principles in pupils residing at its boarding houses; (58) Having register teachers of classes open the school days to their classes with religious readings and prayer; (59) Utilising Life Orientation classes for religious groups to evangelise and provide testimony in support of a religion.

(June 2015)

NOTE: The detail was changed slightly in the amended notice of motion, so the correspondence between the legal documents and this press release is not exact.

ENDNOTES

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- ⁱ *Federasie van Afrikaanse Kultuurverenigings* or Federation of Afrikaans culture associations, the oldest of such umbrella organisations. (Eshak, 1987, <https://is.gd/78Ikii>)
- ⁱⁱ https://en.wikipedia.org/wiki/Afrikaner_Calvinism
- ⁱⁱⁱ Later renamed North West University.
- ^{iv} The DRC or *Nederduitse Gereformeerde Kerk* (“NGK”) has two smaller “sisters”, the *Gereformeerde Kerk* (Reformists) and the *Nederduitse Hervormde Kerk*. The NGK is by far the largest and had close ties with the apartheid government. The Reformists are politically more liberal but theologically more conservative, while the *Hervormers* are politically more conservative and theologically more liberal than the NGK. Members are sometimes referred to by nicknames; the NGK followers being *Gatjeponders*, the Reformists *Doppers* and the *NHK* adherents *Stoepsitters* (porch sitters). For more of their history, see for example <https://is.gd/cVWcF7>.
- ^v <http://www.constitutionalcourt.org.za/site/constitution/english-web/ch2.html>
- ^{vi} <http://www.gov.za/documents/national-policy-religion-and-education>
- ^{vii} https://en.wikipedia.org/wiki/Scopes_Trial
- ^{viii} <https://is.gd/VvKYVq> and <https://is.gd/XtN7Kq>, accessed 13 June 2017.
- ^{ix} http://rationalwiki.org/wiki/Ken_Ham
- ^x “*Volksverknog*” in Afrikaans.
- ^{xi} <http://churchandstate.org.uk/2017/01/god-is-a-myth-and-religion-is-a-gigantic-fraud/>
- ^{xii} Unless you subscribe to relativism. <https://is.gd/CvvgAK>
- ^{xiii} https://en.wikipedia.org/wiki/List_of_creation_myths
- ^{xiv} Claim made inter alia during a 702 radio debate, <https://is.gd/GV4xp6>
- ^{xv} One source of Ken Ham quotes would be https://en.wikiquote.org/wiki/Ken_Ham
- ^{xvi} “Die skool sal 'n Christelike karakter hê en dit sal in alle aktiwiteite uitgeleef word.”
- ^{xvii} <https://is.gd/kGUhRk>
- ^{xviii} www.x2t.com/Vrese
- ^{xix} https://en.wikipedia.org/wiki/Senior_Counsel
- ^{xx} <http://repository.up.ac.za/handle/2263/40391?show=full>
- ^{xxi} See for example Zuckerman: 2010
- ^{xxii} <http://www.thefreedictionary.com/verkrampes>
- ^{xxiii} <http://www.casac.org.za/>
- ^{xxiv} “AfriForum is a non-governmental organisation, registered as a non-profit company, with the aim of protecting the rights of minorities. While the organisation functions on the internationally recognised principle of the protection of minorities, AfriForum has a specific focus on the rights of Afrikaners as a community living on the southern tip of the continent.”, from <https://www.afriforum.co.za/about/about-afriforum/>, accessed 13 June 2017.
- ^{xxv} <https://solidariteit.co.za/en/who-are-we/>
- ^{xxvi} <http://causeforjustice.org/>
- ^{xxvii} <https://forsa.org.za/>
- ^{xxviii} <https://is.gd/c9DGHU>
- ^{xxix} <http://nasgb.co.za/>
- ^{xxx} <https://is.gd/snymxJ>
- ^{xxxi} <https://is.gd/wrVPd2>
- ^{xxxii} <https://is.gd/aEFRSu>
- ^{xxxiii} <https://is.gd/T3oBec>
- ^{xxxiv} SABC Radio Sonder Grense, Spektrum, 15 Sept 2015.
- ^{xxxv} <http://www.news24.com/SouthAfrica/News/banned-spur-man-has-string-of-arrests-for-assault-20170702>
- ^{xxxvi} Analysis: As culture wars intensify, some white Afrikaners push back. Daily Maverick, 24/5/2017.
- ^{xxxvii} He used the word “*bloedjies*”, a derogatory slang term meaning ‘deprived young child’.
- ^{xxxviii} <https://www.agvisser.co.za/vissie-missie-en-etos>, accessed 9 June 2017.
- ^{xxxix} “Ons strewe na 'n Ouer wat: ... Christelike waardes hoog ag.”
- ^{xl} “Ons strewe na 'n Personeelid wat: Gereeld die knie buig voor sy/haar Verlosser.”
- ^{xli} <https://is.gd/sQNQL3>
- ^{xlii} <https://is.gd/FjQlTH>
- ^{xliiii} Beeld, 20/2/2017
- ^{xliiii} <https://is.gd/eX0fcG>
- ^{xliiii} https://en.wikipedia.org/wiki/Religion_in_South_Africa
- ^{xliiii} <http://www.westerford.co.za/>
- ^{xliiii} <http://www.saflii.org/za/cases/ZAGPJHC/2017/160.html>
- ^{xliiii} Head of the (Education) Department responsible for your school. You will find him/her online, or simply ask your school secretary, who is bound by the PAIA legislation to give you the information.
- ^{xliiii} https://www.acts.co.za/south-african-schools-act-1996/16_governance_and_professional_management_of_public_schools
- ^l <https://www.youtube.com/watch?v=SfhC25AAxcc>