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Salim Vally

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From People's Education to Neo-Liberalism in South Africa

Salim Vally

In his address at the 10th Anniversary celebration of the Foundation for Human Rights in Pretoria, 29 November 2006 Neville Alexander posed the following question:

Why is it that in spite of a constitution that was arrived at in a 20th century model of democratic bargaining and consensus building and in which are enshrined some of the noblest sentiments and insights concerning human rights, we are living in a situation where very few of those rights appear to be realised, or even realisable, in practice?

This paper attempts to answer this question through an analysis of the struggle to attain education rights in South Africa. This exercise it is hoped, will also allow us to further unravel the class nature of the South African state, the political economy of the transition (for extensive and excellent analysis of the latter see Marais, 1998; Bond, 2000 and Alexander, 2002) and the importance of the oppositional role of the new and independent social movements.

A founding principle of South Africa's constitution is common citizenship and equal enjoyment of an array of citizen rights including freedom of belief, religion, expression, assembly and association. A range of socio-economic rights including the right to basic and adult education and the rights of children are emphasised in the Bill of Rights. There can be no doubt that the end of formal apartheid and the attainment of a liberal democratic dispensation has been a momentous victory for the people of South Africa and of humanity. The lyricism of the phrases in our constitution and the promise of its words of justice, after decades of apartheid, has become a symbol of hope for advocates of social justice the world over. Yet two years into the second decade of our democracy, social injustice remains pervasive and inequality is growing, despite progressive changes to various aspects of our society, reminding us, once again of Marx's view that 'One cannot combat the real existing world by merely combating the phrases of this world'.

Unfortunately, the resonant words in the constitution can do nothing on their own and the social processes that give them effect tend to thwart whatever progressive promise they might hold (Bakan, 1997). This is not to deny the possibility that constitutional litigation can get results especially where social injustice is congruent with the liberal form of rights such as discrimination on the basis of colour or gender. Legal scholars can also acknowledge the gap between the words of the constitution and the law's practice. Yet, this paper argues that the constitution and the various laws that supplement it, including education legislation rests on and sustains

specific patterns of asymmetrical social relations and political order. The constitution has not been able to compensate for the systematic undermining of ideals of social justice by the routine operation of society's structures and institutions.

Veneration of the law is often possible because of the focus on normative questions within the legal system from a narrow juridical point of view (Mosher, 1997). In the last section of this essay, following Mosher, I will show how attempts to rectify asymmetrical social relations by social movements in South Africa are sometimes reduced to finding solutions within the boundaries of the legal system. Law as a social phenomenon, including the constraints of the wider social structure as well as its ideological and economic dimensions can be easily missed. All too often the law's autonomy from politics and society is the presumption.

Institutions such as the South African Human Rights Commission, the Commission for Gender Equality, the Public Protector and others, for all the good work some of them do, often disguise the vicious nature of the society we live in. The discourse of rights, championed as the mainstay of our public institutions and the constitution has often served to promote a fiction (Felice, 1996). Acting as if certain rights exist for all in an equal way inhibits people's ability to recognise when they are in fact, illusory, and why society does not act to protect these rights. A single mother in Soweto compared to a suburban corporate executive cannot be said to have the same power of political persuasion or opportunity. These are real distinctions that give some people advantages and privileges over others. The fiction that promotes the view that real social differences between human beings shall not affect their standing as citizens, allows relations of domination and conflict to remain intact.

Taking Suffering Seriously by William F. Felice comes with recognition that ruling ideology, often in the form of rights, disguises reality, blurs perceptions and creates illusions (Felice, 1996:34). Taking suffering seriously also means taking active steps to disclose the discrepancy between the existing normative framework of society and its reality. It also comes with an understanding that protecting human rights should take into account that the most pervasive and chronic forms of distress are a consequence of economic, social and political structural circumstances that impact upon groups, as well as upon individuals.

This view of collective human rights is opposed to the liberal conception of rights based on the notion that those who succeed in society do so because of their own individual attributes, and those who fail, do so because of their deficits and weaknesses. This view is possible because the philosophical foundation of the dominant human rights discourse sees human beings as individuals instead of as social beings – products of a web of relations – social, economic and political, from which social relations arise.

Felice critiques neo-liberalism from the perspective of the collective rights of millions of people around the world trapped in permanent conditions of poverty at the margins of economies (Felice, 1996:xii). These inequalities and injustices make a mockery of our basic humanity let alone human rights. Falk, in his preface to Felice's book, concurs that neo-liberalism as an operational ideology, despite its pretensions of expediently promoting democracy, is radically inconsistent with the defence of human rights, if human rights are perceived in relation to suffering rather than as 'abstract ground rules governing the relations of individuals to the state' (Felice, 1996:xii).

Pointing to the double standards often employed in human rights discourses and the presentation of values in an apolitical and ahistorical way, the veteran Tanzanian activist and intellectual Issa Shivji (2002:3) writes:

The setting of human rights standards through international conventions and declarations is itself a very contentious political process. We should be wary therefore of a perspective on human rights which does not treat [it] in the context of history and social struggle.

Shivji contends that the various conventions of the United Nations and declarations of human rights differentially bequeath rights without challenging the unequal world order and therefore in essence leaving the human rights landscape unchanged.

Education Social Movements in the Seventies & Eighties

In this section I argue that the nature of the negotiated settlement, the continuation of the capitalist character of the state (despite the discourse of human rights and development) and the incorporation of South Africa into a global market economy ruptured the education principles and practices established by civil society in the 1970s and 1980s. Understanding these social processes will reveal how the once hegemonic education vision in the democratic movement has been reduced to mere 'footprints in the sand'. I refer here, for example, to free quality education at all levels, education with production, participatory democracy in education, critical thinking for political action and access to higher education for the poor and workers. Also, how traditions of worker education based on collectivist learning were transmuted into competitive individualism, exclusionary stratification and an emphasis on more formal hierarchical forms of knowledge and the notion of improving learning through rationalised learning outcomes (Cooper et al. 2002). This section concludes with the belief that while radical education praxis has been weakened, it still exists, and its centre of gravity has shifted to the new social movements post-1994.

People's Education

In the 1980s up to the early 1990s the concept of People's Education, in contrast to the apartheid education system, captured the imagination of many South Africans. It promised liberation from an authoritarian and unequal education system to one which could provide an alternative and a basis for a future democratic system fulfilling the potential of its citizens. It was defined variously as 'an educational movement, a vehicle for political mobilisation, an alternative philosophy, or as a combination of all three' (Motala & Vally, 2002:174).

A significant influence on and the forerunner to the People's Education movement of the eighties were the ideas and methods of the Brazilian educator Paulo Freire. Freire's ideas were introduced to the University Christian Movement and through it to the South African Student's Organisation (SASO) as early as 1970. Although the state banned Freire's books, hundreds of copied versions of *The Pedagogy of the Oppressed* were clandestinely distributed at black universities and 'eagerly studied by the young activists of the Black Consciousness Movement' (Alexander, 1990:22). SASO students and others applied Freire's ideas to many literacy and other 'coscientisation' projects in urban townships and rural areas. The appeal of Freire's pedagogy to educational activists and theorists resided in the fact that:

Freire's anti-capitalist social theory accorded with the experience of and the insights at which the liberation movement in South Africa in general and the educationists active in it in particular had increasingly arrived at;

The situation out of which Freire's pedagogy had been formed resembled that which existed in South Africa's ghettos and homelands;

Freire's pedagogical method of combining education/culture with conscientisation and politicisation accorded with the views of the BCM and was subsequently adopted by the broader liberation movement.

The specific organisation of the liberation movement in the late seventies and especially in the eighties as a grassroots movement anchored in groups and projects in the 'community' brought with it an exceptional sensitivity regarding democratic principles. This sensitivity reinforced by Freire's pedagogy became integral to the practice of People's Education.

People's Education was seen as a vehicle for conscientisation, promoting critical thinking and analysis and alternative governance structures in education. Critical thinking in this sense should not be confused with what is traditionally thought of as merely problem-solving skills, in vogue again through Outcomes Based Education, serving the post-Fordist production process. Rather, critical in this sense implies being able to understand, analyse and most importantly affect the socio-political and economic realities that shape our lives. The emphasis on democratic governance was expressed in the call for the establishment of Student Representative Councils and Parent-Teacher-Student Associations (PTSA). The concepts of democracy, access and equity emerged in the call for a unitary anti-racist and anti-sexist schooling system, an end to sexual harassment and corporal punishment, better resource provisioning, a different curriculum and free compulsory education. From the mid-1980s, supporters of People's Education were not only concerned with the transformation of schools; they also provided the impetus in the formation of hundreds of non-governmental education organisations and also actively challenged academics and the academy around three key areas: 1) accountability within the university and communities around them; 2) Implementing People's Education in the universities themselves and 3) support for developing People's Education in schools through the production of alternative courses and teaching methods (Motala & Vally, 2002:183).

While radical interpretations of People's Education remained dominant throughout the better part of the 1980s, liberal views on education gained cachet from the beginning of negotiations between the ANC and the apartheid regime in the early 1990s. The role of civil society organisations and even the language of People's Education became increasingly marginal to the overall project of education change. The discourse and content shifted substantially from radical demands which focused on social engagement and democratising power relations, to one which emphasised performance, outcomes, cost effectiveness and economic competitiveness. Simultaneously this form privileged secretive negotiations (hardly a Gdansk-like transparency) instead of People's Power on the streets and in the classrooms. The reasons for this included the particular interpretations given to equity and redress in the negotiation process and the nature of the participatory process in policy-making.

The National Education Conference (NEC) in 1992 and the establishment of the National Education Training Forum (NETF) in 1993 provide useful examples of how state and civil society organisations began to engage in education policy formation. The NEC, composed of constituencies active in the oppositional activities of the 1980s, attempted to define a policy agenda based on the principles of People's Education, linking the structure and content of education and training to the ideological and political project of civil society, emphasising equity, situating education within a more holistic development framework, including economic restructuring, democratic governance and changing social relations at the school level. The NETF, on the other hand, while framing its goals in terms of the principles of democracy, inclusiveness, and transparency, in fact often reflected the interest of its broad stakeholder grouping which favoured business and the state. The NETF's two important contributions were the proposed development of a qualifications framework, later the National Qualifications Framework (NQF), and proposals for curriculum reform. It could also be argued, however, that it supported a technocratic framework for education related to issues of economic growth and human resource development at the expense of addressing issues related to social justice and redress. As Chisholm and Fuller (1996:705) note, 'In the NEC the democratic movement was dominant; in the NETF it was hopelessly outnumbered by representatives of the old order'. The NETF represented the principal political agency in the pre-election period. It served to critically weaken and emasculate the radical content of the NEC's broad education agenda.

During the NETF process, constituencies were excluded from contributing to the development of a more equitable and effective education and training system. Although this exclusion was not formal, it resulted from the lack of resources and planning by organisations that deferred to the ANC. There emerged a clear shift away from civil society's earlier emphasis on changing social relations and a bottom-up approach to policy making.

Trade Union Education

Cooper et al. (2002:112) argue that the 'vision of the meaning and purpose of worker education had not emerged easily – it came out of long years of building organisation and struggle within the labour movement; nor was it easily maintained. Although it gained widespread support during the height of the struggle against apartheid, this vision no longer dominated the labour movement by the year 2000. On the contrary, in contrast to the earlier period, it is now based on 'consensus politics' which assumes the essential compatibility of all 'stakeholder' interests.

Having won some rights for time-off for shop-steward training through recognition agreements, union education became increasingly planned and structured from the early 1980s onwards. A significant feature of this period was the emergence of new forms of worker self-education, in particular, shop-steward councils and all-night seminars known as *siyalala* (Vally, 1994). Important processes of informal education took place in the shop steward councils as worker leaders with experience in building strong shop floor structures in the 1970s passed their knowledge on to the insurgent workers of the 1980s. Demonstrating a strong commitment to trade union education, shop steward councils began to formalise these learning processes by appointing one worker as an education secretary who was charged with co-ordinating education for the council. Later education committees linked to councils

were also formed. All these education initiatives were influenced by the growth of broader political struggles from the early 1980s onwards, and expressed a desire on the part of workers to shape and influence the nature of this struggle. This period saw the growth of militant civic, youth, and student struggles in which workers became increasingly involved. Through their informal learning experience as well as the intensive education carried out in shop-steward councils and through *siyalalas*, worker leaders gained confidence to engage with their unions' intellectual leadership on controversial organisational and political issues.

Unions have been referred to not only as 'schools of labour' but also as 'laboratories for democracy', where workers could test out new ideas, arrive at new understanding, and develop and enrich collective practices (Vally, 1994). Grossman (quoted in Cooper et al. 2002:120) writes,

Workers searched memory, each other, history, the world, political texts, for ideas and knowledge, bringing everything into their intellectual embrace.

Workers came up with the concept of 'moving meetings', turning buses and trains into vehicles of mass education to popularise the campaigns. Education work within Cosatu also built on the growing tradition of worker cultural initiatives: at Cosatu's second congress in 1987, there were poetry readings, worker choirs, plays and art exhibitions. The mid- to late 1980s saw the emergence of over 300 cultural locals within the federation and the rapid growth of workers' theatre (Vally, 1994). Worker plays gave expression to the feelings of alienation of workers in factory conditions and their bitter experiences of racism, poverty and arbitrary dismissals.

During the height of the struggles in the 1980s, the labour movement played an educative role not only for organised workers, but also for many other sections of the black working class. Workers brought to community organisations traditions of participatory democracy, accountability, worker-leadership and mass action as well as a critique of capitalism and a growing vision of a transformed socialist society. The development of its vision of worker education was also closely linked with community and school struggles for a People's Education.

At the very moment at which workers were participating in mass action on a larger scale than ever before in South Africa's history, a very different process was getting under way. By 1988, it was clear that the broad liberation movement was being led into a course of negotiation with the apartheid state. The labour movement came under pressure to review its role, as well as its strategies for change and its vision of the future (Cooper et al. 2002:123). In line with the newly dominant politics of a negotiated settlement in the late 1980s and early 1990s, the trade union leadership responded by shifting its declared vision from that of opponent and adversary towards a stated goal of 'equal partner' with business and government. This involved participation in tripartite negotiating forums over policy development for a post-apartheid era. Increasingly, the leadership of the labour movement insisted on a partnership with the former 'capitalist enemy' and a common commitment to international competitiveness and appeals for foreign investment. These changes were to have two significant kinds of impact on worker education. First, the priorities, form of delivery, and key target audience of trade union education were shifted. Second, the labour movement was to become increasingly involved in workplace training issues guided by a new commitment to increased productivity and international competitiveness (Cooper et al. 2002:123). This had significant impact on the nature of worker education. Cooper et al. (2002:124) explain:

In the late 1980s and early 1990s, unions began to engage in a wide range of policy forums with management and later with the post-apartheid government. They faced growing pressures to produce 'experts' who could engage with management and government on questions of education and training policy that ultimately came to reflect concerns about productivity and profitability. This reflected a worldwide trend to reshape worker education in the light of the new politics of the post-cold war era. Whatever else this involved, it meant a pressure to turn away from the struggle to acknowledge and affirm experiential learning, in favour of the certificated knowledge of 'experts'. Once the knowledge based on certificated expertise was advantaged, it became increasingly difficult to challenge its authority and affirm any other kind of knowledge.

Crucial aspects of the earlier progressive tradition in worker education were being challenged. This went together with associated challenges. It undermined the notion that worker education was a source of value for the workers' movement and the working class as a whole, not simply an instrument for personal career development. An article in the *South African Labour Bulletin* in 1992 commented on the growing exodus of key trade union leadership from the trade union movement into government or into management, and quoted one worker leader as saying that trade unions were not only 'the best schools of the working class' they seems to be the 'best sources of trained personnel for everyone else in South Africa' (Ibid. p.124). Whereas earlier Cosatu resolutions on worker's education had stressed its role in liberating the working class, the 1991 Third Education Conference resolutions were far more moderate.

During the 1990s, union education programmes became more directed towards union leadership and full-time staff, with little or no education for the rank and file. This was paralleled by a growing tendency within the unions to formally elect more educated workers to leadership positions resulting in the style, language and setting of education were increasingly directed towards this layer of workers. These developments had a particularly exclusionary effect on women workers who are generally less formally educated, and who usually fall into the less skilled categories. It also eroded the tradition of the older generation of workers (often with lower levels of formal education, and less fluent in English) and prevented them from passing on their experience and knowledge.

Education Policy & Education Rights after 1994

A plethora of policies and acts were introduced after 1994 to redress the legacy of disparities and inequalities left by apartheid. The South African Schools Act of 1996 and the National Education Policy Act of 1996 govern the administration of education in South Africa. The South African Schools Act repealed the many discriminatory education laws that existed under the apartheid education system. The National Education Policy Act is aimed at 'the advancement and protection of the fundamental rights of every person' to education as guaranteed in the constitution; the Act empowers the national minister of education to determine national education policy in terms of the principles embodied in the constitution; the Act provides an infrastructure that requires consultation with a wide variety of bodies before determining policy. The government dismantled the pre-1994 education system, consolidating the eighteen segregated departments into one central department and nine provincial departments. The constitution vests substantial powers in the nine provincial legislatures and governments to run education affairs subject to the national policy framework, and each province also

has an education department. School attendance is compulsory for South African children from the ages of seven to fifteen.

Equity reforms introduced in the late-1990s did appear to try to equalise funding among the provinces, schools and socio-economic groups. The Norms and Standards for School Funding (Department of Education, 1998), was intended to guide the distribution of the provincial departments' non-personnel expenditure between schools. Under these guidelines, schools were ranked on the basis of two factors: the poverty of the school community and the conditions at the school; subsequent resource allocation was based on this school poverty index. The funding principle determined that 60 per cent of non-personnel resources should go to 40 per cent of the poorest schools. Many problems with this policy have been identified elsewhere (see Wildeman, 2001 and Chisholm et al. 2003).

While the 'Norm and Standards' policy does shift funds to the poorer schools, it only distributes on average, 7.8 per cent of provincial education department's budgets (Chisholm et al. 2003:765). For Wildeman the aim of the policy was to isolate the primary beneficiaries, the 'poorest of the poor' and increase the ability of the state to hold on to the twin objectives of fiscal discipline and redress.

Relative to schools in other African countries, South Africa has a favourable enrolment of girls although this achievement in the context of a high level violence and sexual harassment is often nullified. Many education policies in the last decade were formulated under the prevailing assumption that after the 1994 elections the new political dispensation would automatically translate into a better educational system for all – gleaming rhetoric that suggested anything replacing the past was better. Moreover, dissimilar realities of 'race', class, gender and geographical location were not factored into the politics behind 'stakeholder' composition (Motala, Vally & Modiba in Chisholm et al. 2003:592). Policy documents reflected a 'negotiated compromise' – a careful balancing act between contradictory political imperatives, chiefly social justice and economic development. This attempt at consensus without addressing the cleavages in society left an indelible imprint on the evolution of policies.

Those previously involved in education social movements, expected that the new political dispensation would translate into a better and more equitable education system. It seemed almost as if civil society was collectively holding its breath. The new educational laws and policies boosted this hope. The initial hope for change from above was misplaced but by 1998 civil society began to move from a sense of disillusionment and powerlessness to a situation where it tentatively began to re-assert itself. The initial impetus for this renewed activity began with the Poverty and Inequality Hearings organised by the South African Non-Governmental Coalition (SANGOCO). Between 31 March and 19 June 1998 over 10,000 people participated in the campaign by attending the hearings, mobilising communities or making submissions.

The hearings were organised thematically and were held in all nine provinces, dealing with employment, education, housing, health, the environment, social security and rural urban development. These hearings were supplemented by background papers compiled by NGOs and research organisations. Research focused on the legacy of poverty and inequality in each sector and its impact on people's lives, the extent to which current practices and policies contributed to improve conditions, and recommendations on the measures required to assist

groups to access their socio-economic rights. The Education Policy Unit (of Witwatersrand University) co-coordinated the gathering of submissions and served as a resource for the Education Hearings. The Hearings provided concrete evidence that the inability to afford school fees and other costs such as uniforms, shoes, books, stationery and transport were some of the major obstacles blocking access to education. In some cases, parents or even the pupils themselves discontinued schooling as the costs of these items imposed too heavy a burden on the family. The lack of electricity, desks, water and sanitation facilities in schools were also referred to in a number of submissions. Overcrowded classrooms continued to be a standard feature in poor communities. Frustrated by unfulfilled promises, many poor communities, particularly women in these communities, scraped together their meagre resources in order to provide rudimentary education facilities. A random look at some of these testimonies will be useful (Vally in Chisholm et al. 2003:470-472):

Annah Mokgabane said that the pre-school in Bofula 'is a little shack built by the community. There is nothing that the children can entertain themselves within the pre-school.'

Adam Dichaba explained how parents were bearing the costs of running pre-schools:

We are paying for those teachers because we know the need. The government promised us that it will help us sometime, but it has done nothing so far.

Although many hoped that education would provide the key to the door out of poverty, Konela Lekafola speaking for the Free State Unemployed Graduate Initiative (FSUGI) soberly reminded those assembled at the Hearings that thousands of graduates are unemployed and have no employment opportunities. Many people like Johanna Sebetlela expressed the fear that her younger brother would drop out from school because 'so many standard tens have passed but they are just roaming around because there are no jobs.' While FSUGI aims to discourage anti-social acts by getting 'young graduates to assist with voluntary service in the community', Konela felt at the very minimum they require some form of basic subsistence and training to sustain their activities. In the long-term Konela insisted that 'education alone is not enough. We need a new economic system based on need and not on profit.' After attempting to meet with different government ministries, Konela has come to the realisation that, 'It is not us that cause the problem but government polices and deficits'. In addition to the verbal testimonies, co-ordinators received scores of written submissions from parents, teachers, school governing body members, early childhood education and adult education and training providers and learners, student and youth organisations, trade unions, NGOs and church groups. These ranged from the carefully worded, logically argued views of research organisations to the poignant testimonies of some of the most marginalised such as child workers and prisoners.

The poor identified a range of obstacles preventing the eradication of poverty. At the conclusion of the nationwide Hearings the conveners arranged a list of responsibilities for politicians, government officials, the private sector and civil society in order to ensure that the fight to end poverty becomes the nation's priority. For government officials and politicians these included reversing the neo-liberal macro-economic strategy, increasing social spending and meeting basic needs; renegotiating the apartheid debt and releasing this money for poverty eradication as well as treating individuals and their concerns with respect and dignity. Unfortunately the

Hearings arrived at a cul-de-sac in the absence of grassroots community organisations to take the demands forward.

Three years after the Hearings, the Department of Education's School Register of Needs Survey (Department of Education, 2001) which quantifies the provision of physical infrastructure for South Africa's schools continued to show that adverse conditions persist and in some cases have even increased. It estimated that 27 per cent of schools had no running water, 43 per cent no electricity, 80 per cent were without libraries and 78 per cent of schools had no computers; 12,300 schools used pit latrines and 2,500 schools had no toilets at all. In schools that did have toilets, 15.5 per cent were not in working order. Schools requiring additional classrooms numbered over 10,700. According to the Survey, the number of state-paid educators decreased dramatically by 23,642 while School Governing Body-paid educators increased by 19,000. Clearly, a labour market involving the purchase of teachers has begun as the state is determined to reduce personnel expenditure as teacher shortages become more severe – a result of the HIV/AIDs pandemic and previous rationalisation policies.

A consequence of this trend, while saving the state a salary bill of many millions, is the increase in disparities and inequality between schools. It is largely rich schools that can afford employing additional teachers to supplement the number of state-paid educators. While the argument that the state's savings on personnel costs automatically translates into an increase in non-personnel expenditure is tenuous at best, it is a certainty that the practice places an additional burden on communities to carry the overall costs of education. The maintenance of school buildings has also seriously declined as schools prioritise other areas such as the payment of utility bills. In many instances School Governing Bodies, contrary to the vision of the role of PTSAs in the 1980s, have become 'glorified fund-raising committees'. They are constantly under pressure to increase user fees and at times illegally prevent children from poorer backgrounds access to schools.

Additional concerns relate to the dire lack of retention of students and the state of adult education. According to the Department of Education's statistics only 40 per cent of learners who enrol at entry level (Grade 1) reach Grade 12. Ivor Baatjies (2003) poses the rhetorical question:

Can we really talk about a democracy when almost 10 million of our adult population remain poorly educated and lack the basic knowledge and skills necessary for active participation in our society?

Adult basic education continues to receive just above one per cent of the education budget. Most NGOs that worked in this field no longer exist because of lack of funding and, as a result, public adult learning centres are poorly supported.

While previously Technical and Further Education would have catered almost exclusively as a lever for the disadvantaged, they are now course-designed with specific niche training needs in mind. In this conventional human capital explanation, knowledge is valued according to its potential economic outcomes and education becomes purely instrumental to economic production and growth. And life-long learning is a signifier for life-long adaptation to the 'needs' of the global economy. The message to workers is about a skill crisis rather than jobs crisis. 'Get retrained and jobs will come', is the message from management and various government training bodies set up by politicians eager to be seen to be addressing job

creation. The reality, of course, is that alarming levels of unemployment continue. The assumption is that unemployment and low standards of living is a result of the inability of workers to keep up with technological change and that socio-economic development is contingent on the 'productive' role of education.

Education is seen as an economic investment in which students and workers are value added products and a means by which the economy is to be improved. Education and training are transformed into a panacea for economic performance as it is assumed that investment in human capital and technology will automatically increase productivity on the shop floor. It also conveniently transfers the responsibility for unemployment to individual deficiencies, implying that lack of employment is a reflection of a person's level and abilities instead of an intrinsic deficiency of the economic structure and how employment is distributed.

At the same time, macroeconomic policy as expressed in GEAR means the marketisation of education, public-private partnerships, fiscal austerity, budgetary constraints, cost recovery and cuts to education and other social services. Much of the cost of education is passed on to parents and students. Policy in South Africa sees the education and training system as a vehicle to improve productivity of the workforce and hence the competitiveness of the South African economy, while simultaneously providing rhetorical support for redistribution and redressing historical imbalances. It has been shown elsewhere that these two goals do not necessarily complement each other (Samson and Vally, 1996).

The New Social Movements & Education

The lack of public educational provision and educational inequalities prompted the Education Rights Project (ERP), formed by staff from the Education Policy Unit together with activists from various social movements to comment that

the right to basic education and adult education for those from working class communities is no more than a mere constitutional declaration.

The difference though with the period of the Poverty and Inequality Hearings was the presence of nascent but increasingly expanding social movements. These included the Anti-Privatisation Forum (APF), the Landless People's Movement, the Anti-Eviction Campaign and the Concerned Citizen's Forum. The ERP worked closely with these movements in its five campaign areas namely, the cost of education infrastructure and facilities, sexual harassment and violence, farm schooling and adult basic education.

Like the earlier People's Education Movement, the ERP's participatory research initiatives with the various emerging social movements and community organisations, is a form of social accountability. It asserted the need for civil society to have access to collective self-knowledge, independent of government, in order to hold the state to account for its policies. It is used as a social check on the state's 'numbers' and 'statistics' which are forwarded by state functionaries as 'official justification' for its policies, and in this instance, the right to education. This critical research according to Kincheloe and McLaren (1998:264) 'becomes a transformative endeavour unembarrassed by the label "political" and unafraid to consummate a relationship with an emancipatory consciousness'. Those in the ERP initiative see their research as 'the first step towards forms of political action that can address the injustices found in the field site or constructed in the very act of research itself' (Ibid.).

During a process of collecting testimonies detailing the views and experiences of learners, teachers and community activists about their local schools, cold statistical data on school fees, transport, feeding schemes, child labour, infrastructure and facilities were given new meaning. The troubles and struggles of individuals and communities to educate their young in very trying conditions, to make the hard-won constitutional right to education a reality, are vividly portrayed in these testimonies. For instance, in Gauteng, a number of communities linked to social movements have designed or are in the process of designing and collecting data about their communities on basic issues such as the amount of school fees charged, cost of uniforms, books transport, provision of meals in schools, household incomes and violations of their rights because of the inability to pay school fees. With the assistance of the ERP, the data are analysed and then presented at community meetings where a discussion is held regarding actions to be taken to deal with the problems identified.

The importance of such a research process is that it promotes democratic and co-operative practices in the production and the designation of what constitutes knowledge and demystifies the research and facilitates a social and active response to complex policy issues. The outcomes of the research inform the design of a campaign aimed at improving local education. This will ultimately contribute to democratising the debate on, for instance, the impact of government budgets on local education as communities themselves will have the data to challenge or support assertions made by the state or other organisations about provisioning for education.

Issue papers on the five campaign areas have been written and debated in the ERP and its reference group, consisting of researchers and social activists working in education. An issues paper on the fifth campaign area, adult basic education, is currently being prepared. In this way the project ensures that scholarship makes a contribution to dealing with social challenges and that, without romanticising the capacity of communities to conduct research, that communities themselves profoundly inform, direct, own and use research produced through their efforts.

Throughout the country, initiatives such as the ERP in alliance with social movements, have created a groundswell of support for free quality education. Due to the extensive lobbying and campaigning of social movements,¹ and unfavourable press coverage of the costs of schooling, the government initiated a Ministerial Review of the Financing, Resourcing and the Costs of Education. In September 2002 the Government set up a reference group of 27 members, consisting of a core team from the Department of Education, and 'prominent economists and managers from inside and outside government' (Department of Education, 2003a:8) as well as the World Bank.

Although the purpose of the review was to 'stimulate and inform constructive discussion' on how government schools are resourced, the Review Report was formulated amid numerous complaints by labour and community-based organisations, who charged there was no participation by any representatives of the labour movement's education unions, school educators, governing bodies and community organisations (Anti-Privatisation Forum submission, April 2003).² In addition to the lack of participation by key groups, critics argued that the Review was not adequately publicised to encourage wide ranging responses and the time frame for submissions did not allow for democratic processes to run their course.

Beyond the limitations in democratic participation, several submissions to the Review by civil society organisations raised additional key criticisms. Perhaps most striking is how the Ministerial Review addressed non-personnel funding norms (which consist of only 5 to 10 per cent of the budget) whilst remaining largely silent on the other 90 to 95 per cent of the budget which addresses post-provisioning personnel expenditures. This omission, the South African Democratic Teachers Union (SADTU) argued, had major implications for redress and equity in the system (SADTU response submission, 2003). Despite its recognition of some major strides in shifting non-personnel funding towards the poorest schools, SADTU also assailed the report for the 'unreliable data' upon which the allocations were based and called into question a formula which has tended to penalise poor communities with a reasonable existing infrastructure. SADTU describes 'large disparities between provinces in per learner non-personnel spending and vastly different poverty profiles ... which it claims ends up 'robbing the poor to pay the very poor'.

Others have pointed to some of the other erroneous assumptions put forward by the Review and vigorously criticised the skewed use of research data to write off claims of public dissatisfaction with school funding and deleterious conditions. For example, according to the report, opposition to fees only comes from a minority (15 per cent) of parents. For some, serious concerns were raised over the Review's use of the particular survey that suggested parents found 'school fees reasonable'. After conceding that the survey question was ambiguous (it was unclear whether the question addressed the user fee system or fees at the school in question) the Review revised its claim to suggest that there was a 'sense of satisfaction of parents with the system' (Department of Education, 2003a:88). Participatory research done by the Education Rights Project (ERP) indicates significant *dissatisfaction* with the school fee policy, with most participants calling for the abolition of school fees. Motala (2003:4) also calls into question the lack of specificity of the report. She writes:

While a number of extremely important issues are raised, the specific legislative, resourcing and governance mechanisms of how they are to be addressed are not made clear. The policy adjustments proposed by the Review are not linked to time frames or resource commitments. It is understandable therefore that some have cynically speculated that the report should be read for its political currency shortly before the general election and an 'attempt to head-off and manage the growing grassroots discontent instead of a realistic endeavour to achieve redress and equity' (ERP submission, 2003).

The 'closed budget approach' in the Review is also criticised. The premise of this approach is that the available resources for public schools are essentially fixed and the only way to consider what priorities should be addressed and what administrative systems put in place is within the parameters of this closed budget.

The Review attempts to shift blame around key problems to local communities. This is akin to blaming the victims themselves instead of self-critically taking responsibility for the many failures in the education system. For example, problems schools face in paying their utility bills is largely and strangely ascribed to 'runaway consumption of water and electricity', this in a country where 43 per cent of schools do not have electricity and 27 per cent have no water. The latter deficiencies are not even addressed. Instead, the Review suggests the favoured neo-liberal prescriptions such as pay-as-you-go electricity meters and vouchers for those schools that have electricity. The Review states that a variation of this option would be to explore 'the possibility of rationing electricity supply eventually, so that ESKOM would cut

electricity after the monthly consumption limit had been exceeded and then to re-connect it at the beginning of the next month' (ERP submission, 2003:2).

The ERP also found fault with further class-based assumptions that 'school fees serve an important accountability function' (Department of Education, 2003a:98) and the ultimate dismissal of governmental responsibility, the Review suggests that funding and resources are not the problem and argue that 'certain schools perform well despite deplorable conditions' (Department of Education, 2003a:66).

There were some in academia though who argued against the scrapping of school fees. In an article originally titled 'On the constitutionality of school fees: A qualified defence', Fleisch and Woolman (2004:111) critique an ERP issue paper on school fees by reiterating arguments contained in the Ministerial Review, they write:

... empirical evidence suggests that school fees do not constitute a significant barrier to access, cannot be organically tied or causally linked to an inadequate basic education and would not meaningfully enhance human dignity if eliminated.

They also argue that a fees based system encourages community engagement and a vested interest in parents and learners participating in the schooling system. Based on these arguments it would not be churlish to suggest that the second part of their paper's title should be amended to read 'a qualified defence for privilege'. Research provides evidence that the user fees based system was consciously decided upon in order to placate white and middle class interests that they would not lose control of their schools. A number of studies, including a few mentioned in this paper, clearly dispute the Ministerial Review's assumption that school fees and secondary costs are not a significant barrier to education. Fleisch and Woolman also uncritically accept the Ministerial Review's contention that there is a large variation between the performances of poorly resourced schools, and therefore that resources alone do not determine educational outcomes. The fact that certain schools are able to perform well despite 'deplorable physical conditions' (DoE, 2003a:66) should not, however, be used as a punitive reason for failing to resource all schools adequately and redressing the apartheid legacy. As an aside it should also be pointed out that the 'basic minimum package' arrived at in the Ministerial Review was set on the experience of atypical schools that perform well with low levels of resources or as it was stated 'well performing but poor primary schools' rather than representative poor schools.

In June 2003, recommendations from the Ministerial Review led to a 'Plan of Action for Improving Access to Free and Quality Basic Education for All' (DoE, 2003b) which proposed that:

From 2004 the poorest 40 per cent of schools would not charge fees;

A proposal to revamp the exemption system, to include 'hidden' costs and uniforms and to make exemptions automatic where families qualify for welfare grants;

Government can only afford a R500 basic minimum package per average learner;

A basic minimum package for the poorest schools to provide for non-personnel, non-capital goods costing between R600 to R1000, well above funding levels for poor learners in several provinces;

Provincial shortfalls in complying with the new national minimum norms and new resourcing targeting tables can be remedied by re-prioritising within existing budgets.

Some of the Plan's proposals have been promulgated in an Education Laws Amendment Act (The Presidency, 2006). The latter Act calls for an annual list of schools designated 'no fee schools' through the *Government Gazette*. This is likely to be done in late 2006. The Act though does state that even if schools are designated 'no-fee schools' they can levy fees if the level of funding per learner is below that contemplated in the 'norms and standards for school funding'. A more fundamental problem which will exacerbate inequalities between fee-rich and poor schools is that while poor schools are prohibited from raising fees, middle and high income schools are permitted to top-up state funding to an unlimited level.

Finally, there was no serious engagement with alternative positions such as free education through progressive taxation. This approach is in line with the National Association of School Governing Bodies (NASGB) proposal, which is not to encourage an exodus to rich schools, but to 'demand a complete and radical transformation in the resourcing of education that will ensure access to quality education for all' (NASGB submission 2003). Rather than tinkering with the various equity formulas for redistribution (to allegedly favour the poorest) it was suggested to radically change the funding pie. Put plainly in the words of the NASGB 'It is our view that only a progressive policy of taxation that favours the poor, enabling the state to access much more financial resources from the wealthy, will enable an education system of free education, the scrapping of school fees and the redistribution of resources from rich to poor' (NASGB submission, 2003:4).

Conclusion

Many of the new social movements characterised by mass mobilisation are employing the methods of critical pedagogy. As Modi (2000:23) puts it,

their process is Freirean reflection and action, their direction is horizontal, their leadership is internal and their end is an equitable economic and social whole in which the individual is one active subject.

The new social movements in South Africa are evolving and remain uneven in many respects. Much of their activity has been spawned by the new conditions of accumulation that lie outside the ambit of the trade union world and its style of organising (Desai, 2002).

Greenstein (2003:39-48) argues that the affiliates of the Anti-Privatisation Forum/Landless People's Movement use the discourse of rights mainly in order to bolster political mobilisation and to legitimise public action, rather than as a serious legal argument. In terms of the activities of these organisations he also points out an internal contradiction where activists use illegal tactics in the fight to assert legal rights. These tactics, Greenstein argues, has yielded limited results and have not moved beyond the boundaries of protest and pressure politics. For Greenstein the Treatment Action Campaign through the 'legal activist route' instead poses a fundamental challenge to the way power is reconfigured in post-apartheid South Africa. Greenstein is surprisingly sanguine about the ability of judges and law courts to correct the unequal distribution of power in society. Ollman's sardonic riposte to those who believe in the impartiality of the Constitutional Court is appropriate:

The Supreme Court is where the Wizard of Oz, with a wave of his Constitutional wand tries to turn a land bleeding with capitalist excesses into a Walt Disney fairy tale about 'the rule of law'. The purpose of it all is not justice but legitimization (Ollman, 2001:7).

Furthermore, Mosher (1997:617-626) writing about the 'harms' to social movements by dominant lawyering practices in Canada finds resonance today in South Africa. Problems which clients present to lawyers are quickly conceptualised and categorised as 'legal' problems. Avenues open for the resolution of any given problem thus, not surprisingly, appear to lie within the boundaries of the legal system. In practice, lawyers and sociologists like Greenstein rarely acknowledge the possibility of non-legal forms of action and remedies. For Mosher,

... the lawyer's world is professionally centred and dominated; some might say myopic. Part and parcel of this tendency of lawyers to look to the law and the legal system is the belief that legal remedies are both attainable and efficacious.

Another feature of lawyering is its commitment to instrumentalism. Perhaps precisely because lawyers believe in the efficacy of legal remedies, their practices are dictated by efforts to obtain them. Within this outcome orientation (wherein the world of possible outcomes is circumscribed by the notoriously narrow range of judicial remedies), 'success' is understood to be the securement of a favourable result. This is true both of individual client representation and of instances of 'interest group' representation, wherein groups seeking social change have optimistically (but often unrealistically) presupposed that the securement of a favourable judicial result would lead to substantial change in the lives of their members. Over four years since ruling in favour of the housing needs of the poor, the conditions of residents in the celebrated Grootboom case has not improved. Doctrinal juridical analysis rarely opposes or attempts to critique the social, economic and political conditions underpinning legal doctrine, legal process and particular legal results.

Bakan's (1997:152) central claim in his book on the Canadian Charter of Rights (eerily similar to our own Bill of Rights) that constitutional litigation and rights discourse are blunt tools for redressing social injustice. His conclusion is appropriate for this report:

The struggle for social justice is much larger than constitutional rights; it is waged through political parties and movements, demonstrations, protests, boycotts, strikes, civil disobedience, grassroots activism, and critical commentary and art.

Throughout the country, initiatives such as the ERP and the Campaign for Global Education have created a groundswell of support for free quality education. In the course of the ERP's work with communities we have heard numerous stories of hardship, dashed expectations and often of an uncaring, aloof and callous bureaucracy. Yet increasingly, silent apathy and hopeless resignation is giving way to creative initiative and courageous attempts by young people, their parents, some teachers and education officials to challenge the prevailing system. More and more people are realising that ultimately real education transformation will depend on the capacity of the poor and their supporters in different sectors to mobilise, coordinate their struggles and become a powerful social movement.

Salim Vally is a Senior Researcher at the Education Policy Unit, University of the Witwatersrand, South Africa; e-mail: Salim.Vally@wits.ac.za.

Endnotes

1. The demands for a review of funding came from a variety of civic and social organisations – chief among them were civil society groups, student and community organisations who were key in boycotting school fees; the Global Campaign for Education; the Education Rights Project; and the South African Democratic Teachers Union.
2. It is worth underscoring the role that social movements played in pressurising the government for a comprehensive review, particularly because their absence from the Review Committee and its deliberations is striking.

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