REFLEXIVITY IN A UNIVERSITY PARTICIPATORY RESEARCH PROJECT IN TRANSITIONING SOUTH AFRICA

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ABSTRACT

This article reflexively describes the influence of bias on the interaction between facilitators and participants in a participatory research project at the University of the Western Cape, South Africa. The bias uncovers racial power hierarchies in one small group which are represented in the wider context of the country in contradiction to the formally espoused democracy, in existence for nearly two decades. The author argues that biases of power are generally unrecognised in dialogue and promote the inequities which can be recognised in the legacy of apartheid. Identification of such biases is key to transforming society in South Africa.

INTRODUCTION

The University of the Western Cape's (UWC) mission is to nurture cultural diversity and promote an equitable society (About UWC, http://www.uwc.ac.za, accessed 6 May 2012). The institution was established in 1960 by the South African government as a constituent college of the University of South Africa for people racially classified by apartheid legislation as 'coloured'. The establishment of the institution formed part of government policy of racial segregation in higher education. However, in 1982 the university formally rejected apartheid ideology and initiated a policy of inclusion and open registration of students. This policy attracted increasing numbers of students from communities disadvantaged by apartheid, including a growing number of black students ('Black' is used in this article to denote the generic term, defined by the ruling party, the African National Congress, including black Africans, Coloureds and Indians and considered previously disadvantaged in the Employment Equity Act 55 of 1998). A distinctive characteristic of UWC is a history of experience in the liberation struggle, with direct involvement in oppressed and marginalised communities. Although the theme of transformation towards inclusion and personal development is currently upheld by all South African universities, UWC differs from other universities in its long record of assistance to disadvantaged students in enabling access to higher education, for example, by establishing recognition of prior learning and in enabling success in their studies, for example by the provision of multiple foundation courses.

It is particularly important in South Africa to become conscious of hidden biases of racial power hierarchies which continue to exist after political biases were removed in 1994 by democracy and its attendant policies of post-apartheid transformation to a just society. Biases take the form of unexplored assumptions of difference, possibly resulting in explicit or implicit inequities. Often called the legacy of apartheid, these biases affect many levels of discourse. Whether approached imaginatively, as by Serote (2010) who portrays white societal suppression of traditional cultures of black Africans as smothering their beliefs; linguistically, as by Mesthrie, Swann, Deumert, and Leap (2009) who enumerate the removal of the mother tongue from millions of black children; psychologically as by Jansen (2009) who describes a dominant white identity which abrogates black identity in unawareness; or organisationally as by Wilson (2009) who presents increasing discrepancies in employment and income which favour whites, the effects of the apartheid legacy remain a concern for the social fabric of South Africa. Nowhere is outcome of inequity more visible than in service delivery

in communities and institutions (Russell, 2010; Pottinger, 2009; Sachs, 2009; Ramphele, 2008).

The need for transformation to ensure greater equity both within and across universities has been a key concern for the higher education sector since the first democratic elections in 1994, as required by the National Qualifications Framework (Republic of South Africa, 1995). This specifies a non-racial system, providing quality education to all and redressing the past racial inequities structured by apartheid. In addressing transformation in tertiary education, Soudien (2010) states that although there has been substantial progress in terms of equity of access, this has not translated into equity in outcomes. In overview of the university situation, the gap between secondary and tertiary education remains to be adequately bridged (Soudien, 2010; Wilson, 2004; Ramphele, 2008). Research pertaining to students revealed that the poorest in South Africa were located at UWC (Breier, Visser and Letseka, 2007) and that UWC students *feel* poor in a public way, leading to shame and low confidence in their learning capacity (Tshiwula, 2007). These indications of a deep need for upliftment gain a response from the university with financial aid, social intervention and specialist teaching and learning programmes. Transitional and transformational processes at UWC have formed a top-down orchestrated change.

With the purpose of addressing student experiences of these top-down transitional and transformational processes at UWC, a participatory research project was conducted. In this article I attempt to explain one aspect of the project, namely the influence of facilitator bias on the dialogue that was generated by the project. This influence is perceived as an example of power differences that were active in the group and not recognised at the time but reflexively analysed post-project. Gaventa and Cornwall (2008) wrote about the importance of developing self-consciousness about one's issues by sharing knowledge production as in this kind of participatory research. Similarly, in their action research in higher education, Levin and Greenwood (2008) explored power relations where student knowledge leads to the exposure of authoritarian structures especially in the loci of racial prejudice. Kemmis (2008) identified the development of a self-consciousness based on a historical object and the person interpreting it, by linking critical theory and participatory action research.

Thus, the background research project to this article involves student (or participant) construction of their experience of transition and transformation. The article itself analyses an aspect of reflexivity in the group process of generating data. The research project is presented below, with the title of

'participatory', which is used to emphasise the elements of participation (denoted by participant contribution to the research process) in the project. Other titles for this kind of research have been 'co-operative inquiry', 'participatory-action' and more currently simply 'action' (Heron and Reason, 2008).

PARTICIPATORY RESEARCH AND FACILITATOR BIAS

'Bottom up' participatory research methods were employed in the project. An important difference between conventional research methodologies and participatory action research lies in the location of power (Schein, 2008; Maguire, 2006; Park, 2006; Whitmore and McKee, 2006; Cornwall and Jewkes, 1995). The use of participatory methods intended this research to be conducted *with* the students rather than on them and to empower them to express their experiences and their reflections on these experiences.

A further feature of participatory research is that, unlike the linear approach of most conventional methodologies, it involves an iterative process of reflection and action (Kemmis and McTaggart, 2005; Collins, 2004; Cornwall and Jewkes, 1995). It is with the process of reflection, namely on facilitator bias, that this article is concerned. The purpose of this article is to reflect on the role of facilitators and to show how the interchange between facilitators influenced the communication between the student participants in an unanticipated way. This reflection provides an example in a small group of hidden influences on discourse which are likely to represent discourse in wider society.

There was no attempt to be neutral in interaction in the research group. Participatory research requires that we identify our values, reveal our own intentions and also expose any underlying attitudes towards the research, because these dynamics both knowingly and unknowingly influence data generation. Facilitators document own biases in the presentation and interpretation of data as an essential part of learning about the research process and of understanding the research products. This process of reflexivity is presented by many authors of participatory research, for example, Kagan, Burton and Siddiquee (2008); Schein (2008); Swartz and Rohleder (2008); Bell (2006); Maguire (2006); Park (2006); Whitmore and McKee (2006); Collins (2004). The particular facilitators in this project were selected in order to personally represent different racial, cultural and academic backgrounds and as contrasting role models, thereby encouraging student expression of difference.

As educators and lecturers, we cannot but help bring our social identities to our work (Francis, Hemson, Mphambukeli and Quin, 2003). The term 'reflexivity' is defined by Nagata (2006:137) as a type of reflection enabling researchers to see themselves as intellectuals within their own particular contexts with specific biases and identifications. This reflexivity allows researchers to instruct themselves about "...how to be critically and explicitly conscious of what they are doing as intellectuals". Reflexivity is used to identify our potential bias and therefore, limit as far as possible the influence it has on the research process and findings (D'Cruz, Gillingham and Melendez, 2007). This article is a post-project reflection of the hidden influence of power differences in one small South African group, exposing dynamics that surprised the researchers.

Recruitment of participants for the project

The recruitment procedure of participants is decisive in participatory research because participant orientation will guide the nature and the direction of the project (Heron and Reason, 2008; Babbie and Mouton, 2001). The project belongs to the participants and their level of involvement will determine the value of the research (Heron and Reason, 2008; Baldwin, 2006; Collins, 2004). Students were invited from the Departments of Occupational Therapy and Social Work which had a long-standing relationship of co-operation in shared courses. In particular, an interactive course presented by Bozalek, Rohleder, Carolissen, Leibowitz, Nicholls and Swartz (2007) sensitised these selected students to the aims of the research project. The criteria for inclusion in the invited population were: 1) Demonstration of reflective tendencies and expressive natures and 2) Achievement of a good grade in research methodology courses. Twelve students were thus identified by their course lecturers and, in order to encourage participation, were informed that they had been adjudged research participants of merit. They were also told that they might gain in understanding of their relationship with the university, and that the knowledge they generated in the project was potentially useful to students in the future. A resultant limitation of the sample was that it did not represent the less meritorious or 'at risk' students. The UWC ethical procedure was followed to assure students that they were not obliged to participate in the research and that they could leave the group at any time without negative consequences.

Although this was a self-selected sample in that 9 out of 12 responded to the invitation, it was ultimately representative of the racial distribution of the UWC student population. As transpired, the attendance at five group meetings of two hours each over a period of three months ranged from four to

nine students, of black' Indian, Coloured and one white student who attended twice. The total student race distribution was 48% Coloured, 37% black, 8% Indian, 4% white and 3% other. The following table depicts the sample in terms of race, gender, discipline and rural or urban centre, indicating a heterogeneity that was consistent with the aim of an inclusive diversity in the group.

Table 1: Sample in terms of race, gender, discipline and rural or urban centre

Race	Gender	Discipline	Rural/urban
Black	Female	Social Work	Rural
Black	Female	Social Work	Rural
Coloured	Female	Social Work	Urban
Coloured	Female	Social Work	Urban
Indian	Female	Occupational Therapy	Urban
Coloured	Female	Occupational Therapy	Small town
Coloured	Female	Occupational Therapy	Urban
Coloured	Female	Occupational Therapy	Urban
White	Female	Occupational Therapy	Urban

Generation of topics/participatory data collection for the project

Within each group meeting facilitators made use of participatory data collection techniques. These are visually based exercises, focusing on experiences of participants (Collins, 2004; Chambers, 2002). They were first individually completed and then their outcome discussed in pairs or triads before presenting for group discussion under headings of similarities and differences, leading by group consensus to the topic for the next meeting. Topics for discussion were thus generated by the group. Data can be linked to Creswell's 'E' of experiencing where researchers as participants develop their own experience (Creswell, 2009). Audio recordings, later to be transcribed for analysis, as well as visual recordings were made and the latter were presented for emendation and confirmation to the group at each meeting, before proceeding with the topic for the day. Topics were as follows:

First meeting: River of Life (drawing with notation) depicting life events since 1994 when the first South African democratic national election took place.

Second meeting: Apartheid without a head (student symbol for the residue of apartheid, in the absence of legalised formal structures) together with a hand-out definition of apartheid from the Encyclopaedia of Social Policy.

Third meeting: Venn diagram (drawing of priorities and their conditions) for academic and professional development at UWC.

Fourth meeting: List of factors gained and missed at UWC, classified into Park's levels of knowledge (representational, reflective and relational knowledge) (Park, 2006).

Fifth meeting: Choice of animal representing own persona (story telling). Facilitators presented their data first, in order to set an example of open expression with the expectation that students would be able to follow with their own open expression in the group. In order to mitigate perceived facilitator power, this intention was explained to students at the outset and also that content is expected to differ according to individual experience. Nevertheless, themes of similarity would be discerned during further discussion and analysis of the expressed differences.

Analysis of data

Analysis of data highlighting facilitator bias and how this influenced dialogue takes place in themes which emerged inductively from studying five transcripts of group recordings from the meetings listed above. Processing of data was supported by the qualitative data analysis programme *Atlas ti* which classifies text in categories called codes. In the section which follows, characteristics of themes are described first with examples of relevant quotes from either the facilitators or the students. Facilitator bias is revealed in both guidance of dialogue and style of expression. The following three themes were inductively determined: *respect and deference*, *inclusivity-exclusivity*, and *self-awareness*.

Theme 1: Respect and deference

Respect and deference is an expression of the value inherent in black African culture where respect for elders is paramount (Ratele, 2006). Equally, it refers to the value inherent in the Afrikaner culture where a hierarchy of seniority in age and status of occupation is paramount (Visser, 2004). A hierarchy of seniority and experience prevails at a status level for the facilitators. In their status in the Social Work Department, Facilitator 1 was a professor and Facilitator 2 was a lecturer. In their status in the project, Facilitator 1, an experienced participatory researcher, proposed, designed and

initiated the project and invited Facilitator 2, an experienced group facilitator but unfamiliar with participatory research, to co-facilitate. In their roles in group meetings, Facilitator 1 intervened for clarification, elucidation and elaboration. She punctuated each thematic discussion and summed it up. Using hegemony of rationality, she tended to neutralise emotions rather than engage them, for example:

Facilitator 1: *Can I just tell you what has just happened now, you both are taking it very personally and actually she just meant to ask you a general question.*

Both facilitators participated in presentation of own data with Facilitator 1's stance being the privileged South African and Facilitator 2's the previously disadvantaged. Appreciation for each other's role in the group was voiced. Also each other's presentations and interpretations within the group reflecting deference to rationality, was not challenged. Using their titles, Facilitator 1 referred to Facilitator 2 as Ms and Facilitator 2 frequently interposed her comments with the epithet of 'Prof', thereby indicating deference to seniority.

Facilitator 2: *Even in the relational focus, I told you,* Prof (researcher emphasis)*, I would like you to take this because you have the experience.*

With reference to facilitator bias as it played out in the group, in student (S) participation, the pervasive theme is reflection and control with deference to an image of authority, rather than free expression and spontaneity. Although self-aware (as presented in Theme 3), student communication follows the deferential stance set by facilitators. The deference to authority occurs particularly when an uncomfortable situation is presented.

Concerning differences in culture:

S^2: *I feel that I have gained a lot in terms of respecting other people. I also feel that I have lost because my culture is so intricate I end up not knowing if it is optional to be biased*. (The student here refers to the tension between deference to a new authority and her traditional culture.)

Concerning the student role:

S^3: *Students do lack [something]; I can't say what it is. You still have to maintain this persona of the good student and then you don't question things.*

(The student here refers to the tension between conforming to an idealised image and challenging its assumptions.)

The bias towards deference is particularly unexpected given that it was student uprisings initiated particularly by UWC that were responsible for much of the transformation which occurred in South Africa (Rembe, 2006), indicating assertiveness if not aggression in the student personae.

In the same way as the facilitators were mutually respectful, students were polite and accepting towards one another, only once interacting aggressively and this interchange was probed by Facilitator1 consequential to a coloured student's comment about the loud voice of black people.

Facilitator 1: *What if she asked you something that you feel you agree with, like the loud voice? She asked about the loud voice. She is also reluctant* (to mention it) *because she* (herself) *will think it is offensive.*

S^2: *Why do so many black people speak so loud?*

(Pause)

Facilitator 1: *Will you take offence?*

S^4: *I don't know, it depends who asks.*

Facilitator 1: S^2 *is asking.*

S^4: *Maybe I should focus on how you do it and I am saying it is the way you ask a question.*

S^2: *I don't want you to hold it against me if I say, "Why do so many black people speak so loud," but it is now different because the student is ready.*

S^4 *(loudly and angrily): If she says why do so many black people speak so loud then I will ask her why do so many coloureds drink?*

(Laughter)

S^4 is silent and is acknowledged by the group as appearing discomfited.

An example of facilitator bias, in its sensitivity to racial typecasting, this interchange depicts the racial distance between student groups, indicating the

changing landscape of respect and deference amongst students as the cultural balance of power shifts. From the section quoted above, it can be seen that the polite and deferential interchanges between the facilitators unintentionally set the tone for the group discussion, guiding (and at times perhaps restricting) the potentially emotional discussion of 'race'.

Theme 2: Inclusivity-exclusivity

This theme represents the facilitators' positions of difference in terms of inclusivity, with the white facilitator holding the inclusive (privileged) position or from a position of 'internalised domination'. Present in both the past racism in the USA (Adams, Bell and Griffin, 2007) and the internalised racism in South Africa (Russell 2010; Jansen, 2009; Ramphele, 2008), which was reflected in this research group, is the unconscious attitudes that are held by both black and white groups presuming a white cultural norm that is not acknowledged but is nevertheless supreme. This resonates with the over-arching theme of this article, that the racism present is not within the formal system as this has been outwardly transformed, but rather within the student race groups themselves, internalised and encultured; 'Apartheid without a head' as coined by the students in this project, or 'the second struggle' according to Russell (2010). The facilitators represented opposite poles of the South African socio-political situation. In our different positions we deliberately symbolised the range and quality of inclusivity-exclusivity in societal norms. We also spoke from our polarised positions in order to encourage student expression of difference, as in the quotes below.

Facilitator 1: *Our similarities: we both in 1994 had a strong feeling of hope at that election and a strong feeling of sharing and both went on feeling, wanted to go on striving for the co-operation. In my way it was in my teaching and my work at church and in my participatory research. Where was your hope for the co-operation?*

Facilitator 2: *It was in the communities, where else, where I was born and it was at work but mostly it was where I came from. My mother and people that I know.*

We focused on the history of change since 1994 with reference to equality/ inequality and redressing the past.

Facilitator 1: *... I found with my (black) students that they related what we now call the* **entitlement** (facilitator emphasis) *attitude and I didn't know what it was then...*

Facilitator 2: *What also fascinated me was the inferiority and the superiority complex. Sometimes you feel that you are better than others and then they think they are better than you, you know.*

Facilitator 2 spoke five times about her anomalous position of being black on the UWC campus, which is predominantly coloured, especially so at management level.

Facilitator 2: When I go to the administration office, I am asked, "Where is your student card?" Assumption is, if I am black, even if I'm old (middle-aged) *like me, I cannot be staff.*

Like the facilitators, the students' statements were placed in a context which minimises white domination and emphasises either black-coloured conflict or general societal change/lack of change.

S^1: *Coming from that multi-racial school we* (pair of students) *never experienced any racial differences but when we came to tertiary* (education) *that is when it all started again.*

S^5 *Some of the black consciousness is busy filling in now because the national differences between black people is no longer between blacks and whites and it's between blacks and coloureds or coloureds and blacks, whites and coloureds. It is definitely no longer between black and white.*

Students reflected on service delivery which is significant to the theme of inclusivity-exclusivity because it demonstrated those that were still excluded from basic services due to a lack of delivery:

S^4: *It is true because we don't have electricity, drinking water or housing.* (In a rural village in KwaZulu-Natal).

On UWC:

S^7: *My experience in the institution, we do have policies, good policies. The problem is the implementation. And the fact is most of us are not aware of the policies. There is nothing that is promoting this; we have to find out for ourselves.*

This quote shows how the students were excluded from the policies set up by the university and intended to be inclusive. Even though the policies were deemed good in relating to student needs, the students were excluded due to a

poor implementation and knowledge divide between those in power and those in need.

The facilitators illustrated their differences in experience at UWC based on race. Facilitator 2 went on to say:

Facilitator 2: *The one thing that really motivated me was the fact that I was being scrutinised.* (By management)

Although Facilitator 2 was now included within the educational system, the history of exclusion was still present in her isolation and 'inferior status' within the lecturing body where she was perceived as a black empowerment employee.

Theme 3: Self-awareness

While Themes 1 and 2 above refer to the content of the project, this theme relates rather to the quality of expression. Facilitators described their observation of racial biases which discomforted them. Following the personal expression of facilitators' bias, the students expressed their own biases. This encouraged a sense of freedom in the group which allowed us to explore our feelings, linking to the participatory and reflexive nature of the research.

Facilitator 1: *Then, we both found Mandela in our case very important in the way he represented peace and that I was worried when he retired, I don't know if you were?*

Facilitator 2 stated that she was not worried about Mandela's retirement but went on to express some other differences which concerned her.

Facilitator 2: *So when I came to the Western Cape I realised the number of the limits and you know I had my own needs and my own stereotypes of coloured people.*

The students then spoke openly of their emotional responses to unexpected or unfamiliar behaviour that they were exposed to at UWC.

In hurt puzzlement:

S[8]: *…especially the* (helping) *profession that we are studying if one can't get along with our classmates* (of different races) *then how you are going to get along with someone from a different race as a client of yours. I don't get it. I can't connect the dots.*

In fear and withdrawal:

S[3]: *I grew up in a coloured community and I know what happens there and I go into a different environment I am afraid of change that's out there. I will go back in my shell and just be about myself because I don't know what expectations they have of me because I wasn't exposed to it as I grew up so I don't know how to interact or relate to them at this level.*

In anger:

S[7]: *They* (professionals in the multi-disciplinary team) *want to recognise us for what they **think*** (student emphasis) *we are. They think that they know better than anyone else that we're on the bottom of the food chain. If they are done with their major things, then you can go to OT* (occupational therapy)*, they will teach you these things.*

Facilitator 2 presented her determination to assert herself and her personal and professional preparation to be different from conventional expectations for black people.

Do you think that it corresponds as a challenge for me, because then you have to prove yourself? Number 1, you are not only here at this university, you have to prove yourself.

The students then presented a similar determination:

S[8]: *It depends on you because as painfully* (sic) *it is to some people to figure out that they are not welcome at this place but I know how to react because I have the right, I know and I believe that I can be here. So, if I feel good about myself and know who I am I won't...* (interrupted).

S[5]: *When I say, "I would love to do my Master's," people would come back and answer, "Whoa, who is going to get married to you?"* (Laughter) *So more than anything we want that sense of wanting to be somewhere and proving to yourself as an individual that you can do it. In order to prove it to your society saying, "Yes, black women can be educated."*

S[6]: *Some people react to the negative things and go to the opposite direction. So, I don't think we should assume that every person has a motivational background. Some people might pull themselves up by their boot strap.* (sic)

Thus, the facilitators' freedom in the group to explore their feelings in terms of difference allowed students to similarly express themselves freely.

DISCUSSION

The aim of this article was to reflexively depict the facilitator biases, in the form of unexplored assumptions of power differences, introduced into a participatory research project. The biases unintentionally influenced inter-change between facilitators and student participation, in both style and content. In a small group, they reflect subtle and less subtle messages of the legacy of apartheid which are carried in the wider society. Such biases, usually internalised and unconscious, prevent the transparency and co-operation required in transition to the formally espoused democratic South Africa. They can also explain disappointing differences between policy and practice referred to in this group and which continue to plague the wider South African society (Biko, 2013; Russell, 2010; Jansen, 2009; Pottinger, 2009; Sachs, 2009; Ramphele, 2008).

Facilitators in this research project provided orientation to participatory action research, introduced techniques of data generation, gave handouts for reading, promoted discussion and summed up conclusions. The visible materials and tools were used openly in the group. Less visible were the dynamics between the facilitators which not only stimulated discussion on certain content but which also permitted, or controlled, a style of expression that might not have been present without our example. Themes that facilitators introduced were based on our own racial and cultural biases and sense of difference between ourselves accompanied by tolerance of each other. Themes that students elaborated upon relating directly to facilitator interchange were those of the lingering effects of socio-economic oppression, inequality and racism on campus, a determination to make good, hold a worthy professional image and standard and be personally acknowledged.

In the immediate social context, students emphasised a coloured-black divide and not a white-black divide, representing the university population. They were aware of stereotyping in racism while maintaining the group's stance of politeness and restraint. They were wary of challenging one another or even questioning the stereotypes. When a question was probed by Facilitator 1, the outcome was irritation, reinforcing the questioner's wariness. Such avoidance which results in silence, of course strengthens stereotyping between races (Jansen, 2009; Ramphele, 2008).

The kind of knowledge that underlies the biases displayed in this group can be called 'spectator knowledge', relating to an external object of study while also implying 'insight' or understanding (Eikeland, 2001). The same kind of knowledge underlies university policies and their evaluation. It is indirect

knowledge which assumes an understanding of 'the other', and in the legacy of apartheid, is driven by the heritage of a power struggle for political equality. Much more important is 'knowledge in the blood', defined by Woods in 2007 and cited by Jansen (2009) as a value base for behaviour. Knowledge in the blood can be likened to the values portrayed imaginatively by Serote (2010) as internalised by the oral tradition of the black people and not to be forgotten. This is direct knowledge based on experience and is culturally and socially different for each race group in South Africa. It is only when direct knowledge is accessed that true understanding and internalised change can take place. An approach towards such understanding was made in this article.

The students were experiencing internal turmoil in their transition at a multi-racial university. Inspecting the audio transcripts of the meetings we recognised facilitator input in introducing various topics which were enlarged into themes by the group. We raised examples of these themes in the accounts of our experiences and incorporated them in interaction between each other.

CONCLUSION

Conclusions of the influence on facilitator-student relationships cannot be drawn in any linear way but should rather be seen metaphorically as waves, with forces of the currents moving back and forth in ever-changing directions and shapes. It is also impossible to know the intrinsic emphasis of the concerns that the students presented in this research or, for example, what students in a different group for instance consisting solely of their peers, would raise about their own experience. Themes as discussed above were induced from content and style of expression and their emergence took place within a unique context of reflection. Their relevance could be extended to an action context in the iterative cycle of participatory action research in a further project, where change would be explicitly introduced to the internalised biases.

The influence that such biases have on the project's dialogue as described in this article was a reflection of the hidden influence of power differences in one small South African group. More broadly, it is important to become conscious of the hidden biases of power hierarchies which continue to exist after almost two decades of democracy and which affect many levels of discourse. To this end, the minister of justice introduced a controversial new process of assessment of how the decisions of the judiciary, in particular the highest court in the land, the Constitutional Court, contribute to the

reconstruction of South Africa (Kgosana, 2012), with the expectation that they do indeed fulfil such a role. Clearly, the effects of the apartheid legacy, in the form of internalised biases which impede transformation, remain an active concern in the socio-political context of South Africa.

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