

**A DANCE OR A MARRIAGE? THE RELATIONSHIP BETWEEN EDUCATION
AND THE LAW IN SOUTH AFRICA.**

SOME PERSONAL OBSERVATIONS FROM TWO VANTAGE POINTS

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SUMMARY

This article deals with the debate in education and law circles about the convergence of the two fields of knowledge in an area conveniently called education law. It recognises that there is no universal acknowledgement of the existence of such a discipline.

Although the article does not present a full scale analysis of the relationship between education and law, it does present some views emerging from the existence and functioning of two organisations in South Africa namely the South African Education Law Association (SAELA) and the Interuniversity Centre for Education Law and Policy (CELP). Both of the organisations aim to promote education law research and training. In light of the existing literature the relationship is likened to a marriage of convenience or a dance in which the quality of the relationship between the two fields varies.

The author examines and concurs with opinions that there are grounds to support the notion that a discrete field of inquiry named education law does exist in South Africa. However, the relationship still needs to be developed for the field to mature as an academic discipline. Among the problems that have to be addressed are the lack of interest in universities (especially law faculties at former English universities) in this field, the subsequent imbalance between educators and jurists active in the field and the failure of educational administrators to abide by the law even if they are aware of what the law requires. Added to this failure is a lack of knowledge

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among administrators of education law and the presence of a phenomenon termed the use of imagined power among them.

The article concludes that there are indications that the relationship between education and the law can lead to the development and promotion of a discrete field of law named education law.

KEYWORDS: Education law, SAELA, CELP, imagined power, lack knowledge, failure to obey, imagined power, imbalance of educators and jurists, marriage of convenience.