

**A MODEL FOR THE IMPROVEMENT  
OF DEMOCRATIC SCHOOL GOVERNANCE  
IN SOUTH AFRICA – AN EDUCATION LAW  
PERSPECTIVE.**

by

**Marius Hilgard Smit**

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PERSPECTIVE.**

by

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B.Com, LLB, LLM, PGCE.**

Thesis submitted in fulfilment of the  
requirements for the degree

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South Africa.

Promotor: Professor I.J. Oosthuizen

Potchefstroom, January 2009.

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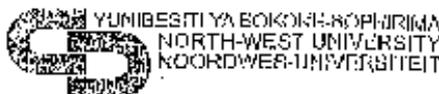
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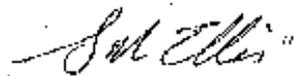
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## **SUMMARY**

### **A model for the improvement of democratic school governance in South Africa – An Education Law perspective.**

Key words: school governance, deliberative democracy, bureaucracy, parental participation, schools, democratic climate, democratic theory, knowledge of Education law, unity in diversity, rule of law, politicised education system.

The South African education system has been undergoing a process of transformation and democratisation. An historical overview of democracy in the South Africa education system confirms that the system had developed to become a highly centralised and bureaucratic system during the twentieth century, but it was transformed in 1996 to afford a greater degree of parental participation through local school governing bodies.

Democracy is founded on a belief in individual rights, equality, and self-government by the majority of the people. The moral authority of the majority is based on the notion that there is more enlightenment and wisdom between many than in a single man. However, the power of the majority is always limited by the prerequisite of the rule of law and the implicit requirements of legality and justice. This implies that bureaucratic or undemocratic exercise of power by the majority or any person, including the state, would be contrary to the requirements of legality and democracy.

An overview of the theories of democracy explains the complexities of the different orientations and ideological approaches to democracy. Critiques of democracy have identified an elitist, inegalitarian, and antiparticipatory core in liberal democracy. The sensible approach to these weaknesses of liberal democracy is to integrate the best features of the various theories of democracy towards a workable solution to manage the systemic conflicts. This includes the formal application of checks and balances and the substantive adjustment of the executive, legislative and judicial practice to maintain a harmonious equilibrium between equality and liberty. The theory of deliberative democracy suggests an additional way to improve substantive democracy.

There is an inextricable link between democracy, education and the law. The South African Constitution provides for representative (political) and participatory democracy, as well as for the enshrinement of fundamental rights such as the right to basic education. In addition, the education legislation and policies contain numerous provisions that prescribe and necessitate democratisation of the education system.

However, the empirical results of the study show that a number of controversial bureaucratic practices and a tendency towards increased centralisation of the system, constrain democratic school governance. The most prominent undemocratic practices in the system *inter alia* include:

- the over-politicisation of schools by the dominant teachers' union;
- the bureaucratic appointment of educators;
- the interference by teachers' unions with the appointment of educators,
- the bureaucratic imposition of English medium language policies on Afrikaans schools; and
- the ambivalent attitude towards inclusive education.

An investigation into the knowledge levels of senior education administrators, school principals and school governing chairpersons, which participated in this study, revealed that their knowledge of participatory democracy and Education Law was superficial. This ignorance of these stakeholders in education compounds the problem of effectively administering, managing and governing schools in a democratic manner.

Conclusions drawn from the evidence of this study suggests that certain of the encumbrances to democracy in schools and the system can be attributed to systemic weaknesses, as well as to misconceptions and the misapplication of democratic principles. Finally, the study proposes two models to improve democratic school governance. The first model suggests a theoretical framework for improving the power relations, knowledge, civic attitudes and democratic values. The final model, which is based on the first theoretical model, proposes that Area School Boards be statutorily established to govern defunctive schools and that deliberative forums should be established and implemented within the organisational hierarchy of the education system.

## **OPSOMMING**

### **'n Model vir die verbetering van demokratiese skoolbeheer in Suid Afrika – 'n Onderwysregtelike perspektief.**

Sleutelwoorde: skoolbeheer, oorlegplegende demokrasie, burokrasie, ouerlike deelname, skole, demokratiese klimaat, teorie van demokrasie, kennis van Onderwysreg, eenheid in verskeidenheid, “rule of law”, verpolitiseerde onderwysstelsel.

Die Suid Afrikaanse onderwysstelsel gaan deur 'n proses van transformasie en demokratisering. 'n Historiese oorsig van demokrasie in die Suid Afrikaanse onderwysstelsel bevestig dat die stelsel ontwikkel het tot 'n hoogs gesentraliseerde en burokratiese stelsel gedurende die twintigste eeu, maar dat dit in 1996 hervorm is om groter ouerlike deelname deur middel van plaaslike skoolbeheerliggame te bewerkstellig.

Demokrasie is gebaseer op die vertroue in individuele regte, gelykheid en selfregering deur die meerderheid van die mense. Die morele gesag van die meerderheid is gevestig in die idee dat daar meer kennis en wysheid is tussen baie as in 'n enkel persoon. Desnieteenstaande word die mag van die meerderheid altyd beperk deur die voorvereiste van die “rule of law” (regstaatlikheid) en die implisiete vereistes van legaliteit en regverdigheid. Dit impliseer dat burokrasie of ondemokratiese optrede deur die meerderheid of enige persoon, insluitend die staat, teen die vereistes van legaliteit en demokrasie sal wees.

'n Oorsig van die teorieë van demokrasie verduidelik die kompleksiteit van verskillende oriëntasies en ideologiese benaderings tot demokrasie. Kritiek teen demokrasie toon dat elitistiese, ongelyke en nie-deelnemende wanpraktyke in deel van liberale demokrasie uitmaak. Die sinvolle benadering tot dié inherente swakhede van liberale demokrasie, is om die beste eienskappe van verskeie teorieë te integreer tot 'n werkbare oplossing ten einde die sistemiese konflikte te bestuur. Dit sluit die formele toepassing van wigte-en-teenwigte in, sowel as die wesenlike en voortdurende aanpassing van die uitvoerende en regsprekende praktyk om 'n harmonieuse balans tussen gelykheid en vryheid te bewerkstellig.

Die teorie van oorlegplegende ('deliberative') demokrasie bied 'n addisionele manier wyse aan om substantiewe demokrasie te bewerkstellig.

Daar is 'n onlosmaaklike band tussen demokrasie, onderwys en die reg. Die Suid Afrikaanse grondwet maak voorsiening vir verteenwoordigende- (politieke) en deelnemende demokrasie, asook die vaslegging van fundamentele regte soos die reg op basiese onderwys. daarbenewens bevat die onderwys wetgewing en onderwysbeleid verskeie bepalinge wat die noodsaaklikheid van demokratisering van die onderwysstelsel voorskryf.

Ten spyte hiervan toon die empiriese resultate van hierdie studie dat 'n aantal kontroversiële burokratiese optredes en die neiging na toenemende sentralisasie van die onderwysstelsel, demokratiese skoolbeheer kniehalter. Die mees opsigtelike ondemokratiese wanpraktyke sluit onder andere die volgende in:

- oorverpolitiserings van skole deur die dominante onderwysersvakbond;
- burokratiese aanstelling van onderwysers deur die onderwysdepartement;
- inmenging deur onderwysvakbonde in die aanstelling van onderwysers;
- burokratiese afdwinging van 'n taalbeleid wat Engels as onderrigmedium vereis by Afrikaanse skole;
- die ambivalente houding jeens inklusiewe onderwys.

'n Ondersoek na die kennisvlakke van senior amptenare in die onderwys, skoolhoofde en skoolbeheerliggaamvoorsitters, wat aan die studie deelgeneem het, toon dat hulle kennis van die beginsels van deelnemende demokrasie en Onderwysreg oppervlakkig is. Hierdie onkunde vererger die uitdaging om skole op 'n demokratiese wyse te administreer, te bestuur en te beheer.

Op grond van die bewyse uit die navorsing word die gevolgtrekking gemaak dat die hindernisse tot demokrasie, in skole en die onderwysstelsel, toegeskryf kan word aan sistemiese swakhede, sowel as wanpersepsies en wantoepassing van demokratiese beginsels. Die eerste model, wat voorgestel word om die uitdagings aan te spreek, behels 'n teoretiese raamwerk om gesagsverhoudings, kennis, gesindhede oor burgerplig en demokratiese waardes te verbeter. Die finale model, wat gebaseer is op die eerste teoretiese model, stel voor dat Area Skoolrade statutêr daargestel word om die funksies van disfunksionele skole te verrig en dat oorlegplegende forums in die organisatoriese hiërargie van die onderwysstelsel gevestig en geïmplementeer word.

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# CHAPTER 1

## INTRODUCTION AND ORIENTATION

### 1.1. INTRODUCTION.

Following the first democratic election in 1994 and the institutionalisation of constitutional democracy in South Africa (Van Wyk, 1994:1), a major shift towards democratisation occurred in the education system when self-governance of schools was established with the promulgation of the National Education Policy Act (1996a) and the South African Schools Act (1996b).

These statutes contain important provisions that affirm the essentiality of democratising the education system and schools. For instance, the directive principle in section 4(m) of the National Education Policy Act requires that the National Minister of Education must ensure broad democratic participation in the development of the education (SA, 1996a). The Government must take steps to include stakeholders by representation in the policy-making and governance of all aspects of the education system (SA, 1996a).

Also, the South African Schools Act gave formal effect to the establishment of democratic structures of school governance, which provide the basis for co-operative governance between education authorities and the school community (Squelch, 1998:101). In principle, these legislative provisions established a democratic power-sharing and co-operative partnership among the state, parents, and educators (Karlsson, 1998:37).

The legal system and legislation are important determinants that support the administrative structures and organisational functionality of the education system (Steyn *et al.*, 2003:70). Steyn *et al.* assert (2003:85) that effective legislation and policies optimise the efficiency of an education system. They explain that the educational policy is characterised by prescriptive policies that apply to the macro

(i.e. national), meso (i.e. provincial and local) and micro (i.e. within the classroom and school) levels of the education system (Steyn *et al.*, 2003:86). There are two essential principles of the provincial education policies. Firstly, there should be democratic and decentralised governance of public schools. Secondly, the structures of school management and governance must be democratic by taking cognizance of the multicultural, multilingual and multi-religious demography of each province (Steyn *et al.*, 2003:84).

Underlying the movement towards democratisation of the country and the schools, is the assumption that democracy will improve the well-being of the citizens of South Africa and the functionality and effectiveness of the education system. Although the law does provide an institutional framework for democratisation of a society and, in particular, an education system, the law and legislation are not the only determinants of the education system. Consolidation of democracy and the institutionalisation of a democratic culture within a society is a process that depends on many variables (Kotze, 2004:25). Many variables within the education system seem to constrain the process of democratisation, and consequently stifle the implementation of the right to education, socio-economic equity and the effectiveness and efficiency of schools. It is these variables that this study aims to research.

#### **1.1.1. Problem statement: context and rationale.**

Since the democratic structures in education were established by the National Education Policy Act (S.A., 1996a) and the Schools Act (S.A., 1996b), there have been differences in the interpretation of democratic principles and the manner of implementation of policy among the stakeholders in education. South African education authorities, school management, public schools and school governing bodies, parents and educators disagree on the extent and purview of democracy in education. The tensions that occur as a result these differences influence the level of consolidation of democracy in local schools and are evident from the following phenomena:

### 1.1.2. Lack of understanding of democracy.

The first dilemma that has become evident after the transformation of the education system is that there is still a lack of “enlightened understanding” in South Africa of the essential tenets of democracy (Hilliard & Notshulwana, 2001:155). These authors maintain that democracy can take decades to evolve and it is complicated by the fact that, prior to 1994, South Africa had never experienced a democratic culture. Therefore, there is still much to learn before South Africa can reach the ideal level of sophistication where democracy and accountability work well (Hilliard & Notshulwana, 2001:151).

During a youth rally on 16 June 2008 the president of the African National Congress Youth League, Mr. Julius Malema, shocked the nation with his statement that the ANC youth was willing to take up arms and “kill for Zuma” (Hartley, 2008:8). Less than a week thereafter, a senior politician and union leader, Mr. Zwelizima Vavi, the Secretary-General of COSATU (the largest trade union federation in South Africa) repeated Julius Malema’s threat that he also was willing to kill for Zuma (Hartley, 2008:8). These controversial statements demonstrate a dangerous lack of commitment by senior politicians and youth leaders to the democratic ideals and principles of South Africa. It also indicates a fundamental misunderstanding of democratic concepts and the constitutional prohibition of hate speech and incitement of violence. The question arises whether correct democratic values and norms are being taught and demonstrated in the education system.

Thomas Jefferson (Claassen *et al.*, 2007:342), the third American president and author of the American Declaration of Independence warned:

If a nation expects to be uneducated and free, then it expects something that never was and never shall be.

Speaking at a lecture on 4 June 2008, Dr. Mamphela Ramphele, the Vice-Chancellor of the University of Cape Town and former Managing-Director of the World Bank, said that South Africans had yet to embed a basic democratic culture that held people to standards of appropriate behaviour in a post-struggle

democracy (Samodien, 2008:8). She said that a systematic education for democracy is needed to ensure that the commitments of the Constitution will be met and upheld. Ramphele stated that while activists had thrived going against the government and the law during the apartheid era, this had done little to teach them professionalism. She asserted that the public servants, which include educators, had yet to make the transition from activists to professionals (Samodien, 2008:8).

Three issues regarding the nature and meaning of democracy in education cause general disagreement among the government and its stakeholders, namely, understanding the essential tenets of democracy and Constitutional principles, the fiduciary principles regarding representatives of parents of School Governing Bodies, and the extent of the powers of administrators, managers and school governing bodies in relation to each other.

As to the democratic role and function of school governing bodies, Colditz (2006:4) emphasises that as soon as persons are elected to school governing bodies, they are in a fiduciary position of trust. In other words, the democratic principles surrounding this fiduciary position require of a member of a school governing body to act in the interest of the school and not necessarily in the interest of stakeholder groups such as parents, learners, government departments or educators. Colditz (2006:4) avers that the misconceptions regarding the democratic principles and fiduciary duties of school governing bodies emanate from a fundamental misunderstanding of democracy. The 2006 amendment to section 16 of the South African Schools Act (SA, 2006) provides that a school principal, while serving on a school governing body, is acting as a representative of the Department of Education. Depending on the point of view, this amendment can be interpreted in a manner contrary to what Colditz suggests. Thus, there seems to be disagreement among the stakeholders as to the correct interpretation of the role of a representative while serving on a school governing body.

Jansen (In: Russo, Beckmann & Jansen, 2005:283) states that the problem in South Africa with respect to equal educational opportunities is that complex shifts have taken place in the first decade of democracy that could not have been completely predicted during the constitutional negotiations. Elite white schools have effectively used instruments such as increased school fees and language policy to resist integration (Jansen, 2005:284). The democratic dilemma that results from the increased school fees of elite white schools is that in financial terms these schools actually relieve the state of an added financial burden by raising private funds to maintain schools and paying educators (Jansen, 2005:284). Heavy-handed intervention by government in these schools will cause middle-class parents to flee from the national public school system altogether (Jansen, 2005: 284).

### **1.1.3. Debate on decentralisation of and power-sharing with school governing bodies.**

A further issue regarding the democratisation of the South African education system is the vibrant debate in respect of decentralisation and power-sharing of authority. Legal disputes have occurred over education policies and the extent of the right of school governing bodies to determine language policies for schools (*Laerskool Middelburg v Departementshoof, Mpumalanga Departement van Onderwys*, 2003; *Western Cape Minister of Education and others v Governing Body of Mikro Primary School*, 2005). Van Deventer (1998:51) is of the opinion that the extent of the State's prescriptive regulation and intervention of all aspects of admission, language, and religious policies, norms and standards for funding and financial administration, expulsion and code of conduct guidelines in effect does away with any real partnership and power-sharing. He states that parents and school governing bodies are peripheral partners in name only, because the National Department of Education has centralised decision-making. Accordingly, Van Deventer avers that true participation by representatives of school communities in decision-making on key policy issues is absent.

Contrary to this debate, Soudien & Sayed (2004:106) argue that the decentralisation of functions to school governing bodies in terms of the Schools

Act has gone too far, because it obstructs inclusive education and promotes a racial and class tension in communities. Soudien & Sayed (2004:106) suggest that in order to promote equal access to education, the decentralised authority should be centralised to district level. They reason that against the backdrop of South Africa's racial apartheid legacy, decentralisation, as a means of promoting democratic participation in schools, results the perpetuation of racial and class tension.

#### **1.1.4. Conflicting views of democracy in school education.**

Conflicting views of democracy in education, and in particular the tensions regarding the rights of school governing bodies to appoint educators, have led to a growing body of litigation between schools and provincial governments (*Grové Primary School v Minister of Education*, 1997; *Carnavon High School v MEC for Education, Northern Cape*, 1999; *Douglas Hoërskool v The Premier of the Northern Cape Province*, 1999; *Settlers Agricultural High School & the Governing Body Settlers Agricultural High School v The Head of Department; Department of Education, Limpopo Province*, 2002; *FEDSAS, Limpopo v Department van Onderwys; Limpopo*, 2003, *Kimberley Girls' High School v Head, Dept of Education, Northern Cape Province*, 2005).

The courts have generally strongly safeguarded the right of schools to take on only those educators whom they have recommended to the department for employment (Soudien & Sayed, 2004:106). In reaction to these setbacks, and in order to promote transformation and employment equity, the National Department of Education amended the Schools Act in September 2005 (SA, 2005). Provincial Departments of Education may appoint anyone from a list of at least three candidates recommended by School Governing Bodies. This legislative intervention further limits the powers of School Governing Bodies and has implications for the balanced functioning of a democratic education system. Legislative interventions have tended to remove powers from local School Governing Bodies by centralising the decision-making power to the provincial level of administration. This tendency removes the participatory powers of local

School Governing Bodies and results in further bureaucratisation of educational administration.

In September 2006 the Minister of Education appointed a working group to investigate the necessity of and to propose further amendments to the education legislation. Initial reports from the working group (Anon., 2006:1-15) indicated that the proposals suggest, amongst others, that governance of schools be centralised to the district level, in contrast to the present local (school) level. Despite the initial policy statements in support of participation and power-sharing in education by the parents and communities, past and possible future amendments to the education legislation indicate a clear trend towards the further centralisation of the decision-making power on educational matters.

#### **1.1.5. Various interpretations of fundamental rights.**

Different interpretations of the extent and meaning of fundamental rights, in terms of the democratic constitution of South Africa, have led to legal and administrative disputes between the education authorities, educators and parents (*Ex parte Gauteng Provincial Legislature: In re dispute concerning the constitutionality of certain provisions of the Gauteng School Education Bill*, 1996; *Governing Body, Tafelberg School v. Head, Western Cape Education Department*, 2000; *Despatch High School v Head of the Education Department, Northern Cape*, 2002). Equal access of learners to schools has been contested in courts on the grounds of the right to basic education (section 28 of the Constitution) and the right to equality and non-discrimination based on race, gender, religion, language (section 9 of the Constitution) (*Matukane v Laerskool Potgietersrus*, 1995; *Wittmann v Deutsche Schulverein*, 1998; *Laerskool Middelburg v Departementshoof, Mpumalanga Departement van Onderwys*, 2003; *Western Cape Minister of Education and others v Governing Body of Mikro Primary School*, 2005; *Laerskool Seodin v Minister of Education, Northern Cape*, 2005). Equality, equity, co-operative governance, decentralisation of powers and statutory partnerships are important democratic principles underlying the South

African constitutional dispensation and the education system (Squelch, 1998:101).

According to Jansen (In: Russo *et al.*, 2005:284) the dilemma with regard to language policy is that many Afrikaans parents continue to harbour separatist ambitions in a democratic state. For this reason, the schools and churches are the ideal places to contest areas of language and religious policy. On the other hand, Malherbe (2005:284) takes the position that calls for a balance between the constitutional values of dignity, equality and freedom when pursuing equal educational opportunities. Many instances, such as the unrelenting pressure on Afrikaans medium schools to become dual or parallel medium schools, the neglect of instruction of indigenous languages, and the unilateral imposition of humanistic views of religion, are examples of educational policies that deny diversity and impose uniformity in the multicultural society of South Africa (Malherbe, 2005:106). Such policies deny learners the freedom to be themselves and thus infringe their constitutional rights to dignity and cultural identity (Malherbe, 2005:107).

In order to ensure the efficient functioning of the education system, it is important to clarify these disputes regarding the nature, principles and content of democracy. This, in turn, may result in a more efficiently managed and democratically governed education system, which is then likely to promote effective learning in schools.

#### **1.1.6. Educational decentralisation - research by Naidoo.**

Naidoo conducted qualitative research by studying six secondary schools in KwaZulu-Natal for his thesis (Naidoo, 2005). He found that from a national perspective, the approach to school governance and educational reform in general represents a top-down, rational and technocratic view of change (Naidoo, 2005:119). According to Naidoo (2005:118), the reality is that school governing bodies exist in a world in which long established centres of administrative and professional power are firmly entrenched. He recommends that more extensive

efforts be undertaken to build a culture of governance that includes all stakeholders in order for there to be a real commitment to co-operative governance and management in practice. He states that the pressure for conformity as the measure of democratic participation could be seen as an anathema to real democracy (Naidoo, 2005:122). In order to link democratic citizenship to school governance in a real way, Naidoo suggests that further research should be undertaken to determine a more realistic view of democracy, and to critically study issues such as participation, inclusion, consensus and community (Naidoo, 2005:123). Naidoo (2005:123) proposes that further research should critique models of representative democracy in the context of local school governance, and should design more realistic models of school governance to accommodate competing values and goals within and across stakeholder groups (parents, learners, and educators).

#### **1.1.7. Dilemmas with regard to democracy in school education.**

The transformation of the South African education system has brought a spectrum of dilemmas regarding schools and democracy to light. These range from inequality regarding access to quality education, inadequate stakeholder participation, poor public accountability and a disregard for fundamental rights within the education system. The focal point of these disputes has tended to be at the meso-level of the education system, i.e. between provincial education departments and schools, parents or educators. Steyn *et al.* (2003:86) are of the opinion that to optimise the efficiency of the education system, the legislation, administration and policies must effectively promote and implement democracy at the macro, meso and micro levels of the education system. However, Naidoo (2005:122) warns that South Africa's experience with local governance has theoretical, policy and practical implications for efforts in other contexts, e.g. promoting democracy and citizenship.

This problem statement has highlighted the uncertainties and challenges that exist regarding the nature, extent, and purview of democratic school governance in public education. Therefore, this study focuses on determining the underlying

reasons for the problems from a legal perspective and suggests a model for democratic governance of South African schools, in order to improve the efficiency and effectiveness of the education system.

## **1.2. RESEARCH QUESTIONS.**

Based on the aforementioned issues regarding democratic governance of South African public schools, the following research questions received attention:

### **1.2.1. Conceptualisation of democracy:**

- What are the tenets, concepts and nature of democracy?
- What are the legal determinants of democracy in South African education?
- What are the variables and indicators of democracy in the South African schooling system?

### **1.2.2. Identifying encumbrances:**

- What is the extent of democratic changes in South African schools on the meso-level of the education system?
- What are the constraints to the democratisation of education at South African public schools from an education law perspective?

### **1.2.3. Improving democratisation of school governance:**

- How should further democratisation be accomplished at the meso-level of South African education with regard to legal determinants and indicators of democracy as criteria? and
- What is a workable model for democratic school governance in South Africa?

## **1.3. THE OBJECTIVES OF THE RESEARCH.**

This study focuses on researching democracy at schools on the meso-level of the South African education system from a legal perspective in order to develop an understanding of the principles of democracy. The general objective is to

contribute towards the improvement of the effective functioning of the system by clarifying the issues concerning the concept of democracy in education.

In addition, the specific objectives of this study are to:

1. define the nature, concepts and tenets of democracy;
2. define and outline the legal determinants of democracy in the South African education system;
3. determine the indicators of democracy with regard to school governance;
4. establish the degree of democratisation at the meso-level of education in South Africa;
5. investigate the extent and quality of democratisation in South African schools on the meso-level of the education system;
6. investigate the encumbrances to the democratisation of education at public schools in South Africa from an education law perspective; and
7. develop a model for democratic school governance in South Africa.

#### **1.4. THE CONCEPT “MODEL.”**

##### **1.4.1. Models are simplified symbolic representations of reality.**

The broader sense of the concept “model” means: an example according to which a function is executed or performed (Kriel, 1995:195). In the research context the phrase or concept “model” is regarded as an invariable component of research, as is the case with concepts, definitions and theories (Mouton & Marais, 1990:127). Mental models are analogical representations of reality (Greca & Moreira, 2000:3). Mental models are the output of perceptual processes and can represent spatial relations, events, processes and the operations of complex systems (Johnson-Laird, 2001:434). Although models reduce the essential complexities of phenomena to visible and understandable constructions, Johnson-Laird (2001:441) warns that mental model-theory contains many lacunae and will continue to be developed. A model contains only what the designer puts into it and a useful model identifies and simplifies strategic variables so as to produce a fairly good, never perfect, fit between the effects in

the arena of observation and the effects obtained by manipulating the symbols in the model (Greca & Moreira, 2000:4). Mental models are working models of situations in and events of the world and by manipulating the models mentally we are capable to understand phenomena and are able to act according to the resulting predictions (Greca & Moreira, 2000:4). A model emphasises the obvious aspects by illustrating the relationships between the main elements and by ignoring the irrelevant or less significant variables of phenomena (Mouton & Marais, 1990:143).

#### **1.4.2. Characteristics of models.**

Theories and models portray many similarities, but models are quasi-frameworks that play an important role in the development of new theories (Mouton & Marais, 1990:142). The main characteristics of models are summarised as follows by Mouton and Marais (1990:144):

- The central problems or questions about a phenomenon, which have been researched, are identified by models;
- Models limit, isolate, simplify and systematise the research domain;
- Models can develop or provide new language terminology or definitions of phenomena;
- Models provide sketches or illustrations and methods in terms whereof predictions can be made.

Mouton and Marais (1990:133) clarify the conceptual frameworks applicable to research as follows:

- A typology establishes a classification;
- A model is heuristic in nature, because it classifies and discovers knowledge that is based on answers to systematic questions;
- A theory goes further than a model by fulfilling an explicatory function as well.

#### **1.4.3. Types of models.**

Models can be classified in many ways (Libarkin *et al.* 2003:121), but for the purposes of this research the following typology of models is sufficient:

- *Physical models* are three-dimensional representations of reality, such as model aeroplanes or architectural models;
- *Verbal models* are oral or written descriptions of reality;
- *Graphic models* are abstract lines, symbols and forms, such as blueprints of a building;
- *Mathematical models* contain reality in one or more mathematical equations or formulae;
- *Conceptual models* give a general indication of how something should function, what it should consist of or how it should be organised;
- *Linear models* are representations that consist of various steps or chronological sequences.

Libarkin *et al.* (2003:122) define conceptual models as precise and stable representations of the world developed and used by expert groups to explain phenomena. Based on the aforementioned, this research aims to develop a **conceptual model** of democratic school governance. The outcome will entail a conceptual model consisting of graphic representations that are supported by written descriptions.

#### 1.4.4. Developing a model.

The development of a mathematical model includes the following steps (Giordano *et al.*, 1997:35-37):

- Identify the problem;
- Make assumptions by identifying and classifying variables and determining the interrelationship between variables and sub-models;
- Design the model;
- Verify the model by determining whether the model addresses the problem, the model is sensible, and the model functions properly in practice.
- Implement the model;
- Maintain the model.

The development of a model for the improvement of democratic school governance can apply the first three steps as suggested by Giordano *et al.* (1997:37), namely –

- Identify the problem;
- Make assumptions;
- Design the model.

The problem has been identified in paragraph 1.1 above. The assumptions and determination of variables will be discussed in detail in chapters 2, 3 and 4 hereafter. The design of the model will be developed in Chapter 7 of this study. The aim of this research is to focus on designing of a model as a micro-theory for the improved democratic school governance in South Africa. Therefore, given the restraints in time, focus and extent of this research the final three steps of verification, implementation and maintenance of the model in practice, will not be possible.

### **1.5. CONTRIBUTION OF THE STUDY.**

The results obtained from this study contribute towards the improvement of education in South Africa education by investigating the functionality, nature and purview of democracy at the meso-level of public school education, and by the development of a model for democratic school governance.

The Focus Area of the Faculty of Education Sciences of North-West University researches the *Teaching-Learning Organisations* with the specific aim of contributing meaningfully towards the enhancement of the quality of learning and teaching in South African schools. Sub-programme 1 of the Focus Area focuses on the improvement of the effective functioning of Teaching-Learning organisations. This research contributes to towards Sub-programme 1 of the Focus Area as follows:

- The model for the improvement of democratic governance of schools will enable officials of the education authorities, as well as school administrators,

school managers and school governors to implement and apply democratic principles of public participation, accountability, appropriate democratic management practices and constitutional principles to improve the governance and management of schools;

- Schools that apply the research recommendations may improve the efficiency and effectiveness of the administration, governance and management of schools as organisations, because they should gain the democratic support, participation of and contributions from the parents and all the stakeholders in the education system. This may in turn contribute towards the improved quality of teaching and learning in schools.

## **1.6. THE FIELD OF INVESTIGATION.**

### **1.6.1. Education Law as a discipline.**

According to Oosthuizen (2003:8-9) the essence of Education Law as a discipline is the creation of security (German: *geborgenheit*) or a secure environment by authority or bearers of authority. The term security is used in the wide sense of the word and denotes the well-being, security, safety, and protection of interests and rights of all interested parties (particularly the learners and educators) in education (Oosthuizen, 2003:9).

Mawdsley and Visser (2007:155) contend that the criteria to identify a separate field of knowledge are vested in the convergence of the following four factors:

- critical mass of existing material with a common core;
- a reasonable prospect of the sustainability of the production of material to be added to the common core;
- “consumer” attention and interest in the field and a demand for a unified, separate source of information on the field;
- an awareness of consumers and academe that a failure to accumulate the material to a common core in a separate field could lead to disjointed, fragmented information.

These authors (Mawdsley & Visser, 2007:155) affirm that as a result of the

proliferation of litigation and research or publications in educational matters after 1994, a new discipline or field of study called Education Law has been established in South Africa. Education Law is an “amalgam of a variety of areas of law that school personnel need to be familiar with such as constitutional law, contracts, delicts, administrative law and procedures” (Russo & Stewart, 2001:19).

### **1.6.2. Theoretical frameworks of this research.**

In social sciences, which includes education sciences, the main approaches to research are quantitative, qualitative or a combination both. The dominant theoretical frameworks for research are Positivism (technical interest: empirical-analytical sciences), Interpretivism (practical interest: historical-hermeneutic sciences) and Critical Theory (emancipatory interest) (Giddens, 1985:127). Positivism underlies the quantitative approach and relies heavily on numerical data and statistical analysis. On the other hand, Interpretivism undergirds the qualitative approach, which, according to Gay and Airasian (2006:16), seeks to probe deeply into the research setting in order to obtain understandings about the way things are, *why* they are that way, and *how* the participants in the context perceive them.

This research followed a mixed-methods approach in terms whereof both the quantitative and qualitative approaches were combined into a mutual study (Leedy & Ormrod, 2001:97).

## **1.7. RESEARCH METHODS.**

This research was conducted from within the sub-discipline of Education Law. The methodology of enquiry has been that which is common to all education research, namely the verification of hypotheses by means of a quantitative study, and the interpretation of phenomena by means of a qualitative study. The researcher has, however, also used the methods that are characteristic to law research.

To find the answers to the research questions and achieve the aims of the research, the following methods have been used:

### **1.7.1. Literature review.**

A literature review of general literature including academic books, monographs, academic articles, conference papers, commission reports, news reports and other relevant literature have been analysed with the aim of determining the nature, indicators, developments and current debates regarding democracy in education in post 1994-South African schools.

Applicable computer searches have been conducted on the Internet by looking for key words such as democracy, democratic rights, language rights, religious rights, diversity, cultural rights, freedom of expression, decentralisation, nature of democracy, democratic values, democratic principles, democratic education, freedom, equality, dignity, fundamental rights, school governance, school based decision-making, school based management, democratic classroom management, minority rights, democratic school management, democracy and teaching, curriculum, democracy and change.

The data from the literature review have been grouped and classified into categories or themes employed in political science, including various concepts such as freedom and autonomy, majority rule, minority rights, equality, representation, participation, accountability, multiculturalism and deliberation. The meanings evident from the data were determined in order to construct trends and defining indicators in education. This was then synthesised by offering propositions and principles that apply to democratic school governance.

### **1.7.2. Law research.**

In addition to the literature review, the researcher has applied law research methodology, which entailed a historic-legal and comparative legal analysis of South African, as well as foreign sources of law.

### **1.7.2.1. Law research by computer.**

Applicable computer searches have been conducted by looking for key words such as democracy, democratic rights, language rights, religious rights, diversity, cultural rights, freedom of expression, decentralisation, nature of democracy, democratic values, democratic principles, parents and school governance, parental involvement, power-sharing, democratic education, freedom, equality, dignity, fundamental rights, school governance, democratic classroom management, accountability, public participation and democratic school management.

### **1.7.2.2. Approach to law research methodologies.**

The law is categorised as a social science. Even so, the law differs from other social sciences such as education in that it is the object of its own science (Samuel, 2003:42). As with all Western legal systems that are historically based on Roman Law, the South African legal system is an objective self-contained system of knowledge (Samuel, 2003:32). The epistemological importance of this is that it is dissimilar from the natural sciences or social sciences that utilise empirical methodology to study phenomena and physical objects objectively. Put another way, the law is an abstract paradigm characterised by atypical objects such as legal facts, legal norms or prescriptive propositions that escape the criterion of observability, and this can only be studied by means of its own legal methodologies (Samuel, 2003:60). The autonomous nature of law as a science requires that abstract legal methods should be applied to describe, explain and predict the law scientifically.

However, in this research the unit of analysis is *democracy and school governance* and not the law per se, and therefore the approach is from an educational perspective insofar the law applies to it. This approach sheds a different light on the dilemmas facing education, because the underlying values and interests of stakeholders will receive different emphases to legal methodology that is mainly positivistic. In other words, whereas legal research

approaches a topic from the law as the research object, the ontological foundation of this study is education, with democratic school governance as the specific research object. As the functionality and objectives of the legal system differ from the functions and purposes of the education system, the research approach of this study differs from pure legal research methodologies. The ultimate purpose is the search for a model for improving school governance within the education system, and not the improvement of the legal system per se.

Bearing the educational approach in mind, the following legal methodology as described by Samuel (2003:95-119), will be utilised in this study:

- hermeneutical methods to interpret legal texts such as the South African Constitution, relevant education legislation and law reports;
- analysis of the legal data which involves the consolidation, reduction and interpretation of the data;
- legal reasoning by applying descriptive, inductive, deductive and analogical modes of reasoning, as well as diverse types of legal argumentation with regard to evidence, social justice, precedents and metaphor.

As this study has aimed to research democracy in school governance from an Education Law perspective, the law research methodologies have been applied and integrated to complement the results of the empirical research as set out in paragraph 1.7.3 below.

### **1.7.2.3. *Analysis and synthesis of law research.***

The data from the law research has been grouped and classified into categories or themes. This has been synthesised by evaluating the findings, identifying trends, offering propositions and principles that should apply to democratic school governance in South Africa.

### **1.7.3. Empirical research.**

A qualitative and quantitative empirical study has been undertaken to investigate the nature, extent and application of democracy at the meso-level of public school governance and education in the North-West province.

#### **1.7.3.1. Quantitative study: A survey.**

The quantitative study aimed to quantify the variables, factors and indicators of democratic attitudes and opinions in public school governance. A questionnaire was developed and tested in a pilot study. Thereafter the questionnaires were distributed to representative samples of three groups of stakeholders involved in school governance, viz. school principals, school governing body chairpersons and senior education officials, in order to collect the quantitative data. The data was collected by means of strictly anonymous and confidential questionnaires.

##### *1.7.3.1.1. Population.*

Babbie and Mouton (2006:173) define a population as the theoretically specified collection of elements or entities that are researched. For the purposes of this research the population consisted of three sub-populations, i.e. all the school principals (n = 2165) (Group 1), all the school governing body chairpersons (n = 2165) of public schools (n = 2165) in the North-West Province (DOE, 2006(a) (Group 2), and all the senior education officials (n=47) that are involved in the Education-Management-Governance-Development departments (Group 3) at the meso-level of the North-West Department of Education. The public schools included primary, secondary, combined, special education (LSEN) and farm schools. It therefore follows that independent schools were excluded from the population. This demarcation is necessary to focus on the aim of the study to research democracy at the meso-level of public school education.

##### *1.7.3.1.2. Sample.*

Leedy and Ormrod (2005:200), indicate that since beyond 5000 units or more the population size is almost irrelevant, a sample size of 400 should be adequate for any population. A representative sample size was calculated with the assistance of a statistical consultant from the North-West University Statistical Consultation

Services, viz. dr. S.M. Ellis (2008). A list of the total population of ordinary public schools in the North-West Province was compiled in a table and numbered sequentially; whereafter 401 schools were selected as a systematic random sample. The sample of schools represented a broad socio-economic spectrum of public schools ranging from previously advantaged and disadvantaged urban, suburban and township schools to impoverished rural schools.

#### *1.7.3.1.3. Measuring instrument.*

The measuring instrument for the quantitative dimensions of the study consisted of a structured questionnaire with open and closed questions. The structured questions were based on the conclusions and indicators deduced from the literature review.

#### *1.7.3.1.4. Pilot study.*

In order to improve the design, a pilot study was undertaken by the researcher. Accordingly, eight initial questionnaires were sent to selected respondents who do not form part of the sample. On return of these questionnaires, the answers and responses were analysed for ambiguity, misinterpretation and mistakes. Thereafter, the questionnaire was rectified and improved in order to avoid the mistakes and ambiguities. The measurement instrument was also scrutinised for elements contributing to possible bias.

#### *1.7.3.1.5. Design of the questionnaire.*

The questionnaire consisted of four sections. Section A contained questions pertaining to the biographical and demographical data about the respondents such as their age, formal education level, address, family structure and education. Sections B, C and D requested the respondents to indicate their answers by means of checklists and a Likert rating scale (Leedy & Ormrod, 2003:185) of 1 to 4, with number 1 signifying the least and 4 signifying the most accurate answer. The items of the Section B tested the respondents' knowledge of Education Law, Section C examined the respondents' opinions on democracy in education and Section D assessed the democratic climate of the school.

In addition, two open-ended questions at the end of Sections C and D respectively, collected qualitative data on the opinions, perceptions and views of the respondents. The qualitative data from these questions were used in triangulation to confirm or refute the validity of conclusions reached at the qualitative phenomenological study as described in paragraph 1.6.3.2 (see Chapter 6).

#### *1.7.3.1.6. Procedure for data collection.*

The questionnaires, together with stamped and self-addressed envelopes, were distributed to the respondents either manually or by post as explained in paragraph 5.4 hereafter. The questionnaires were completed anonymously and confidentially by each respondent. Instructions accompanying the questionnaires emphasised the need for confidentiality and the essential requirement that answers should be entirely independent and uninfluenced responses of the respondents themselves.

#### *1.7.3.1.7. Analysis.*

Suitable descriptive or inferential statistical techniques were used in consultation with the Statistical Consultation Services of the North-West University, Potchefstroom Campus. The descriptive statistics and the SAS programme (SAS, 2003) was utilised to analyse the data. Inferential statistical techniques such as hypothesis testing, determining confidence intervals and effect sizes of certain biographical and demographical data, were applied to verify the reliability of the conclusions.

#### *1.7.3.1.8. Synthesis.*

The meaning of these findings were evaluated and synthesised into propositions describing the relationships, trends and perspectives of the categories of themes relating to democratic school governance (Leedy & Ormond, 2005: 150). These findings were synthesised or integrated with the qualitative findings and literature

review. Ultimately, all the findings were evaluated and synthesised into conclusions about democracy in school education at the meso-level.

### **1.7.3.2. Qualitative research: A phenomenological study.**

In addition to the aforementioned method, a qualitative study utilising the phenomenological approach was conducted (Henning, Van Rensburg & Smit, 2004:16).

#### *1.7.3.2.1. Rationale for qualitative research.*

The constitutional and legislative structure of the education system of South Africa determines that the national and provincial education departments have concurrent jurisdiction to regulate and administer education (SA, 1996(c)). The execution and administration of these functions occur by means of legislation, policies, executive actions and administrative decisions (SA, 1996(c)). The democratic functionality of the education system is largely influenced or determined by governmental policies, theories and ideologies regarding education (Steyn *et al.*, 2003:70-85). The quantitative data provided a broadly quantifiable indication of democracy in education. However, in order to obtain in depth data of phenomena indicating undemocratic tendencies within the education system and organisations, a qualitative study was conducted. Maree *et al.* (*ed.*) (2007:260) classify this design as an explanatory mixed method study. The qualitative data help explain the quantitative data in an explanatory mixed method design (Maree *et al.*, 2007:260).

As a result of the multiple perspectives on democracy and complexity of governmental and management relationships in the meso-level of the education, interpretivistic methodology was applied to study the qualitative data such as perspectives, processes and understanding of democracy within the education system. For these reasons and in order to gain an in depth measurement of democracy in school governance, the researcher applied the explanatory mixed methods approach by combining a qualitative study with the quantitative research (Maree *et al.*, 2007:260).

#### *1.7.3.2.2. Methodology of qualitative research.*

According to Leedy and Ormrod (2003:139) a phenomenological study is one that attempts to understand people's perceptions, perspectives and understandings of a particular situation. Leedy and Ormrod (2003:139) state that phenomenological researchers depend almost exclusively on lengthy interviews with a carefully selected sample of participants. The researcher listens closely as the participants describe their everyday experiences related to the phenomenon and must be alert to subtle yet meaningful cues in every participant's expressions, questions and occasional sidetracks. A typical interview looks more like an informal conversation, with the participant doing most of the talking and the researcher doing most of the listening (Leedy & Ormrod, 2003:139).

#### *1.7.3.2.3. Data collection.*

The data for the phenomenological research was firstly collected from the participating school principals and school governing body chairpersons by means of written answers to the questionnaires. The written answers to the open-ended questions (see Item C21 & D20; Appendix E) of these two groups were analysed for qualitative data. Secondly, qualitative data was collected by conducting semi-structured interviews with purposely selected senior education officials. An interview guide (see Appendix F) was used to direct the content of the semi-structured interviews (Merriam, 2008:72).

#### *1.7.3.2.4. Participants.*

The sample for the semi-structured interviews was non-random and purposive. Accordingly, the researcher purposely selected expert participants from the ranks of senior education officials most likely to have administrative experience and actual knowledge of school governance in the North-West province. Leedy & Ormrod (2005:144) suggest purposive sampling of between 5 and 25 individuals in a phenomenological and/or grounded theory study. The researcher conducted interviews with seven participants until a level of saturation was achieved (Leedy & Ormrod, 2005:145).

The participants in the qualitative research questionnaires, i.e. the open-ended questions in Section C and D of the questionnaires, were the randomly selected school principals and school governing body chairpersons. All the school principals and school governing body chairpersons (n=401) that participated in the completion of the quantitative questionnaire (see Table 5.2) were requested to give written comments on two open-ended questions included at the end of Sections C and D of the questionnaires.

#### *1.7.3.2.5. Role of the researcher.*

As cautioned by Leedy and Ormrod (2003:139) the researcher had to suspend any preconceived notions or personal experiences that could unduly influence him during collation and analysis of the data. The data collected should reflect the perspectives, opinions and thoughts of the participants as accurately as possible.

#### *1.7.3.2.6. Aim of the qualitative part of the study.*

The aim of the phenomenological study is to determine:

- the extent of knowledge and understanding of democratic principles, indicators, values and systems that apply to education in the South African context;
- the prevailing perceptions, opinions and knowledge of the participants of the theories, ideologies and policy considerations regarding democracy in education;
- the prevailing perceptions, opinions and knowledge of the participants of the constitutional and legislative considerations regarding democratic rights, freedoms and obligations in the multicultural setting of South African schools with particular reference to language rights, religious rights, rights to equal access and cultural rights of learners;
- the prevailing perceptions, opinions and knowledge of the participants of key indicators and experiences of successful democratic practises in the South African education system;

- the prevailing perceptions, opinions and knowledge of the participants of future trends, prospects and developments towards democratising South African education.

#### *1.7.3.2.7. Analysis of the data of the qualitative research.*

The method of analysis and evaluation of the qualitative data is largely interpretative (Leedy & Ormrod, 2005:150). After the interviews were transcribed and typed, the data was organised and classified into general categories and themes. The process of analyses of the qualitative data involved the consolidation, reduction and interpretation of what the participants had written in the questionnaires. According to Barrit (as quoted by Leedy & Ormrod, 2003:140) the central task during data analysis is to identify common themes in the participants' description of their experiences of the phenomenon. The researcher therefore identified statements that related to the topic of democracy in school education and governance, and categorised these statements into various meaningful units. Divergent perspectives were also being identified in order to document the different experiences regarding the phenomenon of democracy in school education and governance.

#### *1.7.3.2.8. Synthesis of the qualitative data.*

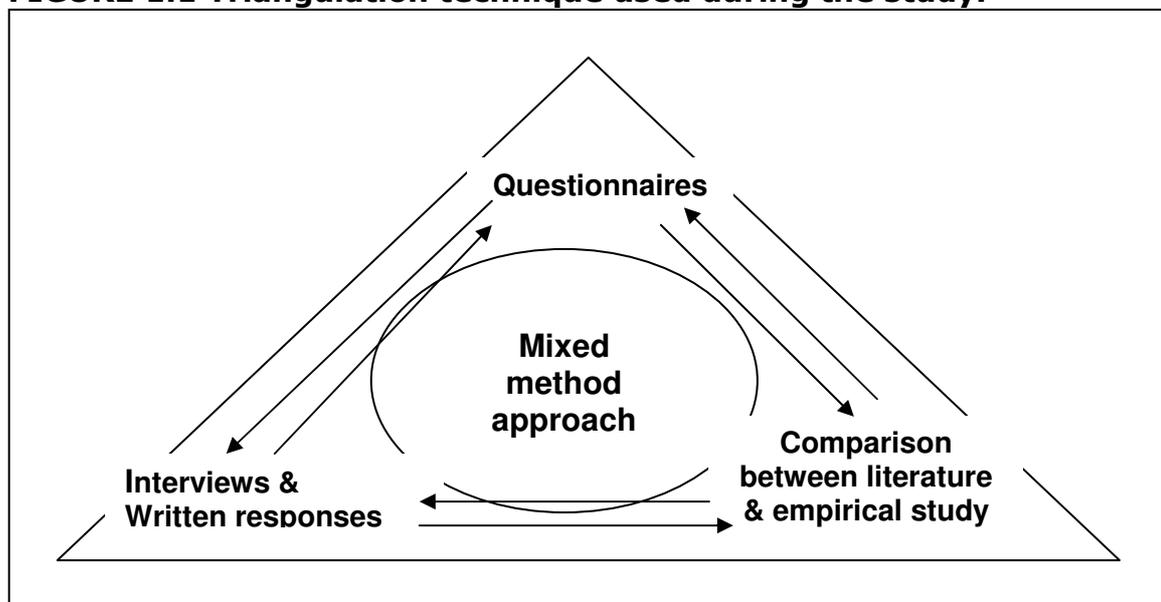
The meaning of these findings were evaluated and synthesised into propositions of a theory or a proposed model of democratic public school governance (Leedy & Ormrod, 2005:150). These findings were integrated into the quantitative findings and legal research. Ultimately, all of the qualitative and quantitative findings were synthesised into conclusions and recommendations about democratic governance of schools at the meso-level of education.

### **1.8. VALIDITY AND RELIABILITY.**

Sowell (2000:5) explains that reliability refers to the consistency of the measuring of a concept, and that *stability, internal reliability and inter-observer consistency* are the prominent factors of reliability.

In order to enhance the internal validity and reliability of the study, the technique of triangulation, as indicated in Figure 1.1 was used (Fraenkel & Wallen, 1990:380). The results obtained from various research methods, i.e. literature review, quantitative research and qualitative research, were compared in order to verify the conclusions reached by means of triangulation. In essence, this means that the data from different sources, as analysed and interpreted, were compared to the results from another source. Verification of the conclusions would then occur when the data and interpreted facts converged to similar points of agreement. This process of verification is referred to as triangulation.

**FIGURE 1.1 Triangulation technique used during the study.**



(Source: Fraenkel & Wallen, 1990:380)

## **1.9. ETHICAL MEASURES.**

### **1.9.1. Obtaining permission to do research.**

Before the researcher commenced with the research, he applied to the Head of Department of the North-West department of Education in writing for permission to conduct the research. Appendix A is a copy of the letter that the researcher used to apply for permission. A positive response, granting permission to conduct

the research was received (see Appendix B). Participants and respondents were also informed of the purpose of this research in advance. See Appendix C, which is a copy of similar letters that were forwarded to all participants and respondents in this investigation.

### **1.9.2. Confidentiality and anonymity.**

All participants were given assurance of full confidentiality and anonymity. The questionnaire (Appendix E) and the opening remarks of the interviews (Appendix G) confirm this. No personal identifiable information or geographical information was revealed; neither were any specific departments or offices or schools identified. Respondents could refuse to participate in the study in accordance with their right to privacy. Participating respondents were requested to sign a consent form (see Appendix D) attached to the questionnaire confirming that they have voluntarily agreed to participate in the study, subject to the understanding that they could withdraw from the research at any time.

### **1.9.3. Other ethical aspects.**

The researcher also complied with the following ethical considerations during the study:

- The researcher acknowledged all assistance received;
- All sources quoted in the thesis were acknowledged by means of complete references and a bibliography; and
- The research findings were presented without distortion.

## **1.10. CHAPTER DIVISION OF THIS THESIS.**

The chapter division of this thesis is as follows:

- Chapter 1: Introduction and orientation.
- Chapter 2: Overview of democracy: concepts, principles and theories.
- Chapter 3: Democracy and education in South Africa.
- Chapter 4: Democracy, education and the law.
- Chapter 5: Quantitative study.

- Chapter 6: Qualitative study.
- Chapter 7: Recommendations and conclusions.

### **1.11. CONCLUDING REMARKS.**

This chapter has described the context of undemocratic practices and attitudes that seem to prevail at the meso and local levels of public school governance. An overview of the design of the research has been provided. The analysis of the salient features and concepts of democracy now proceeds by means of a literature study.

## CHAPTER 2

### OVERVIEW OF DEMOCRACY: CONCEPTS, TENETS AND THEORIES.

#### 2.1. INTRODUCTION

Liberal democracy is the dominant paradigm for governance in most of the states of the world (Luckham, Goetz & Kaldor, 2003:21). The term liberal democracy denotes a system of government regulated by regular freely and fairly contested elections, in terms whereof a common citizenship entitles middle class and working class men and women to vote, with equality under the law, featuring the protection of individual rights in the liberal tradition (Luckham *et al.*, 2003:16).

The ascendancy of democracy worldwide during the twentieth century and ultimate triumph of liberal democracies over authoritarian political systems have lead to the extension of democratic participation outside formal government in all the institutions of civil society (Cunningham, 2002:127). However, despite the pre-eminence of liberal democracy as the ideal form of governance, complete democracy in all aspects of people's lives has not yet been fully achieved (Blaug & Schwartzmantel, 2000:1). The reason for this elusive realisation of democracy is that most democratic countries have formal democratic systems with its institutions, procedures and routines in place, but they lack substantive democracy because the degree of participation, the level of accountability or the responsiveness of the system to alleviate poverty or to provide adequate education is sub optimal (Luckham *et al.*, 2003:19). In order to determine the relevant concepts of democracy, it is therefore necessary to consider formal, as well as substantive requirements for democracy, particularly within the educational sphere.

Unfortunately, democracy has not yet been successfully established in Africa as most African countries have struggled to sustain democracy (Diamond, Linz and Lipset, 1990:371). Huntington (1991:11-13) reminds us that in postcolonial Africa there is a tendency to revert to dictatorships, military regimes, authoritarian one-party systems, or a combination of these. South Africa could degenerate into a one-party state due to the fact that the ruling party has received such overwhelming support at the polls in all the elections since 1994 (Hilliard & Notshulwana, 2001:130-158). Lardeyret (1993:164) warns that the prospects for sustainable democracy in South Africa are grim if a culture of democracy and adherence to core democratic principles and values by the state are not exacted. Yet, what is a culture of democracy and what are the core democratic principles and values that should be adhered to by all?

### **2.1.1. Objectives of chapter 2**

The aim of this chapter is to review the literature in order to answer these questions. The purpose is not to recount all the particular nuances of political theories or the fine intricacies of ideologies. Rather, the purpose of this chapter is to focus on identifying core concepts, values and institutions by analysing ideas that may be of relevance to education, and by highlighting the most prominent historical developments and theories of democracy.

### **2.1.2. Application of political theory to education.**

The rationale behind examining democratic theory of formal government is that the extrapolation of these concepts to the school education system, as a 'political system' in the broader sense, should point to the enhancement of the democratic school governance. The researcher acknowledges that democracy is first and foremost a concept that finds expression in political theory, but political theory finds application in all the spheres, including the local spheres and organisations outside the formal government of society.

## **2.2. DEFINING DEMOCRACY.**

There are different concepts of democracy in open societies. Conceptualising democracy is challenging, because like most political terms, democracy does not fit neatly into a single definition but has a variety of meanings for theorists and democrats (Dieltiens, 2000: 6; Luckham *et al.*, 2003:15). Cunningham (2002:150) contends that the debate on the exact definition of the term “democracy” is largely fruitless, because definitions differ according to the alternative premises, values and approaches of theorists. Nevertheless, in order to commence from a common base, perhaps the most workable approach is to adopt a provisional definition. By appraising the alternative views about democracy’s values and meanings, the results may then lead to the refinement or even alteration of the definition.

### **2.2.1. Dictionary definitions**

As a preliminary definition, the New Oxford English Dictionary (Pearsall, 2006) defines the various senses in which the noun ‘democracy’ is used as:

- government by the people;
- that form of government in which the sovereign power resides in the people as a whole, and is exercised either directly by them (as in the small republics of antiquity) or by officers elected by them;
- in modern use the term democracy often more vaguely denotes a social state in which all have equal rights, without hereditary or arbitrary differences of rank or privilege.

The Webster’s English Dictionary (Geddes & Grosset, 2003) defines the democracy as:

- the political orientation of those who favour government by the people or by their elected representatives; or
- a political system in which the supreme power lies in a body of citizens who can elect people to represent them; and
- the doctrine that the numerical majority of an organized group can make decisions binding on the whole group.

### **2.2.2. Other definitions of democracy.**

The United Nations defines democracy as a form of government that is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and involving their full participation in all aspects of their lives (UN, 1993:1661). Democracy is a governance system in which the people choose their leaders freely from among competing groups and individuals who are not designated by the government (Kotze, 2004:23). Abraham Lincoln's (Blaug *et al.*, 2000:28) description of democracy in his Gettysburg address as a 'Government of the People, by the People, for the People', simplifies the meaning of democracy to such an extent that it might apply to either authoritarian or liberal democracies. Blaug *et al.* (2000:24) regard popular sovereignty under the law as the central value of democracy. Democracy still has this basic meaning, but over the centuries, the meaning of the term democracy has gradually undergone a broadening to encompass the varied connotations and concepts of the present era (Basson, 1971:23-24).

### **2.2.3. Liberal, elitist, social and participatory democracy.**

Liberal democracy contains several subsets of concepts, which not all theorists acknowledge with equal force (Tarrant, 1989:13). For instance, the participatory democrats in the tradition of Jean-Jacques Rousseau and deliberative democrats such as Habermas (1987; 1992; 1996) do not view democracy from the perspective of competing individual rights and civil liberties that need state protection, because their emphasis and principal concern is that democracy can be created outside formal government in all the institutions of society (Cunningham, 2002:127).

On the other hand, elitist democrats such as Schumpeter (1943) and Sartori (1987) differ in their estimation of the realistic involvement of all people in all aspects of their lives, because they have a restricted view of democracy and regard it simply as a means of electing a new government whereafter the people's participation is very limited. Schumpeter, contended that there are at least two concepts of democracy: 'classical democracy', which he calls "an institutional arrangement for arriving at political decisions which realises the

common good by making the people themselves decide issues through the election of individuals who are to assemble in order to carry out its will” and ‘modern democracy’ – “an institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people’s vote.”

#### **2.2.4. Constitutional democracy.**

The South African Constitution includes an unequivocal commitment to representative and participatory democracy; incorporating the concepts of accountability, transparency and public involvement (SA, 1996a). Theoretically defined, participatory democracy refers to a form of direct democracy that enables all members of a society to participate in decision-making processes within institutions, organisations, societal and government structures. Adams and Waghid (2005:25) regard participation, community engagement, rationality, consensus, equality and freedom as the constitutive principles of the South African democracy.

There are differences between the main democratic theories. As such, no definition can include all the variations to satisfy the proponents of each theory. Myburgh (2004:12) reminds us that there is an ongoing ideological battle over the meaning of democracy. It is clearly not a straightforward exercise to distil the essence of democracy from the plethora of political theories, because democracy by nature encompasses the freedom to differ on views, to contest principles, and to align according to various persuasions.

Some theorists regard democracy as a contested term, because the totalitarian countries described their forms of government as democracies or people’s republics. Froneman (2001:10-17) explained that in South Africa views on democracy, society, law and the Constitution are deeply contested, not only in white but also in black society. Steyn *et al.* (1999:6) explain that the term “democracy” can also include the model of social democracy. Social democracy aims to achieve equality by means of state control (Steyn *et al.*, 1999:6). This

means that social democracy emphasises communal values such as equality, communality, centralization and the strengthening of state control (Steyn, 1999:6). Certain views on social democracy include the usefulness of community participation in the interest of society and the equal access to educational institutions (Steyn, 1995:6). For social democrats the community at large, and not the individual, is the top priority (Steyn, 1999:7).

Nevertheless, since the collapse of the Soviet Union in 1989, it is generally accepted that democracy refers to liberal democracy (Birch, 2001:72). All liberal-democratic theorists do agree on the endorsement of representative democracy, where representatives are chosen by majority vote according to formal procedures for free and fair elections, combined with state protection of political and civil liberties and a private sphere free of state interference, as well as established democratic institutions through the separation of powers (Cunningham, 2002:45).

#### **2.2.5. Democracy is a dynamic human endeavour.**

To accomplish the full realisation of democracy in practice, the endeavour should be continuous, despite its elusiveness (Derrida, 1987:12). As a result, democracy must be understood to be a dynamic concept forever changing and developing according to every particular society's historical context and social complexities. An historical overview of the development of democracy provides an understanding of the societal contexts in which democracy developed through the ages and confirms that models of democracy should be rooted in the particular requirements of each society. Such an overview is undertaken in the following paragraph.

#### **2.2.6. Summary: Core concepts of democracy.**

In summary, the core concepts of liberal democracy include:

- A political or social unit based rule or **government by the people** as the source of political authority;

- A form of government where the people determine their own political, economic, social and cultural systems and involving their **full participation** in all aspects of their lives by exacting accountability, transparency and public involvement;
- A system exercised either **directly or through elected representatives**, where representatives are chosen by **majority vote** according to formal procedures for free and fair elections by all the eligible adult citizens;
- State **protection of political and civil liberties** and a private sphere free of state interference;
- A social condition of **equality and respect for the individual** within the community without hereditary or arbitrary differences of rank or privilege; and/or
- **Control** of an institution, such as a company or a school, **by all those** employed or **involved** in it;
- Established democratic institutions that **separate powers** and enable checks and balances of power.

### **2.3. HISTORICAL DEVELOPMENT OF DEMOCRACY.**

The following historical overview of democracy discusses the most significant models such as direct democracy of ancient Athens, and various forms of indirect or representative democracy including participatory democracy, pluralist republicanism, Schumpeterian elitism, deliberative democracy, and the post-modern multicultural democracy of today. This overview is not intended to be an exhaustive analysis of the history of democracy, because such an undertaking is beyond the scope of this thesis. Also, only the most prominent historical developments of democracy in Western Europe and America have been selected by virtue of South Africa's historical ties with these democracies. The objective of the historical overview is to identify the core concepts and theories of democracy as they might be relevant to educational governance in South Africa. Another reason for providing an overview of the history of democracy is because history repeats itself and many of the lessons from history are being learnt once again in South Africa's young democracy.

### 2.3.1. Direct democracy.

The term democracy is derived from Greek meaning rule (*xratos*) by the people (*demos*) (Luckham *et al.*, 2003:15). Aristotle, the fourth century BC Athenian philosopher, classified and critically evaluated every known political system of his day. Broadly described, Aristotle explained that government might be exercised by one person, a few people, or by many people, and in each case, such rule may be exercised properly or improperly (Blaug & Schwartzmantel, 2000:28). Proper rule is undertaken for the common good while improper rule aims to serve private or selfish interests, whether of the one, the few or the many themselves (Blaug *et al.*, 2000:28). Aristotle (Blaug *et al.*, 2000:28) classified six forms of rule as illustrated in Table 1.1

**TABLE 2:1 Aristotle's six forms of rule.**

FORM OF RULE	RULER	RULE IN INTEREST OF:
Royalty or Monarchy	King/Emperor	One person rules in the common interest
Tyranny	Despot / Dictator / Absolute king	One person rules in his private interest Deviant form of royalty
Aristocracy	A few elite / patricians	Proper rule by few in the common interest
Oligarchy	A few rich / elite	Self-serving rule by a few Deviant form of aristocracy
Polity	Many people	Proper rule by many
Democracy	Many people	Self-serving rule by many Deviant form of polity

(Source: Blaug *et al.*, 2000:28).

Aristotle did not regard democracy as the best form of government, but ranked it as the most tolerable of bad forms of government, because some advantages are gained by the collective experiences of many people, and majority discontentment is dampened (Cunningham, 2002:7). Aristotle (Blaug *et al.*, 2000:29) considered the adherence by all the citizens of a democracy to the rule of law and a well established middle class as essential prerequisites for a stable democracy. His scepticism is a reminder that democracy requires all decision-

makers, the people or the elected leaders, not to rule self-servingly, but that they should ideally decide what is for the common good of all.

However, democracy in Athens meant direct rule by a limited number of free adult male citizens in an economy based on slave labour. Athenian democracy was based on selection of officials by lot and decisions in all other matters by majority rule. For the Greeks the term 'to rule' democratically meant that the *demos* (people) devised and composed laws (Wollheim, 1962:72-73). This differs markedly from the contemporary democratic systems of representative governance in market economies (Birch, 2001:71). In the modern sense, if the people 'rule' it does not mean that the people directly devise and initiate legislation, but that the people choose representatives and so doing indirectly control the devising of laws in a democratic republic (Wollheim, 1962:73).

#### **2.3.1.1. Civic attitudes of Athenian citizens.**

Pericles (Thucydides, 1972:25), the ancient Athenian statesman, described democracy as a form of government in the hands of, not only a minority or the nobles or the rich, but all the adult citizens and in particular the poor who inevitably comprised the majority. In his *Funeral Oration* (reconstructed by Thucydides) Pericles (Thucydides, 1972:25), expounded the democratic virtues of Athenian citizens as exemplified in the values of responsibility, obedience to elected leaders in authority, adherence to the law, tolerance of individual autonomy and private freedoms, courage and loyalty under battle, interest and participation in the affairs of the state by frequent debating and direct voting on issues. He emphasised that in a democracy individual autonomy and the freedom in private lives is tolerated as well as prized, while in public affairs everyone keeps to the law, since everyone makes the law and everyone is equal before the law. Pericles attributed these civic attitudes and noble qualities to the importance that Athenian citizens coupled with the requirement of being well informed and educated in the affairs of the state. For this reason, Tarrant (1989:5) explains that democracy has a close relationship with education since its foundation in the ancient Greek polis of Athens.

However, in the modern era, the democratic power of citizens with political and socio-economic rights does not go hand-in hand with the inherent quality and commitment to noble civic attitudes. In other words, the content and notion of what is required to be a good citizen or what true democratic citizenship entails, has become shallow and superficial (Cunningham, 2002:111). In order to restore the efficiency and effectiveness of democracy, education about the noble civic attitudes and responsibilities of good citizens is essential (Tarrant, 1989:5). From a philosophy of education perspective, the first objective is to determine the type of citizen that is envisaged as a product of the education process.

### ***2.3.1.2. Ancient Greek philosophers disapproved of democracy.***

All Greek philosophers including Plato, Aristotle and Thucydides (Birch, 2001:72) regarded democracy poorly, primarily because in their estimation the people lacked the noble qualities to rule properly in the interest of all. As a result, democracy was held in general disrepute for over two thousand years (Birch, 2002:71). The city-state of Athens was a much less complex society than the multicultural nation-states of today. Subsequently, the larger scale of societies, the increasing complexities of societies, the pluralistic nature of communities, and the sharper division between the apparatus of government and the citizen body resulted in the inevitable broadening of the concept of democracy (Parry & Moran, 1994:3).

### **2.3.2. Direct democracy in modern society.**

In modern states, it is obviously impractical to attempt direct democracy for the simple reason that it is not logistically possible, given the population sizes and geographic extent of nation states, to canvass public opinion on a regular basis on every issue facing governments. Yet, direct democracy still finds application in modern democracies whenever unrepresented individuals or interest groups demonstrate by lobbying and protesting to have their concerns addressed. Direct democracy serves as a counterweight to the importance of political parties in a representative democracy (Currie & De Waal, 2001:88). Direct democracy is of

particular importance to those individuals and groups whose interests are neglected by the political parties, or who find it difficult to make use of the possibilities for participation (Currie & De Waal, 2001:88). The South African Constitution makes provision for direct democracy through section 17 that safeguards the right to assembly, demonstration, picket and petition. Protest action is one constitutionally guaranteed method that may be used by groups to engage directly with state authorities (Currie & De Waal, 2001:88). Section 84(2) (g) of the Constitution makes further provision for national referendums to be called by the President and section 127 makes provision for provincial referendums to be called by the Premier of a province.

The contemporary debate among political theorists revolves around improving the shortcomings of liberal democracy by incorporating strong elements of direct democracy into a developed theory and implementation of deliberative democracy. Tulis (2003:200) explains that the practices of deliberation in the public sphere, whether it be through opinion polling, citizen juries, intermediary groups, activist movements, national plebiscites, imbizos, the mass media, and “every day-talk,” are forms of direct democracy in modern post-industrial societies.

Also, the rapid developments in digital technology since 1996 have enabled new methods of deliberation and direct democracy (Hague & Loader, 1999:26). The presidential election campaign of Barack Obama in 2008 ushered in a new era of mass fundraising and deliberation over the internet and by means of cell phone messages. According to Hague and Loader (1999:2) the era of digital democracy has dawned and democratic practices and theory will undergo fundamental changes to incorporate these developments and opportunities in the future.

### **2.3.3. Democracy and progressive equality.**

#### ***2.3.3.1. Extension of equality through religion, trade and technology.***

Running through the pages of history, there was hardly an important event which has not turned out to be advantageous to equality (Tocqueville, 1966:70). For instance, the technological advances with the invention of firearms made commoner and noble equal on the field of battle; printing offered equal resources to gain knowledge; post brought enlightenment and improved communication; Protestantism maintained that all men are equally able to find the path to God and heaven. No longer was religion the exclusive and unequal domain of the ordained priesthood. Eventually equality advanced so far in the twentieth century that political rights were extended to all social classes with the elimination of wealth, property, gender, race and ethnicity as requirements.

#### **2.3.3.2. *Gradual extension of equality, accountability and participation during the Middle Ages.***

From the thirteenth century there were attempts to limit the authority of nobility as power holders. Legislation such as the *Magna Carta* in England (1215) is often thought of as the corner-stone of liberty and the chief defence against arbitrary and unjust rule (Blaug *et al.*, 2000:28). It contains a few sweeping statements of principle, but is a series of concessions wrung from the unwilling King John by his rebellious barons in 1215. However, the *Magna Carta* established for the first time a very significant constitutional principle: that the power of the king could be limited by a written grant. The king renounced certain rights and agreed to respect certain legal principles.

#### **2.3.4. Recognition of individual political rights.**

The Renaissance brought about a renewed interest in Greek understanding of democracy. Humanist philosophers looked for secular principles by which society could be organized, as opposed to the concentration of political power in the hands of royalty and the Church. Increasingly, certain voices were raised in favour of democracy as a suitable system of government. For instance, in his *Discourses* of 1531 Machiavelli (1970:37) expressed the opinion that democracy in the form of a republic governed by law is the best possible form of government,

because public opinion is better at appreciating the truth of a matter and to discern evil from good than that of a monarch or aristocrats.

A number of political events such as the Levellers political movement in England and the English Civil War (1642-1651) led to the promulgation of legislation giving further recognition to individual rights. The statutes include the Habeas Corpus Act (1679), English Bill of Rights (1689) and Scottish Claim of Right (1689) which established the concept that state protection of political and civil liberties and a private sphere free of state interference is required in a just and egalitarian society. The basic tenets of the English Bill of Rights 1689 are that Englishmen, as embodied by Parliament, possessed certain immutable civil and political rights. These included:

- freedom from royal interference with the law (the monarch was forbidden to establish his own courts or to act as a judge himself);
- freedom from taxation by royal prerogative, without agreement by Parliament;
- freedom to petition the monarch;
- freedom from a peace-time standing army, without agreement by Parliament;
- freedom [for Protestants] to have arms for defence, as allowed by law ;
- freedom to elect members of Parliament without interference from the Sovereign;
- the freedom of speech in Parliament, in that proceedings in Parliament were not to be questioned in the courts or by any body outside Parliament itself (the basis of modern parliamentary privilege);
- freedom from cruel and unusual punishments, and excessive bail;
- freedom from fines and forfeitures without trial.

The Habeas Corpus Act was adopted by the English Parliament in response to public pressure as a result of abusive practices by sheriffs and public officials to detain persons without legal authority. A Habeas Corpus (literally meaning “we have the body”) writ could secure the release of illegally detained persons. These fundamental individual rights were later written into other constitutions such as those of the United States and South Africa. Accordingly, the recognition of individual rights is regarded as a *sine qua non* for liberal democracy.

### 2.3.5. The Enlightenment.

The Enlightenment occurred during the eighteenth century with the intellectual advances made by Empiricists such as Sir Francis Bacon, Sir Isaac Newton and John Locke. The liberal philosophers of the Enlightenment emphasised the human capacity for rational and critical thought, for scientific and intellectual inquiry, and generally questioned the cultural, religious, and traditional foundations of the state and society. Philosophers such as Voltaire and Denis Diderot in France, and David Hume and Jeremy Bentham in Britain, inquired into the natural and historical sources of political and social power. These thinkers produced a body of work that linked political and civil liberty and freedom of thought and speech with cultural, moral-intellectual, and scientific progress.

Another Enlightenment theorist, Hobbes (1967:16) in his political treatise *Leviathan*, applied the physical laws that bodies in motion keep moving in a given direction until deflected by encounter with other bodies, to society and politics. So individuals use all their powers to maintain their preferences and the direction of their preferences, unless such direction is deflected as necessitated by interactions with other individuals or the state in the same way (1651). Hobbes reasoned that freedom is the ability simply to act on present preferences, so people may still be free even if their aspirations are fixed or determined by factors outside their own control. Cunningham (2002:35) has aptly labelled this Hobbesist view of individual freedom the 'determinist' view in contradistinction to the 'autonomist' view. Hobbes contended that self-interested individuals in a natural state prefer and are motivated by mutual fear to submit themselves to a sovereign authority in exchange for security. For him a monarch represented the best form of governance to control and temper the conflicting interactions of individuals.

In western thought the ideal of self-government, of individual autonomy, of living life under one's own direction is perceived as a worthwhile human good (Froneman, 2001:12). The democratic concept of individual autonomy, as human

good, finds expression in respect for the dignity of each person; and concern for it forces justification and accountability onto others who seek to limit the autonomy of some of us for the good of others (Froneman, 2001:12). However, the ideal of individual autonomy does not claim that each of us is an island, sufficient unto ourselves. Absolute individual autonomy is not theoretically or practically attainable in any society, as it is limited to the extent that other individual autonomies must be accommodated (Froneman, 2001:13). Nevertheless, the concept of democracy serves self-government by providing each individual with a reason to identify his or her will with the acts or decisions of collective institutions (Froneman, 2001:13).

Froneman (2001:18-22), on analysis of the writings of Steve Biko, W.E.B. du Bois, Frantz Fanon, Wole Soyinka and Bishop Desmond Tutu, demonstrated that the democratic concept of self-government is not only a western notion, but that it is also an African ideal. From an African perspective, the dehumanising experiences and systematic humiliation associated with colonialism, apartheid and western technological power thus re-emphasises the importance of individual dignity and self-government in relation to other humans. Biko (1996:46-47) explained it as follows:

In rejecting western values, therefore, we are rejecting those things that are not only foreign to us but that seek to destroy the most cherished of our beliefs – that the cornerstone of our society is man himself – not just his welfare, not his material well-being but just man with all his ramifications.

### **2.3.6. The social contract.**

The notion of contract theorists such as Locke, Hobbes and Rousseau that no one has a divine right to govern and that a government is legitimate only if it has the consent of the governed, gained popular support during the eighteenth century and has since been generally accepted as a core tenet of democracy (Currie & De Waal, 2001:82). Similarly, in the contemporary era, the South African Constitutional text reflects many compromises between former antagonists and confirms that a social contract was agreed to between the negotiating parties (Corder & Du Plessis, 1994:22-39).

Jean-Jacques Rousseau maintained that liberty and submission, as suggested by pro-monarchical Thomas Hobbes, could not be reconciled because these concepts were inherently antithetical. As a contract theorist, Rousseau contended in *The Social Contract* that no one, be it a monarch or a group of aristocrats, has a divine right to rule over others, but that the only legitimate government is a government that has been established by the consent of the people. The guiding question for Rousseau was is to find a form of association 'in which each, while uniting himself with all, may still obey himself alone and remain as free as before' (Rousseau, 1968: 49-101). Rousseau focussed on the act prior to submission, reasoning that in order to be binding, any social compact must be unanimous and that to achieve its aims people must give up all their powers, since if any powers were reserved or exempted it could be counter productive or defeat the ultimate purpose of the contract to create a public authority. Together these conditions mean that a legitimate and effective contract involves each person giving up all his powers to everyone else (Rousseau, 1968:49-101). The effect is to create a moral and collective body, composed of as many members as the assembly contains voters (Rousseau, 1968:49-101).

Rousseau's thesis thus proposed a direct democracy composed of one executive where the entire people or the majority thereof legislates and executes the laws. The will of this assembly or 'public person' derives its legitimacy from the 'general will' of all the people. According to his reasoning, the general will embodies a moral imperative for the people to promote common interests, because they voluntarily bound themselves to the compact. Rousseau meant these political prescriptions to apply to relatively small city-states, such as his native Geneva and the cantons of Switzerland. Rousseau is the arch-typical participatory theorist and, as a rule, most participatory democrats appeal to his works (Cunningham, 2002:56).

In the modern context, the ideas of participatory democrats have gained acceptance for application in societal institutions other than in the formal sphere of government. Participatory democracy is evident from the lobbying by interest groups, by referenda on pertinent issues and by devolution of power to local

spheres of governance (Currie & De Waal, 2001:87). In the education framework, participation has found appliance in the decentralisation and devolution of power to schools by means of school based management and local school governance.

### **2.3.7. Collectivism v Individualism.**

Although liberal democracy was originally developed by Enlightenment liberals, the relationship between democracy and liberalism has long been controversial. The ideology of liberalism, particularly in its classical form, is highly *individualistic* and concerns itself with limiting the power of the state over the individual. In contrast, democracy was seen by Rousseau and most modern participatory democrats as a *collectivist* ideal, concerned with empowering the masses. Thus, liberal democracy may be seen as a compromise between liberal individualism and democratic collectivism.

### **2.3.8. Republicanism (Pluralist democracy).**

Concurrently with the development of Rousseau's philosophy on democracy, early civic republicans, also referred to as pluralists by certain theorists, regarded societies being composed of conflicting groups, each exercising powers at its disposal to further interests proper to themselves (Madison, 1788:124). Republicans recognise that citizens ought to be able to pursue what they see as their own interest and in their own way. In order to contain the self-interested pursuits of individuals or groups, pluralists focused on conflict among a society's interest groups.

Conflicting interests are accepted by republican theorists as a normal feature of society and their main concern was to make recommendations about how, consistently with democracy, to maintain stability and peace in conflict-ridden societies (Cunningham, 2002:73). When political scientists have identified the groups of a society, know their interests and the sources of conflict, the power of each group can be ascertained in order to make predictions about group interactions and dynamics. Interest groups include chambers of commerce, trade

unions, politically active religious and ethnic organizations, neighbourhood committees, parent-school associations and such collections of people explicitly organized to promote specific interests their members share.

During the eighteenth century, Americans such as James Madison, a classic republican, developed the concept of *republicanism* (the term for representative democracy) and federalism (Madison's term for constitutional, representative democracy with state power as a prominent feature) instead of democracy in order to avoid the negative connotations of anarchy and ignorant mass rule that were associated with the term democracy.

### **2.3.9. American Revolution.**

The American Revolution succeeded with the attainment of independence by the federal states of America in 1783. Following the Declaration of Independence, the American founding fathers gathered to negotiate a constitution for the newly formed federation. As a result of the critiques of philosophers such as Aristotle and Plato, the founders of the American Constitution had an equally dim view of democratic government that involved the direct rule by citizens. They opted for creating a republic based on representative institutions (a form of representative democracy) in terms whereof leaders were elected to represent the interests of a state or society.

#### **2.3.9.1. *Representative democracy: Constitutional republicanism.***

The basis of the constitution was the Virginia Declaration of Rights of 1776, which in turn was based on the English Bill of Rights.

Madison and the other authors of *The Federalist Papers* (Alexander Hamilton and John Jay) produced these works to defend the American Constitution of 1787 against those who thought that by removing or weakening powers invested in individual states by the earlier Articles of Confederation, too much authority was given to the federal government. Madison, in particular, pleaded that the Constitution's system of checks and balances among the legislative, executive,

and judiciary branches of government and its bicameral congress offered protection against abuse of central-government power. The United States Constitution was ratified in 1791 and included the United States Bill of Rights. This constitution explicitly limited the powers of the state and government by incorporating the pluralist ideas of representative government and a system of checks and balances such as an executive veto, a justiciable Bill of Rights, supremacy of the people and weighted representivity of smaller states. The democratic ideas of pluralists have gained much acceptance in modern democracies and form part of all the essential concepts of all representative democracies, including South Africa.

**2.3.9.2. *Checks and balances: Regulating and managing conflicting interests of various stakeholders in national states.***

Madison's pluralist idea to contain conflict in a republic (the term used to denote a representative democracy) between the self-interested pursuits of individuals or groups was to focus on methods to balance power by establishing institutions that check the excessive exercise of power. The most prominent method of balancing powers is known as the doctrine of the separation of powers. John Locke advocated the division of government functions into legislative, executive and foreign relations. However, the French philosopher Montesquieu is credited with the formulation of the modern doctrine of separation of powers by classifying government functions as legislative, executive and judicial (Currie & De Waal, 2001:91). Both Locke's and Montesquieu's work must be understood in the context of the absolute power of monarchs and the associated political problems that existed in the European societies of that time (Currie & De Waal, 2001:91). Dividing the functions of government and allocating them to different institutions was a way of limiting absolute power.

The framers of the American Constitution took ideas of Montesquieu a step further by adding the feature of 'checks and balances' to their Constitution. This feature requires the different branches of government to control one another and serve as counterweights to the power possessed by the other branches (Currie & De Waal, 2001:92). For example, while laws are made by the American

Congress, they may be vetoed by the President, but overruled by a two-third majority vote of the Senate. The President may enter into treaties with foreign powers only with the consent of a two-thirds majority of the Senate and House of Congress. The President may be impeached by Congress (Currie & De Waal, 2001:92).

### **2.3.10. The French Revolution.**

The French Revolution began in 1789 with the meeting of the States General in May. On July 14 of that same year, the Bastille was stormed. The French king was brought to trial in December of 1792, and executed on January 21, 1793 (Doyle, 2003:69). The French Revolution was a crucial event in Western history which marked the end of the feudal system and the beginning of democracy in Europe.

Edmund Burke, a philosopher and Member of the English House of Commons, denounced the revolution in 1790 in his treatise *Reflections on the Revolution in France*. Thomas Paine's great response to Burke's work, *The Rights of Man*, (Paine, 1969) appeared in 1791, and the debate between conservatives and 'radicals' raged on for many years. The French Revolution was perhaps the single most crucial influence regarding Western thought on intellectual, philosophical and political life in the nineteenth century. The French Revolution caused a social and political upheaval eventually culminating in the attainment of first generation political rights by citizens of democratic countries.

These political and social changes were accompanied by violent turmoil which included the trial and execution of the king, vast bloodshed and repression during the Reign of Terror under the Jacobins and Robespierre, and warfare involving every other major European power. However, history of the French Revolution contains a dire warning for any fledgling democracy as the first French Republic lasted less than ten years from 14 July 1789 to 1799 when Napoleon Bonaparte staged a coup d'état on 9 November 1799 (Doyle, 2003:369).

### **2.3.11. The rise of political parties and partocracy.**

In the 1790s, the first political party system was developed in the United States of America. In support of the political party system networks of party newspapers, new canvassing techniques, the use of caucuses to select candidates, fixed party names and party loyalty became established during the early 1800's. These organisational developments were the necessary consequences of a representative system of government. Kelsen (2000:290) contended that modern democracy is founded entirely on political parties; and that the greater the application of the democratic principle, the more important the parties. Political parties have become such an essential element that some of authors (Sartori, 1987:67; Kelsen, 2000:290) perceive democracy not simply as a party system but as a 'partocracy', meaning that the locus of power is actually shifted from government and parliament to party directorates.

Conversely, Sartori (1987:71) convincingly reasoned that large organisations, tend towards bureaucracy (not oligarchy) because as 'organisms' they inevitably have to organise by establishing hierarchical structures. Nevertheless, political parties still have to compete for support and numbers within a democratic system. Sartori concludes that despite the bureaucratic tendencies within political parties, democracy can exist outside such parties, because representative democracy results from the fact that the power of deciding between the competitors is in the hands of the *demos* (Sartori, 1987:71).

### **2.3.12. Post-revolutionary responses to democracy.**

Both the American and French Revolutions signalled the emergence of the middle class (*bourgeoisie*) as a force in history. This realignment of the power relations between ruler and ruled produced three responses during the nineteenth century: liberal, conservative, and revolutionary. The liberal response is embodied in the thoughts of Alexis de Tocqueville and John Stuart Mill. The conservative reaction to democratic politics was embodied in the reactionary ideas of Joseph-Marie de Maistre and Louis de Bonald who wanted to return to

pre-Revolutionary aristocratic Europe. The revolutionary response by the working class (proletariat) was epitomised by the philosophy of Karl Marx and the actions of Vladimir Lenin with the Russian Revolution of 1917.

### **2.3.13. Liberal democracy: Alexis de Tocqueville.**

During 1830 Alexis de Tocqueville, a French aristocrat, travelled across America and wrote the first definitive treatise on democracy, viz. *Democracy in America* (1966:2). Tocqueville believed that the European future could be foreseen in the American present. Tocqueville analysed the social and cultural conditions of the American democracy and found in them the germs of a future tyranny. Democracy is founded on a belief in individual rights, equality, and self-government, yet the public opinion it spawns is more tyrannical than any monarch (Tocqueville, 1966:6). The passion for equality generates a uniform mass of self-centred individuals whose opinions will dominate those of the minority. This passion is antithetical to ability and strives to level all forms of excellence and skill (Tocqueville, 1966:6). Tocqueville formulated three suppositions that are accepted as classical theory of democracy. These suppositions are:

#### **2.3.13.1. *Supposition 1: Democracy involves self-government by the people.***

In essence, the supposition that democracy involves self-government by the people entails that the will of the majority of the self-governing people, is the embodiment of democratic government (Tocqueville, 1966:8). The moral authority of the majority is based on the notion that there is more enlightenment and wisdom between many than in a single man (Tocqueville, 1966:8). As a result of the absolute sovereignty of the people, Tocqueville found the power of the majority of the citizens of the United States of America to be almost omnipotent.

#### **2.3.13.2. *Supposition 2: Unbridled majority rule may become an oppressive 'tyranny of the majority.'***

The first led Tocqueville to the second supposition, namely that the unbridled majority rule may become an oppressive 'tyranny of the majority' (Tocqueville, 1966:8). As a government ruled by an oppressive monarch or oppressive aristocracy becomes a tyranny, so too a democracy that is ruled by an oppressive majority can become a tyranny. According to Sartori (1987:134) the tyranny of the majority danger (termed elective despotism by him) bears on the principle that undivided power is always an excessive or dangerous power.

**2.3.13.3. *Supposition 3: The rule of law and the prerequisite of legality are essential for a stable democracy.***

Tocqueville (1966:18) maintained that the sovereignty of people and the majority of the self-governing citizens are always limited by the law of justice, which is established by the majority of all mankind. Consequently, Tocqueville (1966:18) contended that when a person refuses to obey an unjust law, such a person does not deny the majority's right to give orders; the person simply appeals from the sovereignty of the self-governing people to the sovereignty of the human race. This third supposition of Tocqueville, that the power of the majority is always limited by the prerequisite of the rule of law and the implicit requirements of legality and justice, is accepted by all political theorists as being part of the classical theory of democracy (Cunningham, 2002:9).

The principle of legality applies to instances where a government or functionaries of the state might be prompted by majority demands to take actions that are beyond their legal power (*ultra vires*) or contrary to the constitutional principles. In the education setting, this would occur when executive policy decisions or actions by administrative bureaucrats are taken in contravention of educational legislation or the Constitution. The democratic principle as expounded by Tocqueville then entitles persons affected by the unlawful state action to resist, oppose, or even disregard such action without any misgivings.

**2.3.14. Liberalism and democracy: John Stuart Mill.**

In his essays, *On Liberty and other essays* (1991) and *Considerations on Representative Government* (1975:247-252), John Stuart Mill set out the first

systematic exposition and defence of liberal democracy. Mill's thought was heavily influenced by Tocqueville's concerns with the safeguarding of ability, virtue, and liberty. He agreed with Tocqueville's claims that mass culture stifles free informed thought and that an omnipotent majority could oppress a minority. In summary, Mill's essays are a method of combining democracy and liberalism. Mill explained that in previous eras the tyranny was something experienced by the majority of a nation's people at the hands of a minority so there was no danger of the majority 'tyrannizing over itself'. To Mill the danger was that of a spiritual tyranny, that, of an extreme and suffocating social conformity (Cunningham, 2002:29). The majority-minority relationship is no longer important, but the relationship between society and the individual is. The freedom of the individual needs protection against the tyranny of the majority. The root of idea for protection of individual rights against tyranny of the majority thus took effect with J.S. Mill.

With the emergence of large democratic nations, a need was created for the people to limit their power over themselves. Mill, as a utilitarian philosopher, believed that the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. A person's own good is not a sufficient warrant to exercise power over another. In accordance with Mill's political theories and philosophical views, particularly utilitarianism, political institutions and policies, like the actions of an individual, are to be valued according to their propensity to promote overall social utility or welfare (Mill, 1975:247). Mill's views combined the protection of individual liberties such as freedoms of conscience, expression, association and pursuing one's life plans, with the notion of democracy, because a democratic system has the propensity to realise such liberties (Mill, 1975:248-252).

Mill defended democracy on two grounds: First, he suggested that a democratic system is an anti-paternalistic system that enables individuals to defend and decide on their own best interests. Secondly, according to Mill, democracy has the potential to bring progress to society because it engenders an **'active self-helping type' of person**, instead of a 'passive character type' that fatalistically

abides by the decisions of an autocratic government without any will to progress by self-advancement (Mill, 1975:252). A form of government that is paternalistic or stifles private enterprise is thus not a liberal democracy, but an authoritarian or tyrannical majority (Mill, 1975:252).

Mill elaborated on Tocqueville's antithesis between equality and liberty and tried to find a solution that incorporates both the people's desire for equality and the need for competence and ability. Though democracy means the rule of the many, representative democracy presupposes the rule of the elected and appointed few in government and administration over the many. Mill saw representative government based on an educated and responsible electorate as best able to link the egalitarian aspirations of the many with the competence and ability of the few (Mill, 1975:252).

### **2.3.15. Social democracy and socio-economic equality.**

Industrialization and urbanization during the nineteenth and early twentieth centuries intensified mass mobilization and mass participation in politics, which in turn created new demands for social welfare measures and the expansion of political rights. The expansion of the electorate in turn made the system more democratic and thus more responsive to mass politics. The communist view of democracy as argued by revolutionaries such as Karl Marx and Fredrich Engels (1967) argued in *The Communist Manifesto* (initially published in 1848), is that the equality and liberty guaranteed by liberal democrats were merely political and formal. Marx was critical of liberal democracy and contended that it did not address the material basis of power, which is social and economic. For Marx the political rights of the citizen are spurious given the underlying inequality of bourgeois capitalism, where the few wealthy dominate the many poor. What Marxism and socialism envisaged was a social and economic democracy, where the unequal relations of power established by private property were eliminated. Marx's ideas led to the Bolshevik revolution of 1917 in Russia and the subsequent establishment of so-called "socialist republics" in the communist world during the twentieth century.

### **2.3.16. Elitist (Schumpeterian) democracy.**

In the first half of the twentieth century, democratic theory was devoted to addressing the claims of conservatives such as Mosca and Michels. Gaetano Mosca and Roberto Michels accepted modernity and the political consequences of the American and French Revolutions. However, they argued that in all societies the rulers are always the few and that wealth and ability will always prevail over numbers. Michels (1999:342) contended that strong organisations invert the position of the leader in respect to the masses by tending towards oligarchic structures. Michels (1999:343) formulated an iron law of oligarchy, which asserted that in modern society where bureaucracies and organizations are constantly proliferating only minorities can rule. For Michels (1999:342), elitist democracy (with its representative systems, electoral mechanisms, initiatives, and recall) is an illusion, a mere political formula devised to veil oligarchic power. What these writers attempted to show was the empirical and sociological impossibility of democracy. According to Michels (1999:355), whatever the claims of democratic ideals, government and administration would inevitably rely on organized minorities to function well and effectively.

The classical interpretation of democracy was starkly criticised by Joseph Schumpeter, a former minister of finance in Austria who retired from politics to teach at Harvard. Schumpeter (1943:23) insisted that if democratic societies are realistically regarded in terms of how they actually function, then it is obvious that they are not governed by the people or by the majority, but in fact by the elected officials along with the non-elected political party and bureaucratic attendants. Schumpeter's criticism shattered the view that democracies are governed by the majority of the people and their chosen representatives. This attack on the classical democratic theory produced a fundamental reinterpretation of democracy itself. Schumpeter (1943:25) asserted that the majority only give legitimacy to power by consenting to it, but in reality the organized elites rule.

Schumpeter tried to devise a theory that would account for the empirical reality of democracy (the necessity for elites) and simultaneously retain its ideals. Schumpeter saw democracy as an institutional arrangement of **elite competition** for the electorate's favour guaranteed by legal and procedural mechanisms. For Schumpeter, whether the many rules is not as important as whether the system provides free and open elections guaranteed by civil liberties and civil rights.

The second classical interpretation that democracies function for the public good was also criticised by Schumpeter. He maintained that each voter would vote based on private preferences and that the members of the majority have a wide variety of motives for casting their ballots (1943:25). Schumpeter differed from Rousseau's romantic view that saw the democratic public as a homogenous entity held together by a shared 'general will'. In this regard, Schumpeter's interpretation was akin to the perspectives of the pluralists who acknowledged the conflict generated by self-interested groups as an inherent feature of a democracy in the form of a civic republic. He also differed from John Stuart Mill's utilitarian hope that individual preferences would naturally gravitate towards common and morally worthwhile ends.

Schumpeter's conclusion was that democracy is simply a method or 'an institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people's vote' (1943:269). According to him, preconditions for democracies to succeed are the availability of qualified political leaders, that experts and not the public decide matters requiring special knowledge or talents; a well trained bureaucracy; and a public whose members are tolerant of one another and are prepared to allow politicians a relatively free hand in governing. It is as a result of these listed requirements that Cunningham (2002:10) and other theorists (McPherson, 1973; Rawls, 1971) classify Schumpeter's version of democracy as 'elitist'. What unites the elitist schools of democracy is the view that the legitimacy of politics is based on power rather than on the substantive content of decisions; right to govern is in the final instance derived from power (Eriksen & Weigard, 2003:7).

Some theorists (McPherson, 1973:101; Cunningham, 2002:122) concede that Schumpeter's version of democracy is empirically realistic for most societies, but draw attention to the subversive nature of such a restricted theory of democracy. Critics of the elitist version of democracy contend that citizens for whom democratic politics is just trying to figure out whether it's worth their while to vote for someone who might give them something in return or to punish somebody who has displeased them, are not likely to be sufficiently committed to democracy (Cunningham, 2002:122). The Schumpeterian interpretation endorses a conception of democracy that minority oppression by powerful elite technocrats and bureaucrats is justified and that voter apathy and little or no accountability is acceptable.

In modern representative democracies (i.e. not direct democracies as in the Athenian sense), where there is an absence of widespread citizen participation outside elections, the responsiveness of elites to the needs of citizens, is taken to be a key indicator of democracy and the 'rule by the people' (Matisonn, 2004:1). In multi-party systems, the threat of being replaced serves to encourage the government to be responsive. It is based on this logic that electoral systems are designed to promote multi-party democracy, and that constitutional checks and balances are put into place to prevent the sustained incumbency of a single, all powerful party. In multi-party democracies, the political manifestations of a non-elective democracy are found. In democracies with regular rotations in government, courts overrule governments, people respond to crime, and there is lobbying for changes in the distribution of public benefits (Matisonn, 2004:1). In other words, in these settings, citizens engage with representative democracy and participate in activities beyond the party system.

But, if a multi-party democracy remains hypothetical, and regular alteration in government becomes unlikely, analysts of democracy predict a slide towards authoritarianism where democratic institutions are eroded, sometimes to the point where the system degenerates into hegemonic one-party rule (Matisonn, 2004:1).

### **2.3.17. Triumph of democracy over totalitarianism after World War II and the Cold War.**

The end of the First World War was a temporary victory for democracy in Europe, as it was preserved in France and temporarily extended to Germany. Already in 1906 full modern democratic rights, universal suffrage for all citizens were implemented constitutionally in Finland as well as a proportional representation, open list system. The terrible economic impact of the Great Depression hurt democratic forces in many countries. The 1930s became a decade of dictators in Europe and Latin America.

World War II was ultimately a victory for democracy in Western Europe where representative governments were established that reflected the general will of their citizens. However, many countries of Central and Eastern Europe became undemocratic Soviet satellite states. For almost a century, an ideological battle raged between communism and liberal democracy. In order not to digress from the historical discussion, the theoretical and philosophical developments of democratic concepts during the latter half of the twentieth century will be discussed in paragraph 2.5 hereunder.

The totalitarian communist system of the Soviet Union collapsed dramatically in 1989. The Central and Eastern European satellite states gained de facto independence from Russia and converted their political systems to liberal democracies coupled with capitalist economic systems during the last decade of the twentieth century. This prompted Fukuyama (1992: xi) to assert that after the fall of communism, liberal democracy became the final form of human government. There was not a single liberal democracy with universal suffrage in the world in 1900, but by the year 1996, 68% of the world's 192 nations were liberal democracies (Leftwich, 1996:2). Huntington (1991:2) has referred to this as the "third wave" of democracy (after the American and French revolutions of the end of the eighteenth century, and post-world war settlements of formally democratic states). Hanson (1989:68) points out that democracy has become the uniquely valued political system of our age.

However, within twelve years after the collapse of the Soviet Union and the establishment of democracy in Russia by Boris Yeltsin, Russia has reverted to an authoritarian state under Vladimir Putin ( ). This history reminds strongly of the short-lived democracy after the French Revolution, and confirms the uncertain and insecure nature of democracy.

### **2.3.18. Democracy in post-colonial Africa.**

World War II weakened all the colonial powers, but strengthened anticolonial sentiment worldwide. Many restive colonies were promised subsequent independence in exchange for their support for embattled colonial powers during the war. The United States, a superpower after World War II, flexed its new influence in support of the decolonisation process. Most of the former colonies were independent by 1965. The process of decolonization created much political upheaval in Africa, with some countries experiencing often rapid changes to and from democratic and other forms of government.

Unfortunately, democracy has not yet been successfully established in Africa as most African countries have struggled to sustain democracy (Diamond, Linz and Lipset, 1990:371). Huntington (1991:11-13) reminded that in postcolonial Africa that there was always a tendency to revert to personal dictatorships, military regimes, authoritarian one-party systems, or a combination of these. South Africa could degenerate into a one-party state due to the fact that the ruling party has received such overwhelming support at the polls in all the elections since 1994 (Hilliard & Notshulwana, 2001:130-158). The usual outcome of one-party dominance is apathy on the part of the citizens and unresponsiveness on the part of government (Matisonn, 2004:1).

### **2.3.19. Constitutional democracy in South Africa.**

South Africa's constitutional democracy was established in 1994, but it is still a fledgling democracy in comparison to developed Western nations. The term constitutional democracy denotes a liberal democracy in the modern sense based on a written constitution that guarantees fundamental rights. The elections

of April 1994 marked the formal end of apartheid rule and a shift from authoritarian to democratic rule in South Africa (Naidoo, 2005:14). In order to consolidate its democratic experiences, South Africa has embarked on a process of constitutional implementation, institutional state capacity-building, cultivation of a human rights culture and political tolerance, and the development of an equitable socio-economic configuration (Kotze, 2004:25). The principle of the constitutional state gives the individual constitutional protection against any encroachment on personal freedom by the state. Thus, political power is limited by law, which secures the rights of the individual, while at the same time it is politics that authorises the law. Habermas's solution to this political dilemma is that rather than seeing the individual's personal autonomy (as legal subjects) and their public autonomy (as political citizens) as mutual limitations, we should regard them as conditions of each other (Eriksen & Weigard, 2003:9).

The Constitution of South Africa (SA, 1996a) established democratic institutions that include:

- Separation of powers between executive, legislative and judicial branches of government;
- Three spheres of territorial governance, i.e. the national, provincial and local spheres of government;
- Forums for deliberating conflicting interests, i.e. national parliament, provincial parliaments and local city or town councils;
- Institutions promoting democracy and overseeing democratic rights such as the Independent Electoral Commission, the Human Rights Commission and the Independent Broadcasting Authority;
- An enshrined Bill of Rights in terms of an judiciable Constitution, which is the supreme law of the land;
- Regular national, provincial and local elections by popular vote.

Section 1(d) of the Constitution contains the provision that South Africa is a democratic state founded on the values of accountability, responsiveness and openness. Accountability means that government or organs of State must explain its laws or administrative and executive actions if required to do so by interested

persons (Currie & De Waal, 2001:89). The Constitution has introduced a culture of justification, which Mureinik (1994:31-32) described as a culture in which every exercise of power is expected to be justified; in which the leadership given by government rests on the cogency of the case offered in defence of its decisions, not the fear inspired by the force at its command.

The guaranteed fundamental rights, the pluralist checks and balances, the establishment of deliberative institutions and the provisions for direct democracy fit together to generate a democratic system that incorporates all the models and theories of democracy. In other words, these constitutional institutions and provisions function together in an integrated system of democracy.

#### **2.4. KEY CONCEPTS OF DEMOCRACY.**

Through the ages historical powers and fluctuating compositions of societies have changed democracy (Olivier, 2006:483). Democracy as a political form and as an ideal arose from the conflict in society between the few and the many, between the wealthy and the poor. But the rise of democracy is also closely linked to the quest for individual freedom and autonomy. The cycle of violence and instability produced by this conflict led to the establishment of pluralist constitutional structures that would address the egalitarian and just demands of the many, while simultaneously maintaining the rule of law. It is from the struggle to resolve the opposing interests and values of the wealthy and the poor that the social and political ideals associated with modern democracy emerged and developed.

Liberal-democratic societies with capitalist or mixed economic systems combine free political competition with free economic enterprise. In this manner, liberal democracy has been successful to merge political equality in the uneasy tension with deep social divisions and economic inequality. However, the historic and future trends indicate that capitalist ideals will remain in conflict with the liberal emancipatory goals of personal development and egalitarian objectives of social

equality. The relationship between these three points of orientation is considered in the following paragraphs by analysing key concepts of democracy.

#### **2.4.1. Liberty and democracy.**

Democracy as a concept developed in conjunction with liberal philosophy during the nineteenth century. Benjamin Constant (2000:111), made the distinction between liberty (public liberty) that is regarded as the sharing of power among citizens of the same fatherland, and liberty (private liberty) that guarantees the enjoyment of security in private pleasures. Public liberty of the state to enforce its democratic authority is limited by the rule of law, and the rights of other members of the society limit the private liberty of the individual.

##### **2.4.1.1. Positive and negative liberty.**

Isaiah Berlin brought the limitation of the power of the majority by the rule of law into relation with the two concepts of liberty (1969:162-163). Berlin (1969:162-163) explained that in a democracy liberty may take the form of ‘negative liberty’ or ‘private autonomy’ in the sense that the freedom of the individual may not be interfered with in a defined private area; and ‘positive liberty’ that enables citizens to share public power or ‘public autonomy’ that is entitled to interfere with every aspect of every citizen’s life.

Negative freedom is made possible through the means of law (Eriksen & Weigard, 2003:148). This liberal legal principle establishes that what is not prohibited is allowed (Eriksen & Weigard, 2003:148). This guarantees citizens of a constitutional state the individual freedom to act (Eriksen & Weigard, 2003:148).

Berlin (1969:163) summarised the principles with reference to Constant, Mill and Tocqueville that no society is free unless it is governed in accordance with two interrelated principles:

First, no power, either by a small group or by a majority may be regarded as absolute. Only certain rights can be regarded as inviolable, so all men have an absolute right to refuse to behave inhumanely.

Second, there are boundaries or limits set by accepted universal rules of justice, legitimacy and legality that cannot be ignored or violated by the majority in a democracy or by the minority in a monarchy or an oligarchy.

The freedom of a society is thus measured by the strength of these boundaries. Neither individual 'negative' liberty (private autonomy) nor societal 'positive' liberty (public autonomy) is absolute, because in practice the two interpretations of liberty must strike a compromise between themselves to ensure the sustainability of a democracy (Berlin, 1969:163).

An example of the application of the concepts of liberty is the decision of the German Federal Constitutional Court regarding prayers at schools. The Court stated as follows:

The sphere of liberty for the exercise of positive freedom of religion must be balanced against the negative freedom of religion of parents and pupils who reject school prayers. The equilibrium is achieved, in principle, by guaranteeing the voluntary nature of participation to pupils and teachers. (BVerfGE 52, 223, 239-241 (1979).

The tension between individual autonomy and public autonomy is very evident in the issue of freedom of religion at schools or the public sphere. The separation model of the United States and Canada emphasises that there should be strict separation of religion from the public sphere and that it should be relegated to the private sphere of the individual. Another model to manage the issue of religion in the public realm vis-à-vis individual autonomy is the so-called co-operative model that is applied in countries such as Germany, England, France and South Africa. In terms of section 15(2) of the South African Constitution religious observances may be conducted at state or state-aided institutions, such as schools, provided that-

- (a) those observances follow rules made by the appropriate public authorities;
- (b) they are conducted on an equitable basis; and
- (c) attendance at them is free and voluntary.

In the matter of *Wittmann v Deutscher Schulverein, Pretoria and others* (1998:423), the abovementioned was decided by the High Court of Transvaal. In this case the plaintiff (Mrs. Wittmann), an agnostic, instituted action against an independent (non-public) school in her capacity as custodian mother and natural guardian of the minor child, Tania Wittmann (the learner attending the school), for a declaratory order declaring the actions of the school in compelling Tania to attend religious instruction classes at the school to be unconstitutional, unlawful and invalid. The school was a parochial religious school under the direct supervision of the Evangelical Lutheran Church. The plaintiff contended that her daughter had the right to be excused from attendance at the religious instruction classes conducted at the school.

The judge, Van Dijkhorst J, extensively analysed foreign law of countries such as United States, Canada, England, Germany, Malaysia, Nigeria, Namibia, as well as international law with regard to freedom of religion. Particular attention was given to the plethora of courtcases of the United States that has given rise to a disharmonious controversy over the establishment clause and the "wall of separation" that exists between Church and State in the United States. The judge distinguished the South African legal position from the United States constitutional case law. In the United States the courts described atheism or agnosticism as religion, whereas in South Africa the judge explained the position to be as follows:

The concept 'religion' when used in s 15 of the Constitution is not neutral. It is loaded with subjectivity. It is a particular system of faith and worship. It is the human recognition of superhuman controlling power and especially of a personal God or gods entitled to obedience and worship (The Concise Oxford Dictionary). It cannot include the concepts of atheism or agnosticism, which are the very antithesis of religion. The atheist and agnostic is afforded his protection under the freedom of thought, belief and opinion part of this section. There is conceptually no room for him under the freedom of religion part. Freedom of religion does not mean freedom from religion.

*In casu* the Court determined that the German School received financial aid from the state and that it should be classified as a state-aided school. With regard to the substantive issue of freedom of religion in schools the court held that, neither the morning assembly and opening prayer session nor the religious instruction

(education) classes at the school would be unconstitutional even if they are of a confessional nature. The Court held that the right of non-attendance could validly be waived by an individual. The plaintiff had done just that when she had subjected herself to the school's constitution and the school's regulations.

Van Dijkhorst J explained that in respect of educational institutions the fundamental freedom of religion of 'outsiders' is limited to the freedom of non-joinder. Outsiders cannot join on their own terms and once they have joined, cannot impose their own terms. This indicates that the waiver of the freedom of religion (for the limited duration of one's membership and within the limits of the institution's constitution) is not contrary to the provisions of the Constitution in the case of independent educational institutions or state-aided institutions.

The Wittmann-judgment aptly illustrates the alternative approach that follows as a result of the application of a co-operative model in schools in terms whereof the state may allow religion in schools, and the tension between individual autonomy and freedom of religion is diffused.

#### **2.4.1.2. Freedom and liberty.**

Arendt (in Birch, 1993:95), contends that in a political context the terms freedom and liberty are commonly used in slightly different ways, with liberty more likely to denote the absence of restraint and freedom more likely to be used when denoting the opportunity to engage in some activity, such as political participation. Pitkin (in Birch, 1993:95) equates the term "liberty" with Berlin's negative concept of liberty, and "freedom" with the positive concept of liberty. Pitkin (1993:96) explains that according to this interpretation liberty is the absence of restraint (the negative concept of liberty). On the other hand, the term freedom is applied to indicate things that are worth doing, to engage in self-development, to participate in exercising political rights (positive liberty).

The limitations on liberty arise from the fact that human beings are also social creatures, constrained in their choices by all kinds of social pressures. Berlin's

positive liberty includes the idea of self-development. Gould (1988:32) elaborates that the concept of freedom should be understood more broadly than simply entailing the absence of external constraints. She argues that for positive liberty not only the absence of external constraints, but also the availability of social and material conditions are necessary for the achievement of purposes or plans, are necessary for positive liberty. By this she means that the social and material enabling conditions for self-development and public participation are essential for realising freedom (positive liberty).

#### **2.4.2. Equality and democracy.**

'Liberte, egalite, fraternise' - the slogan chanted by the revolutionaries during the French Revolution portrays three essential concepts of democracy. Liberty has been discussed in the previous paragraph and this paragraph will consider equality as an essential tenet of democracy.

##### **2.4.2.1. *Moral and political equality.***

Jean-Jacques Rousseau (2001:129-131) the pre-eminent philosopher of the eighteenth century distinguished between physical or natural inequalities and moral or political inequalities. Natural equality consists of physical differences in age, strength, height, health and qualities of the mind and soul. As each person has been naturally endowed with different qualities, it is not humanly possible to bring about equality of natural or physical abilities and talents about. Rousseau aptly demonstrated that political or moral inequalities consist of privileges which some enjoy which cause the prejudice of others such as being richer, more honoured or more powerful. He contended that every person should be morally and politically equal and that a democratic government that rules in accordance with the general will of the people can remove the societal prejudices and inequalities.

##### **2.4.2.2. *Equality before the law.***

Immanuel Kant (1977:74-79) formulated man's equality as equality before the law. This equality is in the form of rights, which every person possesses equally in society. However, according to Kant, these rights cannot be renounced by anyone, but through committing a crime or breaking the law a person can lose his authority to uphold his rights. For Kant all rights consist solely in the restriction of the freedom of others, with the qualification that their freedom can co-exist in terms of general law.

This contention by Kant germinates the first indication that there is an inherent tension between freedom (liberty) and equality. Equality before the law entitles a person to limit another's freedom. Logically it follows that the enforcement of absolute equality in every respect can thus lead to the loss of liberty by every person in society. Williams (1962:116) revisited Kant and elaborated that equal respect is owed to each person, not in respect of any naturally endowed characteristics such as race, strength, wealth, height, beauty or the like, but solely in respect of the transcendental characteristics of having a free and rational will.

#### **2.4.2.3. *Equality and human dignity.***

Tawny (1964:46-51) contended that equality has different connotations. On the one hand, while humans differ profoundly as individuals in capacity and character, they are equally entitled as human beings to equal consideration and respect. This brings the third element of the French revolutionaries motto, Fraternite, or brotherhood to mind. This phrase echoes the equality of consideration and respect. It is goes without saying that every person cannot be equally tall or equally thin or equally clever, because these physical qualities cannot be attained through any social or political means. Accordingly, Tawny (1964:46-51) contended that in order to attain equality, the suppression of varieties, individual genius and character will not suffice.

The Biblical saying that all men are equal in the eyes of God means that all souls are equal before God. This refers to moral equality and confirms God's unconditional love for every human. Tawny (1964:46-51) argues convincingly that

the equality that the philosophers such as Rousseau and Mill had in mind is not equality of capacity or attainment, but equality of circumstance, institutions, and manner of life. The inequalities that should be addressed are therefore social and economic inequalities that come about as a result of unequal opportunities and privileges. But equality of provision should be distinguished from the identity of provision. In other words, Tawny argues that in order to achieve equality, it will not suffice if different needs are treated in the same way. Equality, in the sense of equal opportunities, will only be attained by devoting equal care to ensuring that the different needs are met in different ways most appropriate to them (Tawny, 1964: 49). It follows thus that if a society endeavours to secure equality for all its members, the differentiation of treatment will be greater, because the special needs of different groups should be duly considered.

In a multicultural democracy, there is always a tug-a-war between individual and minority community autonomy (liberty) on the one hand and equality (social justice) to the majority on the other (Harman, 1990:61).

#### **2.4.2.4. *Summary of the concept equality.***

To summarise, equality in democratic theory refers to political and moral equality, equal treatment by public administration, equality before the law, equal opportunities, equal respect as a human being and equal consideration for the different needs. Equality does not entail that the state should enforce uniformity or absolute similarity on its legal subjects.

#### **2.4.3. Tension between liberty and equality.**

There is an inherent tension between democracy and liberalism. The philosopher, Jean-Jacques Rousseau, based his democratic theory not on the interrelationship between liberalism and democracy, but on the notion that a social contract exists between the sovereign (in this instance the republican state), the general populace consisting of the citizens of a nation and the executive government. Rousseau viewed the monarch or the elected government officials as the executive branch of government that are contractually obliged to

perform the functions of government by the specific application of laws. He stated that citizens do not adhere to this social arrangement; they should be 'forced' to be free (Rousseau, 1968:15). These words by Rousseau indicate an authoritarian tendency and led liberals to be sceptical of democracy as an ideal form of government.

Sartori (1987:101), on the other hand, distinguishes between liberalism and democracy. Sartori equates liberalism with the protection of individual freedom and democracy with the establishment of equality. Democracy emphasises and promotes political, social and economic equality. In other words, according to Sartori, democratic principles entail that political equality is promoted by means of mechanisms such as universal suffrage, establishment of a common voter's roll, supervised free and fair elections held at regular intervals, and separation of political powers between the executive, legislative and judicial branches of government. Secondly, according to Sartori, social equality is enhanced in a democracy by promoting egalitarian or classless societies by means of mechanisms such as anti-discriminatory constitutional provisions, equitable taxation of everyone and the promotion of cultural, linguistic and religious diversity and equal economic opportunities.

Thus, Sartori contended that democracy promotes economic equality by means of the creation or stimulation of equal employment opportunities, equal opportunities to undertake private enterprise, and equal protection of consumers and producers. Sartori (1987:103) is of the opinion that future political systems will be either democratic within liberalism or democratic without liberalism. On the other hand, liberalism protects fundamental individual freedoms such as the freedom of expression, freedom of religion, freedom of association, the right to basic education, the right to be educated in a language of choice.

The inherent tension between equality versus liberty came to a fore in the totalitarian regime of the Soviet Union. Although complete economic equality was enforced by the Communist State, it came at the expense of individual liberty. This costly historical experience serves as a dire warning that the role of the state should be to establish a stable equilibrium between egalitarianism and liberalism

by continually balancing and adjusting equality with individual liberty, in order to avoid the devastating catastrophe of enforced uniformity.

#### **2.4.4. Divergence between modern republicanism and liberalism.**

Although the republican model of democracy can be traced back to the Greek city-state and the Rousseauian idea of the general will (Eriksen & Weigard, 2003:116), some authors (Sandel: 1996; Rawls, 1971:4; Dworkin, 1977:194) emphasise that republicans distance themselves from modern liberalism in a number of respects. Table 2.2 summarises some of the differences between the liberal and republican views of democracy.

**TABLE 2.2 Important differences between Liberalism and Republicanism**

<b>Comparable characteristics</b>	<b>Liberalism</b>	<b>Republicanism</b>
Concept of freedom	Negative	Positive
Rights	Pre-political	Political
Procedures	Decision-making method	Also an end to themselves
Justification	"The right"	"The good"
Decision-making model	Aggregation	Deliberation

(Source: Eriksen & Weigard, 2003:118).

#### **2.4.5. Representation, accountability, responsiveness and openness.**

As the concept of representation developed during the latter part of the eighteenth century, the question arose whether an elected representative should act as a delegate, who merely communicates the will of the constituents, or whether a representative should in fact be entrusted with the authority to decide according to his own conscience and act of behalf of the constituents without referring back to the constituents for guidance on every issue.

#### **2.4.5.1. *Representative: messenger or deliberator.***

Edmund Burke (1996:68-70), the eighteenth century philosopher and politician, argued cogently that a representative is not a mere delegate, but that a representative should apply his judgment and his industry and effort to serve his constituents by deliberating on matters that have yet to be decided. He pointed out that a representative becomes a member of a forum of deliberation such as parliament, and is not called a member of the constituency. Furthermore, Burke reasoned that most of the matters to be decided on in parliament (or any forum of deliberation for that matter) could not be determined before discussion. The discussion is necessary for all the representatives to exercise their judgment and opinion on matters that had not been determined as yet. He maintained that if being a representative at parliament would merely involve the communication of the will of the constituents that had been already been determined, then the representative would simply be a messenger with no authority to decide and that no discussion nor deliberation would take place or in fact be necessary in parliament (or any forum of deliberation).

Burke persuasively argued that the task of a representative was not restricted to the execution of a mandate or narrow instruction, but that representatives were elected for their abilities to reason and were entrusted to exercise their own discretion according to the conviction of their judgment and conscience.

#### **2.4.5.2. *The mandate theory and party discipline.***

However, in most modern democracies there are two types of mandates for representatives, i.e. the free mandate and the imperative mandate. In terms of the free mandate, representatives may vote according to their conscience and may change their political affiliation freely (Currie & De Waal, 2001:86). The imperative mandate requires that representatives adhere strictly to the rules and policies of the political party. The body of rules called the “mandate theory” determines how elected candidates represent the electorate. In most modern democracies, so-called ‘anti-defection’ provisions provide that elected representatives lose their seats if they cease to be members of the political

parties who nominated them, in order to strengthen the system of political party discipline. However, the Constitution of the Republic of South Africa Second Amendment Act 21 of 2002 and the Loss or Retention of Membership of a National and Provincial Legislatures Act 22 of 2002 accommodate mid-term shifts in political allegiances. This legislation was challenged in the matter of *United Democratic Movement v President of the Republic of South Africa* (2003). The Constitutional Court settled the question of so-called floor crossing and decided that during the window period, members of Parliament or a provincial legislature could switch political allegiances without losing their seats.

#### **2.4.5.3. Representation on smaller bodies.**

The idea that a representative has a broader duty to deliberate, to act for the good of his constituency by judging every matter according to his own conviction, has been accepted as a settled democratic principle of representation. For Parry and Moran (1994:5) this duty to deliberate and a system of accountability are the guiding concepts of democracy. In bodies where there is no political party discipline, such as with school governing bodies, the Burkean principle that elected representatives should have a free mandate to act according to the dictates of their consciences, applies.

Therefore, according to the Burkean principle, this is the generally accepted norm for democracy, representatives that serve on school governing bodies or other forums have the discretion to decide on issues according to their own convictions after deliberating on each matter. Furthermore, this principle of representation implies that elected representatives become members of the school governing body (or parliament or other forum) and as such, the representative must take decisions that represent the best interest of the school. This means that representatives (which are members of a school governing body) should not merely relay prior decisions of an educational authority or the constituency of parents, but should exercise their own judgment by deciding what is best for the school.

#### **2.4.5.4. Problems of representation.**

Three problems of representation have come to the fore in modern democracies. First, a gap opens between the representatives and the represented which sometimes causes the representatives to supplant their own preferences by disregarding the will and needs of their constituents (Blaug & Schwartzmantel, 2000: 159).

Secondly, it is debatable whether it is the duty of the representative to represent the group or the individual. If the representative represents only the individual as was accepted in classical liberal democracy, then certain group interests become marginalized and minorities become oppressed. Representation thus involves the problem of inclusion or exclusion.

Thirdly, representative bodies inevitably tend to become elitist. The political party discipline requires that policy decisions are rigidly enforced on representatives. This gives rise to a lack of the exercise of a discretion by representatives, which eventually causes domination of the few over the many (Blaug & Schwartzmantel, 2000: 159).

#### ***2.4.5.5. Limitation of powers of representatives by checks and balances.***

James Mill (1992: 21-24), a utilitarian philosopher and father of John Stuart Mill, considered representation to be the greatest discovery favouring democracy. The solution that James Mill proposed to the problems associated with representation, was to limit the powers of representatives by means of institutional checks and balances. In terms of these measures, representatives should be allowed to hold office only for limited periods, and the principles of accountability would require that incompetent or dishonest representatives be removed from office immediately.

#### ***2.4.5.6. Openness, transparency and accountability of representatives.***

Transparency and openness of the decisions and actions of representatives are also enhanced by the freedom of the press and media. During the French Revolution the National Assembly of France issued the Declaration of the Rights

of Man and Citizen in 1789 that stated in Article XI that the unrestrained communication of thoughts and opinions being one of the most precious rights of man, every citizen may speak, write, and publish freely, provided he is responsible for the abuse of this liberty in cases determined by the law (Paine, 1969:133). In contemporary society, the importance of the freedom of the media has indubitably become entrenched as a vital component of all democracies.

#### **2.4.6. Democratic institutions and the development of a democratic culture**

Luckham *et al.* (2003:14) draw a useful distinction between democratic institutions and democratic politics. They contend that the spread or establishment of democratic institutions does not necessarily mean the spread or establishment of democratic politics (Luckham *et al.* 2003:14). In most fledgling democracies that have been established within the past two decades, such as South Africa and the Eastern European States, democratic institutions have been artificially designed and constructed to meet the following goals:

- To enable participation either directly or through elections;
- To avoid tyranny by autocratic rulers or by an autocratic majority (in some systems);
- To promote open and fair competition for power on the basis of the popular vote;
- To ensure the accountability of governments; and
- To provide forums for rational discussion of political problems and settlement of conflicting social interests.

Insomuch as such democratic institutions are essential for the success of any democracy, Luckam *et al.* (2003:16) point out that the democratic city-states of ancient Greece and Rome as well as the long established democracies of the United Kingdom and the United States, the development of a democratic culture and democratic politics preceded the establishment of democratic institutions.

The significance of this is that the citizens' political education and the democratic of culture societies that have historically progressed through phases of gradual development of democratic politics tend to have more inclusion, participation and

accountability at the different levels within society. In other words, democracies that have a culture and tradition of democratic politics concentrate not only on the institutional level of the high politics of the state, but also on the substantive politics of resolving conflicting interests within societal configurations (Luckam *et al.*, 2003: 16-20). Democratic politics refers to the capacity of citizens to exercise their political rights of participation by holding powerful private interests as well as agents of the state to account. In the education setting of South African schools, this would refer to holding state education departments, administrative officials and government officials, as well as local school governing bodies accountable.

The danger of a preoccupation with the establishment of democratic institutions and consolidating stable governments is that little attention is given to the requirements of democratic politics demanding participation, inclusion and accountability on the all levels of society and between all the government spheres.

#### **2.4.7. Civic participation.**

Although Tocqueville was ambivalent towards democracy, he was nevertheless impressed by the extent and vitality of the civic participation in all aspects of political and social life in early American democracy. He saw an active associational life as the hallmark of a democratic society. Tocqueville (1966:16) contended that democracy would not be maintained without active participation on the part of citizens in egalitarian institutions and civic associations.

The American social scientist, Robert Putnam (1998:290-292), revisited this contention and confirmed that the lack of involvement by the present-day American public has caused a decline in the effectiveness of democracy. He suggests that associations of civil society can create 'social capital' by maintaining networks of civic involvement and so improve the functionality of democracy. The British academic, Paul Hirst (1994:21-26) presents a vision of voluntary organizations which would be the primary bases for democracy. He proposes a model in which self-governing associations would perform public functions and thus reduce the burden on central government. According to these

theorists, civil society and the associative network should be the locus of democracy and a bastion against an all powerful state. The idea is that civil associations will be the seedbed of democracy by instilling habits of civic virtue and public spirit into its members. The notion of the importance of a civic attitude to enhance the effectiveness of democracy echoes the sentiments of Pericles when he extolled the virtues of the Athenian citizens.

#### **2.4.8. Participatory democracy.**

Elitist democrats of the Schupetarian school (Schumpeter, 1943; Sartori, 1987) regarded excessive public participation as a threat to democracy, because the efficiency of government and effectiveness of the state may be detrimentally influenced.

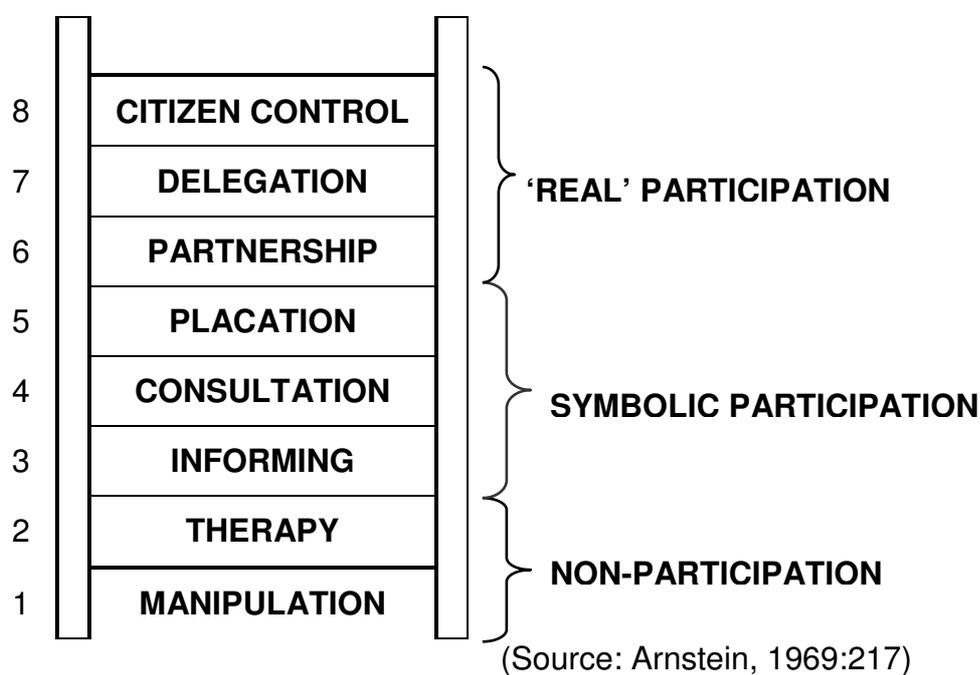
On the other hand, participatory democrats argue that more participation leads to increased effectiveness (Barber, 1984:150) and should be encouraged. Participatory democrats (Pateman, 1970) emphasised that participation educates citizens and stakeholders to transform their interests for the common good. Barber (1984:155) contended that the two terms, participation and community, form part of one single concept: citizenship. There are multiplicitous modes of participation including voting, campaigning, group activity, contacting representatives and officials, protesting, attending meetings, petitioning, fund-raising, canvassing and boycotting (Parry & Moyser, 1994:46). Participatory democrats (Pateman, 1970; Held, 1987; Gould, 1988) in particular, have proposed ways to democratise workplaces, the family, media, neighbourhoods, universities, schools, and decision-making on human relations to the natural environment. All these locations constitute 'political systems' in a broader sense than having to do with the state, as they depict places where policy decisions are made based on power relations, and they are thus subject to democratisation (Bacharach, 1967:70-78).

With the increasing decentralisation of fiscal, political, and administrative responsibilities to local spheres of government, local institutions, and communities, the notion of participation has emerged as a fundamental tenet in

the promotion of the local governance of schools (Grant Lewis & Naidoo, 2004:1). However, Naidoo (2004:125) found that the power relations in South African schools have remained largely unchanged despite the statutory decentralisation of power to local school governing bodies. According to Pateman (1970:9) political equality in modern theory of democracy refers to universal suffrage (one person, one vote) with its sanction through the electoral competition for votes and, more importantly, to the fact of equality of opportunity of access to influence decision makers through inter-electoral processes by which different groups in the electorate make their demands heard. Barber (1984:155) warns that the worldviews of individualism and communalism remain at odds and this remains an inherent tension within democratic systems.

Robert Dahl (1956:87), the American pluralist theorist, puts forward the hypothesis that a relatively small proportion of individuals in any form of social organisation will take up decision-making opportunities. Dahl (1956:75) argued that certain social prerequisites such as consensus on norms and social training needed to be in place in order for participatory democracy to function effectively. Dahl (1956:138) was critical of increasing participation beyond levels that can realistically be accommodated by each society, and argued that political activity is a prerequisite of polyarchy (Dahl's term for an ideal democracy), and that the relationship is extremely complex. He demonstrated that the lower socio-economic groups are the least politically active and it is also among this group that 'authoritarian' personalities are most frequently found. Dahl (1956:ch3) concluded that if participation by this group were to rise, the consensus on norms might decline and hence polyarchy will decline concomitantly. Thus, in essence, Dahl argued that there are limits to participatory democracy.

Participatory autonomy and power-relations are inter-linked in decision-making. There is a variety of public participation tools with different levels of autonomy potential (Petts, 1999:161-168). Quoting Arnstein, Wiklund (2005:287) describes a "ladder of participation" in terms whereof the higher level on the ladder corresponds with a higher level of participation. This ladder of participation is represented in Figure 2.1 below.

**FIGURE 2.1 Ladder of participation.**

Public participation tools that are normally used, such as public hearings, information meetings, public comment processes on policies and parliamentary bills, judicial court hearings, have been criticised as weak forms of participation because the barriers of time, power, access and institutional processes constrain true participation (Wiklund, 2005:287). Accordingly, theorists have been seeking and devising improved tools and methods for deliberation and participation (Wiklund, 2005:287).

#### **2.4.9. Deliberative democracy.**

Since Joseph Besette coined the term *deliberative democracy* in 1980,<sup>1</sup> there has been a proliferation of studies on this contemporary development of democratic theory (Tulis, 2003:200). There are many models of deliberative democracy such as “discursive democracy” (Drycek, 1990), “contestatory democracy” (Petit, 2000), “reasonable democracy” (Chambers, 1996) and “communicative democracy” (Young, 1993) and “deliberative democracy” (Habermas, 1996). These theorists have suggested a more deliberative style of decision-making as a

<sup>1</sup> Besette, J.M. 1980. *Deliberative Democracy: The Majority Principle in Republican Government*. In: Goldwin, R.A. & Schramba, W.A. (Eds.) *How Democratic is the Constitution*. Washington:AEI.

way to re-vitalise democracy. However, in this study the focus will be on Habermas's theory of deliberative democracy because his theory is coherent, structured and has strongly influenced other theorists (Wiklund,2005:282). In his model of deliberative democracy, Habermas formulates a notion of democratic politics by extracting the most attractive elements of the liberal and the republican traditions of political theory and incorporating them into a communicative framework (Wiklund, 2005:282).

#### ***2.4.9.1. Conceptualising deliberative democracy.***

Theoretically defined, deliberative democracy refers to the notion that legitimate political decision-making emanates from the public deliberation of citizens. In other words, as a normative account of political decision-making, deliberative democracy evokes ideals of rational legislation, participatory politics and civic self-governance (Cunningham, 2002: 163). Deliberative democracy theories base their moral claim for more deliberation on a communitarian view of individual identity and collective ways of life (Blaug, 2000:494). Although there are a variety of communitarian perspectives, in essence, most are focussed in some way on the idea that it is in communication that humans can make and unmake order, self, community, and reality and that it is only through adopting deliberative communitarian perspectives that there is any hope for peace and justice in the world (Darvin, 1994:377).

Jürgen Habermas (1996:320), who is regarded by many as the philosophical father of the deliberative theory, contends that the centrepiece of deliberative politics consists in a network of discourses and bargaining (compromising) that facilitates the rational solution of pragmatic, moral and ethical questions. Habermas regards deliberation as procedures of argumentation in which those taking part justify their reasons with consistent and unambiguous formulations (Habermas, 1996:322). He contends that it is the institutionalisation of argumentative procedures which ensure the legitimacy of democracy (Eriksen & Weigard, 2003:7). He offers an account of democracy, which places practical reasoning amongst citizens at the core of political discourse. For Habermas

(1997:39), practical reasoning guides an understanding of political practice in terms of self-determination or self-realisation and rational discourse.

Joshua Cohen (1997:72) maintained that deliberative democracy is the ideal model or norm, which all democratic institutions should strive to approximate. Only in deliberation with others can we choose the way of life we want to share. Eriksen and Weigard (2003:128) state that deliberation is a functional requirement and therefore parties have to deliberate before they can bargain, vote or decide on public issues. Only in interaction, can we rise above our individual interests and discover a common good (Blaug, 2000: 494).

Prominent political theorists, Amy Guttmann and Dennis Thompson (1996:144) argued that deliberative democracy emphasises the necessity for citizens and their representatives to engage in a process of deliberation when they disagree on moral issues, and stress that they should continue to reason together to reach mutually acceptable decisions. This is most relevant for moral disagreements about public policy (Guttmann & Thompson, 1996:144). The moral authority of collective judgments about policy depends in part on the moral quality of the process whereby citizens collectively reach their judgments (Blaug, 2000: 494).

#### ***2.4.9.2. Deliberative democracy differentiated from liberal and republican democracy.***

In terms of liberal democratic theory, citizens are treated fairly when everybody's interests or preferences are given equal consideration (Eriksen & Weigard, 2003:127). The liberal tradition typically characterises politics as private in nature and instrumental in purpose (Wiklund, 2005:283). The liberal tradition assumes political actors with prepolitically formed, private interests that compete in a power struggle in an enterprise for a political 'market' (Wiklund, 2005:283). Liberal democrats view participation purely instrumental to strategically aggregate private interests into collective choices (Wiklund, 2005:284). In the context of the liberal "market" view of democracy, fairness and efficiency refer to minimal interference with the actors' individual freedoms (Wiklund, 2005:285).

The republican tradition characterises politics as public in nature and non-instrumental in purport (Wiklund, 2005:283). Hence, democracy is not primarily conceived as an instrument for aggregation of private interests, but as a process for public discussion through which members of a community discover their common interests. In republican tradition there is, however, a tendency to define common interests in substantive terms, as shared traditions, values, virtues and culture (Wiklund, 2005:283).

By contrast, the deliberative model of democracy maintains that citizens are treated equally when the exercise of political power can be justified by reasons, which can be approved by all after adequate rational deliberation has taken place (Eriksen & Weigard, 2003:128). Contrary to liberalism, deliberative democrats hold that questions of identity are bound up with traditions and communities in such a way as to remain outside a simple aggregation of revealed preferences and the language of individual rights (Eriksen & Weigard, 2003:128). Normatively speaking, deliberative democratic theory regards deliberation as the most fundamental feature of democracy (Eriksen & Weigard, 2003:128). This differs substantively from representative models of democracy that regard aggregation of will and interests as the fundamental norm. Habermas (1996:171) suggested that the liberal principle of freedom must be combined with the republican principle of popular sovereignty by making room for common opinion and will-formation.

#### ***2.4.9.3. Centrality of sufficient consensus in deliberative theory.***

According to Habermas (1997:41), the practice of practical reasoning empowers citizens to decide upon the rules and manner of their living together in a self-determined way, thereby producing co-operative life practices "centred in conscious (and rational) political will-formation." Moreover, Habermas argues that a democratic legislature should decide by **consensus** at the level of inter-subjective deliberation guided by argumentation, which in turn dismisses programmed decisions in the public sphere (Habermas, 1997:57). In other words, Habermas favours a symmetrical (two-way) communication at the level of direct

democracy between the people and the governed, in order to reach rational and justified **consensus**.

In the event that consensus seems unrealisable and a political deadlock imminent, Habermas proposes majority decision-making as "a conditional consensus" based on conditional rational discussion and argumentation (Habermas, 1997:47). But such a **conditional consensus** does not require minorities to abandon their aims; rather, they are required to forego the practical application of their convictions, until they succeed in better establishing their reasons and procuring the necessary number of affirmative votes (Habermas, 1997:47). Gould (1996:174) has criticized this reasoning of Habermas in that it underestimates the extent of irreconcilable conflicts.

#### **2.4.9.4. Habermas's rules for ethical discourse.**

Habermas has identified discourse as an ideal procedure for rational and democratic decision-making. To fulfil the requirements of fair discourse or the rational debate of issues, deliberation must be structured in a very special way (Wiklund, 2005: 284). The notion of discourse specifies a number of conditions aimed at ensuring that the outcomes of public deliberation are nothing but the result of "the forceless force of the better argument" (Habermas, 1996:157-168). In his essay on "*Discourse ethics: notes on a program of philosophical justification*" Habermas (1990, 43-115) outlines the structure of fair and ethical discourse and identifies three sets of rules for rational argumentation. These ground rules for deliberation are:

- Firstly, ethical discourse is based on the premise that argumentation is designed to produce arguments with which we can **redeem and repudiate** claims to validity. Therefore, participants in discourse must make use of the same **logical and semantic rules**. In other words, participants in discourse must use expressions and language in a consistent way over time and should not accord varying or mutating interpretations to words and expressions (Habermas, 1990:87);

- Secondly, arguments are processes of reaching understanding that are ordered in such a way that proponents and opponents can **test the validity claims** that might be problematic. Accordingly, participants must follow certain procedural rules depending on the deliberative forum where the discourse is taking place. Two examples of procedural rules are that participants must state only what they believe (i.e. they should not lie) and they must provide reasons to justify their opinions (Habermas, 1990:87);
- Thirdly, argumentative speech is a **process of communication that should be insulated from coercion, inequality and power-play**. This rule specifies that nobody with the competence to speak and act should be excluded from the discourse, that everyone is allowed to question or introduce any assertion and to express his/her needs, beliefs and wants, and that nobody should be prevented from exercising these rights (Habermas, 1990:88-89).

These Habermasian ground rules for rational and ethical discourse have been widely accepted and can be applied in various contexts including parliamentary debate, public participation and review processes, court procedure and general meetings. The deliberation should include proceduralist arguments for and against the different methods of decision-making (Eriksen & Weigard, 2003:128). Seyla Benhabib (1996:68), another prominent deliberative democrat, contends that deliberative democracy does not restrict the agenda of public conversation, but rather encourages discourse which integrates the public and the private, as well as being more interested in the which political processes interact with cultural and social contexts.

#### ***2.4.9.5. Deliberation in the public sphere.***

Deliberative democracy is intended to function in the 'public sphere,' and Habermas (2000:521) is concerned that the public sphere is weakening in relation to the concomitant extension of fundamental rights in the private sphere of social welfare states. According to Habermas (1992:444), the public sphere is declining as a result of the bureaucratisation of the state system and monetarisation of the economic system. Habermas's concern portrays the

tensions between theorists that support the individualist ontology and communitarian theorists that orientate towards the rights of communities to participate and deliberate (communicate) in a democratic system (Habermas, 1992:444). The public sphere is the power-free space outside the state, where society itself mandates the exercise of power and also criticises the way in which power is used (Eriksen & Weigard, 2003:178). This includes the areas of public debate in the mass media, at public meetings, by public opinion polls and various forums enabling public discussion.

#### **2.4.9.6. *Legitimacy and fair deliberation.***

With regard to legitimacy of consensus, it is not enough for deliberative democrats that stakeholders or interested parties passively acquiesce to a decision, because the democratic processes may be the result of biased processes (Cunningham, 2002:164). Deliberative discourses are only legitimate if they encourage reasoning about the issues and the procedure to be applied is fair and unbiased (Benhabib, 1996:70). Mannin (1987:352) disagreed with Rousseau's romanticised notion of the general will and Rawls' theory that assumes that individuals in a society possess an already formed will. Mannin (1987:352) contended that a legitimate decision Does not represent the aggregated will of all, but is one that results from the deliberation of all. Mannin (1987:359) did not link legitimacy to aggregated consensus or necessary agreement, but concluded that decisions are legitimate because they are, in the final analysis, the outcome of the deliberative process taking place before the universal audience of all the citizens. Therefore, according to Mannin the mere participation in the deliberation process confers legitimacy on the decisions, no matter what the respective outcomes may be.

Blaug (2000:494-499) is critical of the conceptions of justification that deliberative democrats apply to establish fairness and legitimacy of consensus. He regards the viewpoint of Habermas that successful communication relies on certain universal assumptions about the way we use speech acts, as the most tenable (Blaug, 2000:494-499). However, Blaug concludes that if the pressures of the real post-modern world inevitably result in the distortion of deliberative fairness,

then the need for moral criteria becomes more acute. Deliberative democrats need the critical power of a normative criterion in order to morally distinguish between gradations of illegitimacy (Blaug, 2000:494-499).

#### **2.4.9.7. Political theory on the potential and practices of deliberative democracy.**

This paragraph gives a brief overview of the most prominent theories about improving and applying deliberative democracy. Although most of these theories focus on political theory, the derivative democratic principles can apply to educational institutions and school governance as well.

Ackerman and Fishkin (2003:9) contend that deliberative democracy corrects certain weaknesses of liberal, republican and elitist forms of democracy by ensuring that public opinion is mobilised to counteract elite tendencies to pander to ignorant and selfish tendencies of voters. Alfred E. Smith, a political theorist, suggested that all the ills of democracy can be cured by more democracy. Ackerman and Fishkin (2003:9) argue that the secret ballot system has enabled voters to remain uninformed and uninvolved, which leads to self-interested decisions that are not in the common good (Ackerman & Fishkin, 2003:10). These political theorists suggest that a *deliberation day* be organised before elections in all democratic countries and institutions with the aim of making this event a part of traditional democratic practice and culture (Ackerman & Fishkin, 2003:5-30).

Guttmann and Thompson (2003:32) disagree with the emphasis that Habermas places on the deliberative process and contend that deliberative democracy should explicitly include substantive and procedural principles for discussion and democratic decision-making. They reason that *pure* approaches to either proceduralism or substantivism inevitably neglects the other principles (Guttmann & Thompson, 2003:49). These scholars emphasise the central role that the principle of reciprocity holds in deliberative democracy (Guttmann & Thompson, 2003:33). They explain that deliberative democrats welcome criticism and discussion of all principles, including reciprocity, but remind that democrats

cannot accept the rejection of the requirement that binding political or democratic decisions must be justified by moral and rational reasons (Guttmann & Thompson, 2003:45). Guttmann and Thompson (1996) pointed out that proceduralism and constitutionalism pay scant attention to deliberative theories. This is evident from the South African Constitution as well. These authors conclude that the moral authority of collective judgments about policy depends in part on the moral quality of the moral process whereby citizens collectively reach their judgments. Deliberations are the most appropriate process according to Guttmann and Thompson (1996).

Reasoning from the theoretical framework of critical theory, Young (2003:106) contends that deliberative democracy is to be preferred above political activism because activists rely largely on emotional appeal, slogans, irony and disruptive tactics, whereas deliberative democrats rely on the articulation of rational discussions on all matters that constrain fair processes and justified decision-making. Shapiro (2003:121) concedes that deliberative democracy is costly, time-consuming, requires an educated citizenry, and is at times impractical. However, he argues that optimal deliberation can be accomplished by proper planning, organisation, and by applying modern techniques such as digital technology.

Pettit (2003:138) explains that ideal deliberative democracy requires that consensus is reached on the democratic way of doing things by agreeing on three conditions, viz.:

- *Inclusive constraint*: all members are equally entitled to vote on collective issues;
- *Judgmental constraint*: Before voting or deciding, members or voters should deliberate on the basis of common concerns;
- *Dialogical constraint*: Open and unforced dialogue should take place in a centralised forum or in various decentralised forums.

Petit (2003:141) describes the discursive dilemma that occurs whenever a majority in a group supports each of the premises, different majorities support different premises, and the intersection or overlap of those majorities is not itself a majority in the group. In order to resolve this dilemma, Pettit (2003:159) suggests that deliberative democracy should give more importance to collective

rationality than responsiveness to each and every time consuming individual view. Miller (2003:195) agrees with Pettit and elaborates that for deliberative democracy to work well, people must exercise democratic self-constraint.

Tulis (2003:200) adds to the debate on deliberative democracy by contending that deliberation should not only occur within formal institutions such as parliament, judicial courts, or intra-organisational forums, but that democracy will improve if deliberation occurs between institutions as well. He explains that there exists a mutual interdependence for deliberation between institutions, within institutions and with the public sphere (Miller, 2003:210).

#### **2.4.9.8. Four principles of deliberative democracy.**

Four principles of deliberative democracy are derived from Habermas's notion of discourse as an ideal deliberative procedure (Wiklund, 2005:285). These principles are:

- **Generality** – the principle of generality stipulates that all affected parties must be included in the deliberative process ;
- **Autonomy** – the principle of autonomy stipulates that participants in discourse must be granted the autonomous right to take sides with or against the validity claims;
- **Power neutrality** – the principle of power neutrality stipulates that only communicative power shall be allowed to sway participants. According to Habermas's model of modern society as life world and system, three kinds of power distort deliberation, viz. administrative power in formal organisation; economic power that finds expression in the market and financial resources, and cultural power that finds expression in values and norms generated in the life world (Wiklund, 2005:285). The power neutrality principle of deliberative democracy provides that neither administrative power, nor economic power, nor cultural power should determine the force of an argument;
- **Ideal role-taking**: the ideal role-taking principle stipulates that participants should adopt attitudes of reciprocity and impartiality. Reciprocity implies that participants will listen and talk sincerely and that they do not act

strategically. Impartiality means that participants engage in sincere attempts to view matters of common concern from perspectives of others and, against the background of the multitude of views, try to find an independent stance.

By analysing barriers to these four principles, the potential applicability of the deliberative democracy theory to education and school governance, may be assessed (Wiklund, 2005:285). This will be discussed in paragraph 2.4.9.12.

#### ***2.4.9.9. Critique of deliberative democracy: Impracticality a poor socio-economic context?***

Dieltiens (2000:15-22), on analysing democracy in education and school governance in South Africa, was critical of deliberation and argued that deliberation has limits of applicability. She contends that deliberative democracy is impractical because citizens in the lower socio-economic levels were not able to participate on an equal footing (Dieltiens, 2000:18). The demands on participant's time, the asymmetries of power and resources, and the disparities in expertise and capacity to deliberate rationally and eloquently result in unequal power relations with regard to people in the lower socio-economic ranks. According to Dieltiens (2000: 18-19) this results in a comparative disadvantage and thus entrenches under-participation by the disadvantaged communities. Thus, Dieltiens favoured representative democratic structures and institutions for school governance, because she was concerned that deliberative democracy fails to take the dynamics of power and competition within the system into account.

#### ***2.4.9.10. Integrated democratic model favours representative and participative democracy.***

However, Dieltiens's views are contestable as a result of inaccuracies in her reasoning. Firstly, Dieltiens has a dichotomous view of participation and representation. In other words, she Does not regard representative democracy and participatory democracy as complementary models that may be part of the same continuum of an integrated system, but reasons that representative

democracy is to be preferred above deliberative democracy (Dieltiens, 2000:63). The South African Constitution, on the other hand, makes clear provision for an integrated democratic system that encompasses liberal democracy (i.e. enshrined fundamental rights), representative democracy (s.19 - political rights), pluralist or republican democracy (separation of powers and checks and balances) as well as participatory democracy (chapter 9 - institutions) (Currie & De Waal, 2001). Thus, the integrated model of constitutional democracy, accommodates both participatory and political (representative) democracy in the South African context.

#### ***2.4.9.11. Proportional national and provincial representation without constituencies.***

Secondly, Dieltiens mistakenly assumed that representatives in South African political organisations (including school governing bodies) are more responsive because they are accountable to their constituencies.

In terms of the Constitution, elected representatives are appointed in accordance with a system of proportional representation (Currie & De Waal, 2001:40). South African democracy therefore differs from the Westminster system of constitutional representation. Accordingly, political representatives do not have a specific constituency to which they are accountable. Similarly, in the local sphere of schools, members of school governing bodies do not represent a particular constituency to which they are accountable, but represent the electorate (i.e. the parents) as a whole.

Dieltiens's arguments in favour of representative governance are thus contentious, because in South Africa political representatives are not held accountable by specific constituencies, but are simply generally accountable.

#### ***2.4.9.12. Corporate participatory democracy increases efficiency.***

Thirdly, Dieltiens (2000:17) selectively referred to a study by Parry and Moyser that indicated that very few people in the United Kingdom participated by

engaging in political campaigning. This echoes Dahl's (1956) argument that members of lower socio-economic levels are the least active politically and accordingly participation does not function optimally. These contentions are not based on empirical findings, but assume that the participation levels are generally applicable. However, the democratisation of the workplace and participative management measures have consistently yielded results of increased efficiency and effectiveness over the past three decades (Winter & Marens, 1997:393-423). Organisational democracy has emerged as pragmatic remedial device to counter the symptoms of employee alienation and ameliorate the organisational problems associated with destabilised capitalism (Johnson, 2006:245-274). The unquestionable successes of participation in commercial and industrial organizations serve as a strong incentive to promote participation (and deliberation) in school governance and political systems. Berkeley (1990:207) insisted that if educational effectiveness and efficiency are to meet the demands of the post-industrial era, then the best practices from commerce and industry should be incorporated in education systems. The best practices of the corporate management include techniques and application of principles to enhance participatory management (Berkeley, 1990: 207).

#### ***2.4.9.13. Assessing the potential of deliberative democracy in education.***

A key challenge for deliberative democracy is to implement the theory in practice. The question arises at what level should deliberative arenas of forums exist – international, national, provincial or local?

Kotze (2004:39) asserts that direct democracy is virtually absent in South Africa, because since 1994 not a single referendum has been conducted. However, Kotze (2004:39) demonstrates that deliberative democracy has been present in South Africa political life since 1990 and gives the following examples:

- The constitutional negotiations (1991-193 and 1994-1996) and numerous negotiation forums in the early 1990s for local government, tourism, the

economy, education and training, electrification, health, housing, rural development and transport;

- The presidential *imbizos*, community police forums and ward committees;
- The Judicial Services Commission, consisting of a wide range of interest groups in the legal fraternity;
- Social compacts between communities and government, or communities and business;
- The National Economic Development and Labour Council (NEDLAC) is a statutory institution with chambers for government, organised business, organised labour and organised civil society;
- Social movements have emerged over the past few years on a range of social issues, notably the Treatment Action Campaign (TAC), the Landless People's Movement, Anti-Privatisation Forum, Soweto Electricity Crisis Committee, Concerned Citizen's Forum, Anti-Eviction Campaign and the Homeless People's Federation.

Kotze (2004:32) explains that most of these forums are not examples of directly interactive deliberation between the public in general and decision-makers, but rather indirectly interactive deliberation. However, the important point is that these examples indicate that deliberative democracy is possible in a variety of contexts in South Africa.

In the education context, the applicability of deliberative processes can be assessed in terms of the four principles of deliberative democracy. Table 2.3 analyses the potential applicability of deliberative democracy to education and school governance by identifying possible barriers to the four deliberative principles.

**TABLE 2.3 Barriers to the implementation of deliberative democracy in education.**

<b>DELIBERATIVE PRINCIPLES</b>	<b>OPERATIONAL DEFINITIONS</b>	<b>BARRIERS TO IMPLEMENTATION OF DELIBERATIVE DEMOCRACY</b>
<b>Generality</b>	Are the relevant stakeholders included? Is the participation real or symbolic? Is there a procedure for identifying the public concerned? Are the interests of the public reflected in the definition of school governance?	Not all stakeholders are included.  No real participation – merely symbolic consultation/manipulation. No procedure to identify concerns or issues. Membership of school governing body defined narrowly to exclude legitimate stakeholders.
<b>Autonomy</b>	Are participants provided equal opportunities to participate in discourse or challenge the validity of arguments?	Only elected representatives may participate. Non-elected parents, learners, stakeholders cannot participate in the discourse.
<b>Power neutrality</b>	Does the Education Legislation influence power neutrality? Does political, administrative or bureaucratic power enable or prevent deliberation? Is the availability of financial resources a prerequisite for adequate deliberation? Does cultural power constrain or enable deliberation?	Legislation Does not enable deliberation by all stakeholders. Administrative power constrains deliberative democracy. Financial resources necessary to convene a meeting/ challenge a decision in court / contest and review a policy. Cultural power of politically/ administratively dominant groups stifles discussion. Cultural power of financially dominant groups stifles deliberation.
<b>Ideal role-making</b>	Do participants listen and talk sincerely? Are they striving to find a collective solution? Do they try to find independent stands based on rational arguments?	Participants approach deliberations strategically. Hidden agendas to further political aims stifle ideal role-making. Participants not committed to find a collective solution. Participants loyal to party or self-interest cause – no independent decision possible.

Many of the possible barriers to deliberative democracy, as represented in Table 2.3, are present in the South African education system. This analysis of the four principles of deliberative democracy emphasises some of the challenges that need to be overcome in order to democratise school governance in South Africa.

#### **2.4.9.14. Summary.**

To summarise, deliberative democracy is a contemporary emerging theory that suggests an improved participative democracy through the implementation of deliberative principles based on Habermasian discourse ethics. Deliberative democracy holds the potential to extend democracy and thus strengthen the efficiency of governance and societal institutions.

#### **2.4.10. Democracy and tolerance.**

Liberal democrats maintain that a liberal state is one that favours tolerance of people's pursuits of alternative goods in alternative ways (Cunningham, 2002: 39). However, the democratic value of tolerance contains the paradox that the liberal values, goals or manners may themselves contradict the value of tolerance. For instance, if a majority insists on their liberal right to pursue their interests but in turn oppresses the freedom of minority groups through intolerance, then this problem does not admit to easy solution. To maintain that people should be free as long as their freedom does not restrict that of others would too severely limit the scope of pluralism, due to the pervasiveness of conflicts (Cunningham, 2002:39).

In general, the response of theorists to these problems may be arrayed between two poles. The first viewpoint, of which Berlin is a proponent, recommends strict state neutrality in the face of alternative values and undertakings guided by ideals of the good life or the good society, including values deemed illiberal or undemocratic. The second viewpoint representing the other end of the tolerance continuum, has been proposed by theorists such as Galston (1991) and Hampton (1989), and mandates that the liberal democratic state must encourage and even enforce certain liberal values through legal methods and education policy. However, most theorists do not position themselves at the extremes of the two poles, but favour either more or less of the neutrality stance.

Rawls (1996:lec.4) distinguishes between 'political' values, such as support for guaranteed fundamental rights, the rule of law, and rights of political participation, from the 'comprehensive' values embodied in such things as religious traditions

or philosophical systems of thought such as humanism, secularism and communism. Rawls advocates the distinction between public life and private life and suggests that there is sufficient overlap among the political values to prescribe its governance of public life. He also contends that the 'comprehensive' values should be left for the private realm because wide-ranging consensus is unlikely. Critics of Rawl's view assert that intolerance remains a political problem that cannot simply be relegated to the private realm and accordingly suggest perpetually ongoing negotiations among political actors motivated by a variety of alternative values (Mouffe, 1993:ch3).

Francis Fukuyama (1994:26), the American political theorist, maintained that potentially violent conflicts such as ethnic or nationalistic conflicts will be rendered harmless if tempered by liberal tolerance. According to him this can be accomplished if nationalism is 'pushed off into the realm of private life and culture, rather than being politicised and made the basis of legal rights (Fukuyama, 1994:26).

Will Kymlicka (1996:152), the Canadian theorist who favours group rights, argued that liberal democracies could accommodate many cultural diversities, but not all of them. He contends that tolerance is limited by the principle that there should be freedom within minority groups (which includes individual autonomy), but equality between minority and majority groups. Accordingly, liberal democracies should not tolerate restrictions on individual autonomy within groups, and should likewise not tolerate unequal treatment between groups (Kymlicka, 1996:153). Kymlicka (1996:165-170) thought that 'comprehensive' values favouring individual autonomy should guide public policies, but typically by persuasion and education, not legal imposition. By virtue of Kymlicka's high regard for individual autonomy, the 'autonomist view' according to Cunningham, (2002:35), he insisted that every individual in a liberal democracy should have individual freedom of conscience, which per definition implies that the individual has the autonomy to adhere to his values or even to change and renounce his initial values. Liberal tolerance protects the right of individuals to dissent from their group, as well as the right of groups not to be persecuted by the state (Kymlicka, 1996:153). Kymlicka differed from communitarian democrats in that he defended group rights

on the basis of liberal rights. Thus, Kymlicka held that liberals have historically seen tolerance and autonomy as two sides of the same coin (1996:158).

The differences in approaches to the value and extent of tolerance emphasises the necessity to continuously balance conflicting views through negotiation, persuasion and education in a democratic system.

#### **2.4.11. Various underlying approaches, values and misconceptions of democracy.**

Democracy, however defined, has not been fully realised anywhere in the world (Boomer, 1990:129). The word democracy is commonly invoked by people of quite different political or ideological persuasions and carries with it strong emotional and moral force (Boomer, 1990:115). Cunningham (2002: 47) explained that within the set of shared core of concepts of liberal democracy, there is much variation in emphasis of:

- the application or interpretation of concepts such as participation, equality, representation and liberty;
- the relation between democracy and liberalism;
- economic developmentalism and economic protectionism;
- freedom and autonomy;
- positive and negative liberty;
- political liberalism or comprehensive liberalism.

These differences of opinions are ascribable to the underlying philosophical and ideological underpinnings, the premises of approach and the *a priori* assumptions of the theorists.

Nevertheless, the analysis in the preceding paragraphs of the most prominent theories (see par. 2.4 and 2.5 of this chapter) reveal that the core tenets of formal and institutionalised democracy are as follows:

- the source of political authority is the people;
- the people should determine their own political, economic, social and cultural systems;

- governance must be exercised either directly through the public involvement of all citizen in all aspects of the lives by full participation, deliberation and shared decision-making, or
- indirectly through accountable and responsive representatives where representatives are chosen by majority vote according to formal procedures for free and fair elections by all the eligible adult citizens;
- state protection of political and civil liberties constitutes a substantive and formal feature of democracy;
- the power of democratic institutions and pluralist interests are controlled by checks and balances and the separation of government powers;
- a social condition of equality of opportunities, equality before the law, as well as equal respect and consideration for the individual exists within the community without hereditary or arbitrary differences of rank or privilege;
- the citizens have a civic attitude of active communitarian participatory public life that shuns individualistic self-centred approaches.

#### ***2.4.11.1. Underlying values of democracy.***

The underlying or presumed values pre-conditional and essential for a democracy are summarised, by Aspin (1995:35) as follows:

- Rationality: procedures based on justifiable reasons in which the fundamental principles of morality are implicit;
- Equality: All people are presumed equal until justifiable and reasonable grounds are given for treating someone or some group differently;
- Freedom: All people are considered to be free until good reasons are given for constraints to be applied or liberty to be limited;
- Tolerance: The right to be different and for people to chose their own life-options is respected insofar as it does not unjustifiably or unreasonably infringe the rights of others;
- Respect: The dignity of all people and the communal and civic interests of society is considered more important than the self-interest of the individual.

Thus, a substantive democracy will ideally encompass all these values and principles. The discussion of the key concepts of democracy has demonstrated the varied approaches and orientations that theorists, politicians and citizens have, in general, towards substantive democracy.

#### **2.4.11.2. *Misconceptions about democracy.***

A number of popular misconceptions do not accord with the concepts, theories and principles of democracy and these general misunderstandings indicate an ignorance of the substantive meaning of democracy. Another way to describe the extent and substantive meaning of democracy is to explicate the limitations of the concepts and to clarify the misconceptions. In other words, in order to comprehend the substantive meaning of democracy it is useful to define, in a dialectic manner, what democracy is not. In this regard, this analysis has revealed the following:

- Democracy does not entail the absolute freedom of the individual or the community, because the individual liberties are always subject to the rule of law and may be limited by competing rights of other individuals;
- Democracy does not mean that the decisions of the numerical majority will or should always prevail or be binding on the whole group, because the individual and minority rights are protected by the law (including international law and constitutionally enshrined rights), and majority tyranny is constrained by universal rules of justice;
- Democracy is not an anarchic system in terms whereof rules, laws and the social establishment are questioned or disregarded by disobedience by anybody (including the state), because the rule of law is a prerequisite for democracy and any protests of contestation of the rules is only lawful within the confines of the law.
- Democracy does not suggest the physical, natural or material equality of all people, since it is an impossibility to ensure the physical, intellectual or natural equality of all persons; and because the concept of democratic equality refers only to political equality (equal political rights) and social equality (equal respect and opportunities in society);

- Democracy does not denote a political system dominated by elite partocracies, but entails the free competition between political parties and electoral accountability to the people.
- Democracy does not mean that elected leaders or appointed officials may act arbitrarily or unjustly by virtue of their positions of power, but that the decisions and actions of representatives and officials must be transparent and rationally justifiable;
- Democracy does not imply the autonomous governance by elitist oligarchies or untouchable bureaucracies, but demands fair governance by accountable and responsive representatives;
- Democracy does not signify only political governance, but includes the democratisation of all community structures, institutions, organisations and groups at all levels of society;
- Democracy does not typify the centralisation or monopolisation of power by the state alone, but entails the devolution of authority through decentralisation, enhanced participation and deliberation on all levels of society;
- Democracy in a multicultural society does not entail the forced integration or amalgamation of diverse cultural communities into a uniform culture and common language;
- Democracy in multicultural societies does not allow for the hegemony of a majority group, but requires tolerance of individual and diverse community interests and rights under the law.

#### **2.4.12. Critiques of democracy.**

Every model of democracy has its flaws and has been criticised by theorists of other persuasions. For instance, Tocqueville (1968) was concerned with the tyranny of the majority, massification of culture and morals and possible ineffective government of a liberal democracy. Schumpeter (1943) criticised the notion that the people decide and demonstrated that democracy has an 'empty space' without a specifically identifiable entity of people. The majority is an abstract shifting mass that is taken to represent the people as a whole. This gives rise to demagoguery and irrational decision-making by the populace. Pateman

(1970) and Gould (1988) showed that pluralist democracy masks oppressive rule of minorities and disadvantaged people. Boomer (1990:129) stated that the will of the people is manipulable and manipulated. The corruptibility of democratic ideals is evident in all levels of society and self-interest, backed by money, swamps the self-interest of the poor (Boomer, 1990:129).

Today democratic theory centres on critiques of liberal democracy and on devising alternatives to it. Critics such as Hannah Arendt, Jürgen Habermas and John Rawls identified an elitist, inegalitarian, and antiparticipatory core in liberal theories of democracy. They question the validity and desirability of liberal democracy's major principles: viz. interest aggregation, economic utility, rational choice and game theory, methodological individualism. Most important, they object to the reduction of political activity to economic categories and lamented the use of the market as the model for democratic politics (Wiklund,2005:283-285). While retaining the procedural and constitutional guarantees so important to liberal theory, its critics aspire to a democracy where the people may come together as citizens and participate in public deliberations and discussions.

The criticism of liberal and elite democratic theory has produced two major schools of thought: pluralism (civic republicanism) and deliberative democracy. Both share a classical Aristotelian belief in the possibility of achieving a common good by means of egalitarian politics of participation. They believe that political activity is crucial to developing a well-rounded and educated citizen. Civic values, civic engagement, and open discussion help create a public space in which the business common to all citizens may be conducted. Pluralism and deliberative democracy, by emphasising such ideas as the common good, virtue, common action, and political education, delve into the ways that a public-political space may emerge and grow.

Aspin (1995:31) claims that the underlying consideration of all these different views of democracy is the exercise of power by a group of people and the gaining or granting of the legitimate authority to do so. In order to consider the critiques and arguments in favour of a democratic system, it is useful to question in whose interests the power and authority is operating socially, economically, politically,

culturally and, for the purposes of this investigation, educationally (Boomer, 1990:129). Therefore, in considering the critiques and positive appraisals of democracy as set out in the following paragraph, it should be measured against the norm of legitimate exercising of power in the interest of the people or participants conferring such authority to rule.

Although it is beyond the scope of this study to consider the various critiques of democracy in detail, it is necessary however, for the purposes of this study, to note the particular critiques in order to consider the efficiency of the integrated constitutional democracy model of South Africa and its relevance for school governance. The integrated model is illustrated in Figure 7.1 and the democratic provisions in the constitution will be considered in chapter 3.

#### **2.4.13. Advantages of democracy.**

The advantages of democracy outweigh the disadvantages and critiques of democracy (Beare, 1990:7). It is beyond the scope of this study to consider this issue in detail. Nevertheless, in essence, according to the World Bank (2005: 4) the most noted advantages of democracy are:

- In general, liberal democracies have more political and social stability;
- Democracies are more likely to win wars than non-democracies;
- A democratic system may provide better information for policy decisions;
- Research by the World Bank suggests that the prevalence of corruption is lower in democracies with parliamentary systems, political stability, and freedom of the press and institutions that promote accountability and transparency;
- Nations with the least terrorism are the most democratic nations;
- More democracy correlates with a higher gross domestic product (GDP) per capita;
- No functioning democracy has ever suffered a large scale famine;
- Democracy correlates with a higher score on the human development index and a lower score on the human poverty index;
- Poor democracies have better education, longer life expectancy, lower infant mortality, access to drinking water, and better health care than poor

dictatorships; the freedoms and rights of the citizens in liberal democracies are regarded as beneficial; and

- Democracies are more often associated with a higher average self-reported happiness in a nation.

Weighing the advantages against the disadvantages (or criticisms) of democracy, it seems clearly in the interest of any society, including South Africa, to enhance democracy by ensuring effective education of its population and by holding representatives and officials accountable.

## **2.5. CONCLUSION.**

This literature review has brought the threads together in a general synopsis that binds democracy. The historic analysis reminds that the dynamic countervailing tensions between the capitalist ideals of economic free enterprise will remain in competition or conflict with liberal emancipatory goals of personal development and egalitarian objectives of social equality in liberal-democratic societies. The complexities of the various orientations with regard to the key concepts of liberty, equality, elitism, power, participation, tolerance and multiculturalism have been explained.

The pragmatic approach that the established liberal democratic states follow is to integrate the various theories of democracy towards a workable solution. This method includes the formal application of checks and balances in pluralist institutions and, the substantive adjustment of executive, legislative and judicial practice to maintain a harmonious equilibrium between equality and liberty conflicts within particular societies. However, the liberal and pluralist models of democracy have been criticised for masking oppressive rule of minorities and the indigent. The South African Constitution comprises an integrated model of liberal democracy (see Figure 7.1) that provides for indirect representative democracy, pluralist checks and balances, the enshrinement of fundamental rights, as well as direct deliberative and participatory democratic procedures and institutions. This will be considered in more detail in the following chapter.

## **CHAPTER 3**

### **DEMOCRACY AND EDUCATION IN SOUTH AFRICA**

#### **3.1. INTRODUCTION.**

Over the past two decades many countries of the world, including South Africa, have been moving towards increased democratisation of their education systems (Aspin, 1995:30). This is evident in the 1988 Education Reform Act in England and Wales, the Tomorrow's Schools report of the Australian federal government, the changes affected in the Dutch education system since 1982 and in Brazilian education since the 1980's (Sayed, 1995:30). According to Rossouw (1994:36) school based management systems were implemented in certain school districts in the USA as well as in Alberta, Canada during the 1980's. Increased degrees of transference of authority (i.e. power) over matters including financial control, administrative arrangements, curriculum content and educational direction have been delegated or devolved to interested stakeholders in school education such as parents, learners, educators and other local community institutions (Aspin, 1995:30). The democratic devolution of power to local stakeholders in education has been justified by the participatory principle of assigning responsibility to the people who will most benefit from the education provided in schools (Aspin, 1995:30).

#### **3.2. OBJECTIVE OF THE CHAPTER.**

The aim of this chapter is to review the literature regarding this trend towards democratisation of education by giving an historical overview of the major developments in the organisation of public education in South Africa, and by examining the principles shaping and regulating governance and administration of schools from an Education Law perspective.

### **3.3. THE RELATIONSHIP BETWEEN DEMOCRACY AND EDUCATION.**

One traditional role of education is to transmit to new generations a continuing image of the community (Parry, 1994:48). Education is the culture, which each generation purposely transfers to those who are to be their successors (Parry, 1994:48). In a democracy, the whole population must acquire a set of political and educational attitudes (Parry, 1994: 48). The idea underlying democratic notion is that education shapes democracy, and in turn, democracy inevitably shapes education (Dieltiens, 2000:5). Democratisation of the populace requires an inculcation of knowledge, values and attitudes into democratic practice (Aspin, 1995:58). The nature of democracy in societal institutions and practice must be congruent with the schooling that citizens receive; otherwise, the educative force of the real environment would counteract the effects of early schooling (Parry, 1994: 48). Values, including democratic values such as respect for human dignity, tolerance, socio-political equality, liberty and accountability cannot be instilled by enforcing policies, rules and regulations, but need to be taught and demonstrated by example and application. It is not sufficient that learners (schoolchildren and adults) be taught about democracy without actively experiencing or applying it in daily life, and therefore the educational and societal institutions should function in accordance with the principles and tenets of democracy (Parry, 1994: 48).

The second reason for the trend to democratise governance systems in schools, is to improve the efficiency and effectiveness of educational institutions (Connors & McMorrow, 1990:75). Connors and McMorrow (1990:75) note that the demands of post-industrialised and globalised economies over the past few decades have required greater efficiency and accountability for public education structures. These demands have converged into forces for the devolution of responsibilities and authority to school communities, which were previously the preserve of centralised state bureaucracies (Connors & McMorrow, 1990:75).

The question arises where the source of authority to educate lies, i.e. Are parents the primary source of education for their children or is the state primarily

responsible for education? The answer to this important question establishes the centre of control or autonomy over education and in all probability determines the authority of either the parents or the state with regard to education. Underlying this question is the tension apparent in modern education systems between bureaucracy and democracy, control and autonomy, centralism and devolution (Beare, 1990:1). This question will be explored in the paragraph 3.5.

### **3.4. THE PURPOSE OF EDUCATION IN A DEMOCRATIC SOCIETY.**

Perhaps the most fundamental question to be considered is the purpose of an education system. Even though the focus of this research is democratisation of school governance, it is necessary to digress briefly and to consider the purpose of education in a democracy.

There are several philosophies on the purpose of education. There is the behaviourist approach, the constructivist approach, the pragmatist approach, the realist approach, and the holistic approach to name a few. However, in order not to become mired in the esoteric intricacies of all these different philosophies regarding the purpose of education, this brief excursion will merely allude to two views on this issue.

John Dewey (1916:1-378), the pragmatist philosopher and great progressive educationalist behind much educational reform in the second half of the twentieth century, regarded the purpose of education to be to give the young, the things they need in order to develop in an orderly, sequential way into members of society. Dewey (1934:1) asserted that any education is, in its forms and methods, an outgrowth of the needs of the society in which it exists, be it a democracy, a totalitarian society, a tribal society or even the ancient Greek society. He explained that in the early days of modern education, all that seemed to be necessary for the attainment of the ideals of democracy was to give every child an equal start in life by furnishing him with certain fundamentals of learning, then turn him loose and let him do the rest, but as a result of the complexities and technological advances of industrialised society, such an individualistic approach

was no longer sufficient (Dewey,1934:2). Dewey (1934:5) advocated a progressive approach to education in terms whereof there is experimentation with the suitability of the method that will be achieving harmony between the democratic belief in the liberty of the individual and his responsibility for the welfare of the group.

The holistic approach to education, which is applied by many home-schooling parents and alternative schools is a more recent approach. It encompasses and integrates multiple layers of meaning and experience rather than defining human possibilities narrowly (Miller,1997:2). According to Miller (1997:2), holistic education is based on the premise that each person finds identity, meaning, and purpose in life through connections to the community, to the natural world, and to spiritual values such as compassion and peace. Holistic education aims to instil in learners an intrinsic reverence for life and a passionate love of learning (Miller,1997:2). The art of holistic education lies in its responsiveness to the diverse learning styles and needs of evolving human beings (Miller, 1997:6).

These two examples of approaches to education serve to illustrate and remind of the importance of clarifying the aim of education at the outset. For the purpose of this study, it is assumed that the aim of education in a democracy should be to gain knowledge useful for real life and for building moral character and growth of the whole person: intellectually, personally, socially, and professionally, as was stated by Dewey (1934:3).

### **3.5. PARENT'S RIGHTS AS PRIMARY EDUCATORS.**

In terms of the South African common law parents have the rights and duties to direct the education, religion and general upbringing of their child (Spiro, 1985:42; Van den Heerden, 1999:382). In Roman Law the parental power (*patria potestas*) of the father of the family (*paterfamilias*) was an absolute right of control (Spiro, 1985:42). However, the increasing social interest in the protection of dependent persons, such as minor children, developed the individual rights of parents in Roman-Dutch Law to include duties in the parental power (Spiro, 1985:42). After

analysing the common law writers and subsequent developments in South African Law, Spiro (1985:42) concludes that the parental power is a complex institution, which includes rights, authorities and correlative duties. 'Parental power' denotes all the rights and duties of parents in respect of their minor children arising out of parentage (Spiro, 1985:43) and includes control of the child's person and property, possession, care, custody and charge (*toesig*) (Spiro, 1985:85). Therefore, parental authority and responsibility to decide on the nature and content of the education that a minor child should receive, arises *ex lege* by virtue of parentage (Spiro, 1985:43) and is acquired over a child born alive at the time of its birth (Spiro, 1985:51) or on adoption (Spiro, 1985:76).

Parents are the primary educators of children and have the parental power to educate their children (Spiro, 1985:88; Oosthuizen, 1987: 120; SA, 1998b). The parental duties (and correlative rights) to provide primary education to their children are functional in its origin (Möller, 1998:94). Spiro (1985:89) regards this function as the object to make the child a useful member of society, evenly with regard to physical, mental and social characteristics. Spiro (1985:89) explains that the parental power to educate the child includes the following:

- Parents have to develop the child's body, i.e. to provide hygienic conditions and healthy surroundings, to encourage participation in sport, etc.
- Parents have to mould a child's character. The child must inter alia be brought up to be honest, obedient and respectful towards parents and teachers;
- The child's mind must be properly developed, i.e. it must be brought up in a particular language and religion, must be accorded with positive values, must be sent to school and must be provided with the necessary training for a trade or profession;
- Parents must develop a child's social skills, attitudes and abilities by determining with whom the child should or should not have social contact.

In terms of International law, South Africa has ratified international treaties (DFA, 2006:1-3) circumscribing the rights and duties of parents and children, including the International Covenant on Civil and Political Rights (Art.18.4); The United Nations Convention on the Rights of the Child (Art.14) and the African Charter on

Human and People's Rights (Art:18). All these treaties determine that the family is the fundamental group unit of a society and is entitled to protection by the state. Furthermore, these International instruments determine that the child is the bearer of all fundamental rights, not autonomously, but as directed and led by the parents (Möller, 1994:90). The countries of the world recognise that the sanctity of the family unit must be preserved and allowed to operate with the least governmental intrusion possible (Johnson, 1998:425). Because children spend most of their time within the family, parents have the best opportunity to determine the upbringing and disciplined behaviour of a child, and to instil values (Johnson, 1998:425).

Historically, as human culture advanced from hunter-gatherer clans, to agrarian communities, later developing into sophisticated industrial nations and finally progressing to globalised post-industrial societies, the role of parents with regard to formal education has gradually changed. In less developed societies, it remains the customary duty of parents to undertake the formal training and educating of their children.

However, the complex nature and high levels of sophistication of developed societies, requires specifically qualified and trained teachers and organised systems to provide formal education of children. The role of parents has become limited to the informal education and upbringing within the family setting and task to provide professional education falls on the school (Oosthuizen, 1987:120). Education by parents takes place within the family and is usually spontaneous and intuitive in nature, whereas school education is purposive, differentiated and specialised (Oosthuizen, 1987:120). There is, therefore, a special relationship between parents and the school and the parent has the right to have certain expectations with regard to the school's role and the education of their children (Oosthuizen, 1987:120). According to Oosthuizen (1987:121) certain of these well-founded expectations of parents include:

- the prospect that a school will educate children in accordance with the worldviews of the parents;
- that the education will accord with the culture of the parents' community;

- that the standard of education will be acceptable;
- that the child will be treated justly and equitably; and
- that the overall well-being and security of the child will be ensured.

Oosthuizen (1987:121) reasoned that the role of the teacher as secondary educator of the child is merely an extension of the role of the parents.

In principle, therefore, the role of schools as secondary educators should not detract from parents, as primary educators, the power to determine the manner and format of their children's education. Advancing from the premise of parental power, it is clear that the initial decision-making authority over a child's education is clearly vested in the parents. It follows, therefore, that the source of democratic authority in education should commence with parental power as the determining factor.

Nevertheless, various individuals, including parents, education administrators, politicians and citizens of each society, have different views of democracy (see in general the discussion in chapters 1 and 2). The constraints that this imposes on education depend on the particular underlying approach and understanding of democracy. Various views of the relationship between democracy and education have historically been constant features for consideration and theorisation over the centuries. This will be analysed in the following paragraph.

### **3.6. EDUCATION LINKED TO POLITICAL SYSTEM.**

Every major political philosopher since Plato has pointed to the need for an appropriate form of education, which will induct new rulers into the arts of government (Parry, 1994: 47). It has figured centrally in many attempts to establish political systems or to reform societies (Tarrant, 1989:6). For Plato and Aristotle education was a vehicle for perpetuating civilization by developing responsible citizens (Parry, 1994:47). For Rousseau, education was a means of reproofing man against the corruption of societal institutions (Archer, 1912: 58-64). Owing to Rousseau's influence, the revolutionaries of the French Revolution

purposely adopted an education system aimed at socializing all French citizens into nationhood and civic republican responsibility (Archer, 1912: vii). Tarrant (1989:5) posits that, in the most general sense, all educational theories may be construed as political theories, because educational systems can transmit norms of citizenship and thus directly or indirectly influence political attitudes.

Every democratic society therefore faces the challenge of educating succeeding generations of young people for responsible citizenship (Burchell 1993:17-18; IDASA 1999:1-3). Learners have to be prepared for their future responsibilities as citizens of a democratic society. Dewey (1916:115), perhaps the most influential philosopher on education and democracy, emphasised that schools are not only needed for educational but also for political reasons, because on the school, more than upon any other institution, will depend the quality and nature of the citizenship of the future.

Scholars (Chapman & Dunstan,1990) have emphasised the need to educate for democracy. As learners are not born with an understanding of the principles of democracy, public schools function as the nurseries of democracy (Dayton 1995:135, 155-156). Giroux (1995:6) affirmed that citizenship and democracy need to be problematised and reconstructed for each generation in order to prepare citizens for self-governance in an evolving social environment. Through the public schools, learners can be taught the values and skills necessary to administer, protect and perpetuate a free democratic society (Giroux, 1995:6). Giroux (1995:6) asserts that democratic values and principles cannot successfully be affirmed and transmitted to learners if an education system is bureaucratic or displays autocratic values and principles.

For these reasons, the theoretical and philosophical models of education systems of different societies are derived from and linked to the political and historical developments within each society. Although South Africa only became a fully-fledged democracy in 1994, its historic democratic foundations reach back to the 19<sup>th</sup> century as will be demonstrated in the following paragraph.

### **3.7. HISTORICAL OVERVIEW OF DEMOCRACY AND EDUCATION IN SOUTH AFRICA.**

Wishard (1880), an American theologian, said that a child's education must start at least a hundred years before its birth. This reminds of the importance of considering the history as well as the future of education in South Africa.

#### **3.7.1. Education by the Church in the Cape Colony from 1652 to 1795.**

During the Dutch era of colonisation in South Africa's history from 1652 to 1795, it was the state's duty to erect school buildings and to remunerate educators (Steyn, de Waal & Wolhuter, 2003:18). According to Mmphalele & Mminele (1997:23) education at the Cape was dominated by the Church during the Dutch era. The Church had the role of overseeing the state's compliance with its duties to provide Christian education based on Protestant beliefs and was thus closely involved with the state's education (Steyn *et al.*, 2003:18). Among the colonists, parents were expected to educate their children at home in the Christian faith (Steyn *et al.*, 2003:18). From 1714 to 1795 a council of scholars administered education in the Cape (Mmphalele & Mminele, 1997:23). Although the colonists did not have democratic political rights during this period, the education system was not rigorously centralised and control by the local church enabled adequate participation by parents (Mmphalele & Mminele, 1997:23).

Colonisation and the domination by European colonists of the indigenous ethnic tribes of Southern Africa established a pattern of inequality, subjugation and racial discrimination that became a feature of the South African socio-economic and political order. Slavery was also a lawful and accepted social practice and the agricultural economy of the Cape colony was very dependent on the continuance of slavery (Giliomee & Mbenga, 2007:53). Many of the slaves were Muslims; in particular the slaves that originated from Malaysia and India. Giliomee *et al.*(2007:101) state that after the first madressa (Muslim school) was built in 1793, many slave and Khoi-khoi children received schooling at madressas.

### 3.7.2. British annexation of the Cape Colony and Anglicisation of education.

After the British colonisation of the Cape in 1806, education became a function of the state (Steyn *et al.*, 2003:19). The British government centralised the control and administration of education in the Cape, in order to consolidate its authority and enforce a process of Anglicisation (Mmphalele & Mminele, 1997:29). The English opinion of cultural and linguistic superiority over the Dutch-Afrikaans colonists lasted until deep in the twentieth century, and was the cause of much indignity, poverty, lack of economic opportunities, loss of self-respect, and marginalisation suffered by Afrikaners (Giliomee, 2004:108-116). The Dutch-Afrikaans colonists were vehemently opposed to Anglicisation and many private schools were established in reaction to this policy (Venter & Verster, 1986:102). The degree of participation by parents in the education of their children was larger in the private schools, as they were linked to the local church community (Venter & Verster, 1986:102).

Under British rule the slave trade was put to an end in 1808, and slavery was abolished on 1 December 1834 (Giliomee & Mbenga, 2007:89,91). Giliomee *et al.* (2007:101) note that by 1840 there were more brown and black learners that received schooling and Islamic religious instruction at madressas than all the other learners in the Cape colony combined. The language of instruction at the madressas was Afrikaans, which was the Creole-Dutch language spoken by the colonists, slaves and Khoi population of the Cape (Giliomee & Mbenga, 2007:101).

Many Protestant missionary societies came to South Africa in the 19<sup>th</sup> century (Giliomee & Mbenga, 2007:99). By 1884 at least 380 missionary stations had been established by 15 missionary societies from countries such as Britain, America, Germany, Scandinavia, Switzerland and France (Giliomee & Mbenga, 2007:99). Roman Catholic missionaries established missionary stations and convent schools in Lesotho and Natal during the latter half of the 19<sup>th</sup> century. English was the language of instruction at most of the mission stations, and as a

result English became the language of learning under the African elite (Giliomee *et al.*, 2007:101).

### **3.7.3. Representative government and state-aided schools in the Cape – the period of 1853 to 1892.**

In 1853, Sir James Rose-Innes was appointed superintendent-general of education in the Cape Colony. He instituted a system of state-aided schools in terms whereof local communities could establish their own schools and employ well-qualified teachers whose salaries were subsidised by the government by up to 50 percent (Mmphalele & Mminele, 1997:48). Furthermore, in the year of 1854, representative government was instituted in the Cape Colony (Mmphalele & Mminele, 1997:46) and qualified democratic rights were granted to the colonists. When Rose-Innes retired in 1859, the number of state aided schools had quadrupled since 1853 (Mmphalele & Mminele, 1997:46).

Sir Langham Dale succeeded Rose-Innes as superintendent-general of education in 1859 and remained in office for 33 years (Mmphalele & Mminele, 1997:47). Dale followed a *laissez-faire* approach based on English liberalism as represented by the theory of state of John Stuart Mill and Hebert Spencer (Mmphalele & Mminele, 1997:47). He was not in favour of a rigid code of administration of the Dutch-Afrikaners as he considered their desire for freedom to be tantamount (Mmphalele & Mminele, 1997:50). He believed in the principle that a school system stands or falls by the voluntary effort of parents (Mmphalele & Mminele, 1997:48). Under Dale, the Education Act of 1865 was enacted and Mission Schools that, at that time, catered for the majority of school-going children were included in a system of grants and state-aided schools. The Education Act of 1865 regularised the grants-in-aid system and eventually ensured primary level education for approximately two thirds of the European children of school-going age (5-14 years) (Mmphalele & Mminele, 1997:53). Dale's contribution to education is that the Cape education system functioned according to the democratic principle of local community and parental participation in partnership with government.

However, according to Mmphalele *et al.* (1997:50) Dale's grants-in-aid system did not function satisfactorily because the initiative was left entirely to the local communities. This created the anomaly that those who were most able flourished, whereas the poor and ignorant failed to establish successful schools (Mmphalele & Mminele, 1997:51). After 1892 the education system was centralised and the authority of the administration was expanded (Mmphalele & Mminele, 1997:53).

#### **3.7.4. Education and democracy in the Boer Republics -1838 to 1902.**

After the British annexation of the Cape Colony in 1806, the social, economic and political subjugation by English authorities of the Dutch-Afrikaners resulted in deep-rooted social inequality and linguistic oppression of the latter (Giliomee, 2007:96). One of the reasons advanced by the Voortrekkers to emigrate *en masse* from the Cape Colony starting in 1835 was the education policy of enforced Anglicisation. The 19<sup>th</sup> century was characterised by conflict and strife between the democratic and freedom-loving aspirations of Dutch-Afrikaners and British imperialism.

The independent Boer republics that were established by the Voortrekkers, i.e. the Zuid-Afrikaansche Republiek (ZAR) and the Republiek van Oranje Vrystaat, re-established the system in terms whereof the state was responsible for formal education, under the auspices of the church (Steyn *et al.*, 2003:19). During the administration of President Burgers of the ZAR, legislation was enacted in terms whereof education of the children of Boer citizens was organised by a system of School Commissions (Oosthuizen, 1987:129). Every school was under the direct control and governance of a School Commission (Oosthuizen, 1987:129). Every School Commission consisted of six members who were elected by the citizens of every town or city (Oosthuizen, 1987:129). According to Oosthuizen(1987:129), the School Commissions were responsible for the following:

- To obtain or build a school building;

- To procure school furniture and equipment;
- To collect funds and ensure payment of school fees;
- To remunerate teachers appropriately; and
- To report to the Superintendent-General on a quarterly basis.

Parental participation in the Boer Republics was thus initially defined by the influence and involvement of the local church community and later by elected representatives serving on School Commissions.

### **3.7.5. Missionary schools.**

Formal education among the indigenous black communities of South Africa during the colonial era was undertaken entirely by missionary societies. However, the missionary education was of an inferior quality and was only attended by approximately five per cent of children of the indigenous tribes (Steyn *et al.*, 2003:19). As the parents of the indigenous communities were predominantly illiterate, there was very little parental involvement in the formal education of African children during the colonial era.

### **3.7.6. Union of South Africa.**

Education was a function of the provincial administration of the four provinces of the Union of South Africa (Steyn *et al.*, 2003:19). Apart from the independent schools, education was regarded as a state function and was accordingly highly centralised (Steyn *et al.*, 2003:19). However, the desire for increased parental participation and involvement in the education remained, and was confirmed by the findings of the Malherbe-Commission of 1917 and the report of the Nicol-Commission of 1939 (Oosthuizen, 1987:129). Despite these reports, the desire for increased parental participation was not accommodated during this era.

### **3.7.7. Republic of South Africa and resistance against apartheid education.**

During the apartheid era of South Africa's history, the education system was structured to provide education to the different communities based on race, culture, ethnicity and region (Sayed, 1995:10, 12). The organisation of the education system was, according to Sayed (1995:10), deconcentrated and fragmented into the following departments:

- Four provincial departments of education (i.e. Cape, Transvaal, Natal and Free State) that provided education to white children in either Afrikaans or English medium schools;
- One Department of Bantu Education that was responsible for educating of the African population residing outside the homelands;
- One Department of Coloured Relations (in the House of Representatives of the 1983-Constitution) responsible for education of the coloured children;
- One Department of Education and Culture (in the House of Delegates of the 1983-Constitution) was responsible for education of Indian children; and
- Ten Departments of Education respectively responsible for education in the ethnic homelands of Kwa-Zulu, Transkei, Ciskei, Bophuthatswana, Venda, Lebowa, Gazankulu, KwaNdebele, Qwa Qwa and Kangwane.

Although the education system was decentralised and divided into eighteen separate units, the authority remained strictly centralised as the system was co-ordinated by the Department of National Education (Sayed, 1995:12-13). Powers that were decentralised did not affect a transfer of power to local or institutional level, but was transferred to centralised segregated authorities (Sayed, 1995:14). The degrees of participation differed across the system and in white education, for example, the provincial education authorities made provision for parental participation on provincial education boards (Sayed, 1995:14). However, these bodies were mainly composed of members appointed by specific education authorities and participation was confined to an advisory function (Sayed, 1995:14).

Apartheid perpetuated the colonial system of racial dominance by whites based on a notion of racial superiority (Giliomee & Mbenga, 2007:314). In addition, the grand scheme of Hendrik Verwoerd, the prime minister from 1961 to 1966, was to create separate and independent 'homelands' for nine African ethnic groups in the geographic areas that they traditionally occupied (Giliomee & Mbenga, 2007:341-343). However, the education that the oppressed groups received under apartheid was grossly unequal (Giliomee & Mbenga, 2007:344). The majority of South Africa's citizens suffered the indignity institutionalised racial discrimination against them. These injustices eventually led to a turbulent period of anti-apartheid violence, riots and revolutionary warfare in South Africa during the decades of the 1960's to the 1980's (Giliomee & Mbenga, 2007:315-395).

During the mid-1980's the township schools became the centres for resistance by anti-apartheid movements (Dieltiens, 2000:44). Due to the widespread dissatisfaction with the system of racial segregation, protests and civil strife became part of the educational history of South Africa. The drive for democracy came from the disenfranchised black communities and included the demand for "People's Education" by the liberation organisations, including the National Education Co-ordinating Committee (Dieltiens, 2000:44). This found practical application in the formation of Parent, Teacher and Student Associations (PTSA's) through which communities were encouraged to take charge of schools and to further the educational aims of the school within the community (Dieltiens, 2000:44). The PTSA's became important instruments to try to re-establish control over schools at a time when class boycotts and rebellion severely disrupted any schooling (Dieltiens, 200:44). The principle had thus been established that local democratic control of schools was an indelible feature of "People's Education" (Morrow, 1989:119). The government reacted to public protests by becoming increasingly authoritarian, which in turn limited parental participation and involvement in education to an even greater extent.

Ironically, also in the 1980's, there was an increasing demand for greater parental participation within the white communities. This became evident after the recommendations of the 1980 report of the Human Sciences Research

Council (HSRC) on education were published (Oosthuizen, 1987: 165). These recommendations included the establishment of school councils representative of the parent community in order to affirm the partnership that exists between parents and educators (Oosthuizen, 1987:166). Oosthuizen (1987:135) demonstrates that effect was given to the HSRC recommendations by the National Education Policy Act of 1984 terms whereof in the following policies that have a bearing on parental participation, were enacted:

- Subject to the requirement of compulsory school attendance, the right to freedom of choice of the individual, parents and organisations is acknowledged;
- A positive relationship must be promoted among formal, informal and non-formal education in the school, society and family;
- the State is responsible for the provision of formal education, whereas co-responsibility and involvement must be granted to the individual, parents and community with regard to formal education.

In turn, this policy lead to the amendment of the Transvaal Education Ordinance of 1985 in terms whereof parents were granted participation in various statutory organs including the Management Council, School Councils, Regional Councils and the Educational Council (Oosthuizen, 1987:137).

This trend towards democratisation was given further impetus during the early 1990's. On 10 September 1990 the government approved four school models, i.e. Model A, Model B, Model C or *Status quo*-schools (Rossouw, 1994:4). In Model A (privatisation option), the school could close and reopen as a private school run by a management committee or a board of governors who could dictate admission; in Model B (state school option) the school remained a state school under a management committee within Department of Education regulations and with open admission; and Model C (semi-private/semi-state option) was a state aided school run by the management committee and principal (Naidoo, 2005:23). Parents were given opportunity to choose between the possible models by voting for their preferred choice (Rossouw, 1994:5). As a result of the large percentage of schools choosing the Model C option, the government announced in 1992 that all remaining Model B and *Status Quo*-

schools would be converted to Model C schools unless two-thirds of the parents decide against such conversion. Eventually, approximately 98% of the white schools had converted to Model-C status by 1992 (Rossouw, 1994:5). Model C status meant that a school became a state aided school in terms whereof the State would be responsible for the funding of salaries of the school personnel and that the parents would concomitantly be responsible for the funding of all additional running costs and expenses of a school. In exchange for this reduction in financial support by the State, the parents were regarded as equal partners in education and were given greater powers to participate by the devolvement of authority to local school governing bodies (Rossouw, 1994:5). The governing body consisted of elected parents and had the authority to appoint new educators, to determine admission- and financial policies, and to decide on additions to the curriculum (Rossouw, 1994:5). Evident from these models is that the degree of funding correlated with the degree of participation by parents. In other words, the funding norms and allocation of funds by the state in relation to the autonomy or governance by representatives of the parents.

The motive to democratise white education was however different, because the Education Renewal Strategy argued that in keeping with international trends, devolution of power to school governing bodies would improve service delivery and lead to greater efficiency (Dieltiens, 2000:45). Furthermore, according to Karlsson, McPherson & Pampallis (2001:7) two additional political reasons for granting governing bodies greater autonomy were the constraints that the national government was experiencing to finance white education as well as the attempt to ensure that white communities would remain in control of their schools.

Accordingly, when the opposing parties agreed to negotiate a new constitution and democratic South Africa, the negotiators had to take two very different traditions of decentralisation and devolution of power into account (Dieltiens, 2000: 45). Dieltiens suggests (2000:45) that on the one hand the liberation movements wanted democratic education to sweep away years of authoritarian control of schools, and on the other hand, the apartheid government wanted to

democratise schools so that parents could hold on to them as cultural or racial enclaves.

### **3.7.8. International trend towards school-based management.**

For three decades an international trend towards school-based management (also termed self-managing schools by some authors) gained impetus and eventually culminated in the late 1980's in the reform of education systems in countries such as Australia, Canada, France, Israel, Italy, New Zealand, Spain, Sweden, the United Kingdom and certain states in the United States (Caldwell, Smilanich & Spinks, 1988:1; Kowalski, 2005:6). Seddon *et al.* (1990:29) were of the opinion that school-based management was a form of political reform in the sense that it went beyond mere participative decision-making, but also formed part of a process of social, political, economic and cultural restructuring.

### **3.7.9. Clarification of concepts: Decentralisation, devolution, deconcentration and delegation.**

Before proceeding with the discussion on the historical developments of the South African education system, it is necessary to clarify essential concepts in a brief *excursus*. The term governance is often understood in different senses. Van Rooyen and Rossouw (2007:20) explain that, depending on the context, governance may denote to three possible meanings, viz.:

- top-down methods of authoritative decision-making primarily involving governments and the state bureaucracy;
- use of market mechanisms and the principles of free market competition to allocate resources while operating under government regulation; or
- through networks involving public-private partnerships or with the collaboration of community organisations.

School governance falls in the latter category, and involves joint decision-making in terms of authority devolved to local bodies in partnership with the department of education (Van Rooyen & Rossouw, 2007:20).

Rossouw (1994:33) explains that redistribution of authority occurs along the following continuum in education systems:

- Deconcentration: No additional decision-making authority is granted, restructuring of an organisation or system results in alternative responsibilities allocated to different groups or persons;
- Participation: Joint decision-making authority is granted, consultation and co-operation takes place;
- Delegation: Decision-making authority is granted, but in accordance with directorial policies and limited mandates;
- Devolution: Full decision-making authority is granted, permanent autonomy results.

Sayed (1995:32), with reference to Rodinelli *et al.* (1989:58) identified five types of decentralisation which include:

- privatisation – private provision of education and financial resources ;
- deregulation – removal of restrictions and regulations;
- deconcentration – creation of sub-units of administration;
- delegation – transfer of decision-making authority in accordance with guidelines and policies; and
- devolution – transfer of responsibility and decision-making authority.

In essence, schoolbased management (also referred to as local school governance) is about devolution of power or authority from central government agencies to local school level (Van Rooyen & Rossouw, 2007:22). According to Van Rooyen and Rossouw (2007:23) the international trend towards school-based management and devolution of governance authority to local stakeholders in education, influenced South African policymakers to move towards a democratised system which would enable improved parental participation and community involvement.

### **3.7.10. Democratic school management and leadership theories.**

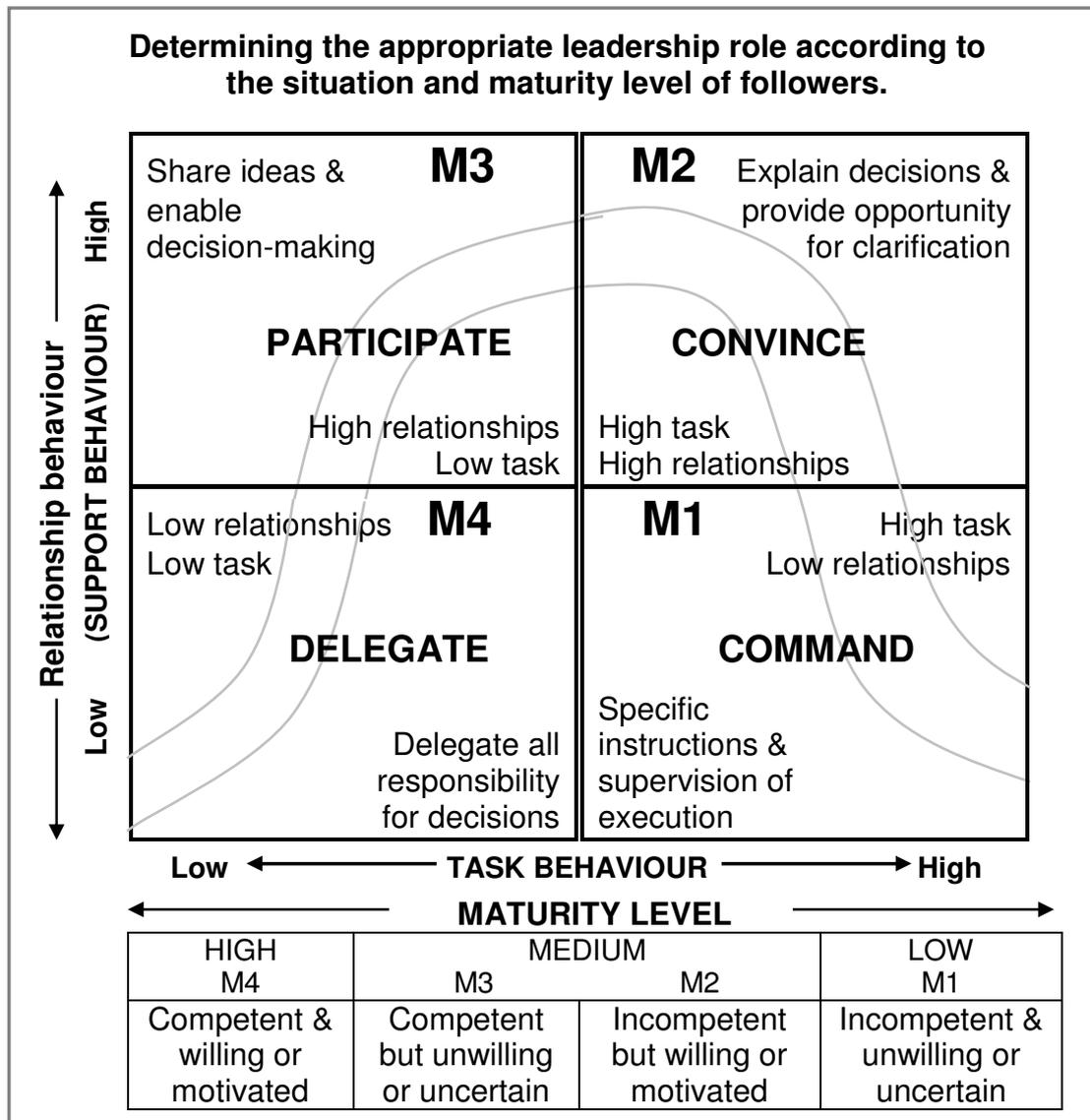
In democratic environments or organisations, which should include schools and the education systems, the leadership styles of administrators, school principals

and school governing body chairpersons will always play a vital role to the success of the venture. The trend towards school based management coincided with the development of modified leadership and management theories. For instance, Blake and Mouton (referred to in Gerber, Nel & Van Dyk, 1998:308-311) developed a leadership matrix in terms whereof a leader's involvement with the people (followers) could be plotted on a continuum ranging from high people-involvement styles (viz. team management style or club management style) to "middle-of-the-road" leadership style to the other extreme depicted by impoverished leadership or autocratic leadership styles.

The value of Blake and Mouton's model lies in the realisation that managers or leaders should avoid being too task driven or too people oriented (Gerber *et al.* 1998:290-318). The ideal, according to Blake and Mouton (Gerber *et al.* 1998:311), would be for a leader to be high task as well as high people oriented. However, Blake and Mouton's theory does not differentiate and make appropriate "democratic" provision for variances in the independence and maturity levels of subordinates. Subsequently, several leadership theories have added value to the successful management of organisations such as schools. Perhaps, with the emphasis on democratic school governance and for the purposes of this study, the situation leadership theory of Hersey and Blanchard (Gerber *et al.* 1998:314) is the most appropriate. This theory is illustrated by Figure 3.1 below.

According to Hersey and Blanchard, leadership is a function of the level of maturity and independence of subordinates. If a leader wants to determine the appropriate leadership style for a given situation, the leader should first determine the maturity level of the subordinates and then adapt the style accordingly (Gerber *et al.* 1998:314). For example, according to Hersey and Blanchard's situation leadership theory a leader whose subordinates display low levels of maturity (M1) must maintain a Command-leadership style (S1) that features high task and low relationship qualities. This would require specific instructions and close supervision of the execution of the task. On the other hand, a leader whose subordinates display high levels of maturity and independence (M4) can delegate

**FIGURE 3.1 Diagram of Hersey and Blanchard's leadership theory.**



(Source: Gerber *et al.*, 1998:314).

all the responsibilities and apply a Delegation-style of leadership (S4) which requires low task and low relationship qualities. However, it is essential to note that the Hersey and Blanchard situation leadership theory does not attribute a particular ranking or hierarchy to the leadership styles. In other words, the situation leadership theory does not imply that the delegation-style is better than the participation-style and so forth. The strength of Hersey and Blanchard's theory lies in the fact that leaders should adapt their management, administration

or leadership style according to the maturity and independence level of the subordinates.

Applying the Hersey and Blanchard leadership theory to the administration of the education system, or the management and governance of schools, would imply that tasks and functions may be delegated to subordinates or stakeholders that display high levels of maturity, responsibility and independence. For instance, if a school governing body does not perform according to expectations or does not display responsible levels of maturity, then the administration, management and/or governance style should be adapted to a Command-type (M1) style. However, if the school governing body matures and becomes more competent, then the administration style and leadership style should be adapted to become more participatory (M3). Hersey and Blanchard leadership theory will be revisited in chapter 7 to apply it to an improved and appropriate democratic school governance model.

### **3.7.11. Constitutional negotiations and the approval of the Constitutions of 1993 and 1996.**

In 1993 twenty-six political groups assembled at Kempton Park, near Johannesburg, in a deliberative forum to negotiate and draft a constitution to bring an end to the apartheid legal order. As these groups were in most instances unelected, and simply reflected the political realities of the time, it was considered inappropriate to confer on them the power to draft a final constitution (Van Wyk *et al.*, 1995:131). Instead, the constitution which they fashioned in negotiations lasting some six months was to serve as an 'interim' constitution, pending the drafting of a constitution by a democratically elected Constitutional Assembly (Van Wyk *et al.*, 1995:131). As the Interim Constitution represented a political compromise between rival groups, notably the National Party (which had ruled South Africa since 1948) and the African National Congress (outlawed from 1960 to 1990), it was agreed at Kempton Park that the 'final' constitution would comply with thirty-four constitutional principles contained in a schedule to the Interim Constitution and that the Constitutional Court created by the 1993 Interim Constitution would be empowered to pronounce on the issue of compliance. This

Interim Constitution approved at Kempton Park was duly endorsed by the last apartheid parliament and became the Constitution of the Republic of South Africa, Act 200 of 1993 (Dugard, 1997:77).

On 27 April 1994 the Interim Constitution came into effect to govern South Africa's first democratic elections. The Interim Constitution contained the unequivocal commitment to “representative and participatory democracy, accountability, transparency and public involvement” (Naidoo, 2005:17). From January 1995 to May 1996 the Constitutional Assembly met regularly to draft the ‘final’ constitution in accordance with the thirty-four constitutional principles agreed upon at Kempton Park. A draft constitution was approved by the required two-thirds majority vote in the Constitutional Assembly on 8 May 1996 and forwarded to the Constitutional Court for certification. The Constitutional Court, however, found fault with a number of provisions in the draft constitution (*In re: Certification of the Constitution of the Republic of South Africa* 1996 (4) SA 744 CC), on the grounds that they failed to comply with the constitutional principles contained in the Interim Constitution, and referred it back to the Constitutional Assembly. After these defects had been remedied by the Constitutional Assembly, the Constitutional Court gave its final approval to the Constitution on 4 December 1996 (Dugard, 1997:77). The new Constitution - the Constitution of the Republic of South Africa, Act 108 of 1996 - was signed into law by President Mandela on 10 December 1996 (Dugard, 1997:77).

### **3.7.12. Democratic negotiations towards a transformed education system.**

During the period of constitutional negotiations in 1993, simultaneous negotiations for a new democratic educational dispensation took place (Sayed, 1995:1). Three significant policy documents were produced in anticipation of the negotiation process (Sayed, 1995:1). These were the then South African government’s policy document entitled the *Education Renewal Strategy* (ERS), the National Education Co-ordinating Committee ‘s *National Education Policy Investigation*’ (NEPI) and the African National Congress’s *Education and Training Framework Document* (Sayed, 1995:2).

Advancing from a Critical Studies theoretical framework, Sayed (1995:53, 83, 123) analysed the different negotiation policies and demonstrated that conceptual differences and ambiguities existed with regard to the meaning, implications and content of terms such as decentralisation, participation and power (or autonomy). Although all the negotiating parties were in favour of decentralisation and participation, there were differences with regard to the rationales and extent of the devolution of power (Sayed, 1995: 123). The different political perspectives and approaches of the negotiating parties eventually necessitated compromises and trade-offs (Sayed, 1995: 273). For instance, strong centralised control may standardise educational provision but may also inhibit extensive participation. Similarly, redress may meet the goal of equality, but may undermine the value of individual freedoms such as the rights of parents to determine the education of their children (Sayed, 1995: 273).

Sayed (1995:286) identified the following four significant sources of tension that relate the educational policy of decentralisation (or devolution of authority):

- the values and principles that underpin the alternate suggested policies;
- the views with regard to the relationship between the state and its citizens;
- participation and policy development; and
- the appropriate powers and functions of different levels of educational governance.

These different approaches in values and principles reflect the various schools of thought to democratic theory and described in chapter 2. For instance, Sayed demonstrates (1995:287) that the predominant stance of the ANC was that redress is a central principle and that equality cannot be achieved without promoting the interests of the oppressed black population. On the same issue, the ERS policymakers argued that the removal of race as a criterion would enable equality and that redress would then be achieved (Sayed, 1995:287). At issue thus was the question whether the notion of equality subsumes the principle of redress or whether they are matters to be separately addressed (Sayed, 1995:288). The NEPI policymakers argued for the equal representation of civic organisations at various levels of a system of educational governance,

because authentic democratic participation should not only include elected representatives but also interested stakeholders (Sayed, 1995:288).

However, despite the tensions and differences in the policy debate, Sayed (1995: 297) indicates that sufficient commonalities and consensus existed between the policy negotiators to affirm the commitment to decentralisation of authority to local communities and to open and unify the education system in order to accomplish redress and effective education. The eventual conclusion of the policy differences was the realisation that the demand for redress should be balanced against the imperative of attaining an effective and efficient education system whilst simultaneously maintaining the commitment to democratic participation in the system.

### **3.7.13. The right to education in the Interim Constitution, 1993.**

The multi-party negotiators relied heavily on the inputs of technical advisers during the negotiation process (Malherbe, 1997:54). Initially the Technical Committee referred only to the right to education, but after negotiations added the right to mother-tongue instruction (Malherbe, 1997:56). The negotiating parties thus adopted the following education clause (section 32) as part of the Interim Constitution:

- Every person shall have the right –
- (a) to basic education and equal access to educational institutions;
  - (b) to instruction in the language of his or her choice where it is reasonably practicable; and
  - (c) to establish, where practicable, educational institutions based on a common culture, language or religion provided that there shall be no racial discrimination.

Malherbe (1997:56) asserts that the clause was not well thought through, because its ambiguity enabled everybody to interpret the clause according to their own preferences. The constitutional court gave its interpretation of the education clause of the Interim Constitution in the first constitutional case on education in the matter of *In re: The School Education Bill of 1995 (Gauteng)*. This case dealt with the question whether it was constitutional to prohibit public schools by statute to administer language proficiency tests in order to decide on

admission of learners. Sachs J extensively analysed the international and foreign protection of minorities and applied it to South Africa. The court declared that legislation prohibiting language proficiency tests to decide admission to schools was constitutional. To the Gauteng Provincial Education Department the outcome of this case was a landmark victory because language proficiency tests were regarded as artificial mechanism to prevent integration and transformation of the education system.

However, Visser (1997:342) cautioned that the *Gauteng School Education Bill*-case was a clear indication of future adjudication of constitutional provisions on education, language and culture, which would be susceptible to political manipulation in spite of the requirement that the constitutional court is supposed to function apolitically.<sup>2</sup> Malherbe (1997:58) argues that Mahomed J paid mere lip-service to a contextual approach, and in effect employed a literal approach to interpreting section 32 of the Interim Constitution. This is contrary to the contextual or purposive approach to interpretation that was adopted in *S v Zuma and others*<sup>3</sup> and *S v Makwanyane and others*.<sup>4</sup> As a result of the *In re Gauteng*-decision, the education clause was renegotiated and amended in the Final Constitution of 1996. This will be discussed in chapter 4, par.4.6.2.4.

With the historic development of the education system and the policy debate in mind, the government proceeded to establish a new policy, legislative and administrative framework.

### **3.7.14. Attainment of Constitutional Democracy and the legislative reforms of the South African Education system.**

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<sup>2</sup> "The whole argument of Mahomed DP seems to me to verge upon the fantastic. In view of the court's desire to strike down the political compromise in section 32(c), it had to find some ground to neutralise the qualification in section 32(c) which is opposed to its own dogmatic views. In my submission this is a good illustration of the length to which the court may go on imposing its ideas on others regardless of the words actually used in the Constitution. All this does not inspire confidence in the way in which the court will interpret the relatively vague education provisions in the new constitutional text." (Visser, 1997: 346).

<sup>3</sup> 1995 4 BCLR 401(SA).

<sup>4</sup> 1995 6 BCLR 665 (CC).

The elections of April 1994 marked the formal end of Apartheid rule and a shift from authoritarian to democratic rule in South Africa (Naidoo, 2005:17) For the first time the country had a government elected by all South Africans regardless of race.

The new government embarked on a process of rapid formulation of policy in order to transform the structure of education by focusing on redress, equity, quality and democratic participation (Naidoo, 2005:17). The initial policy formulation, i.e. White Paper 1 on Education and Training, stated in section 3.1 that the education system is to “empower people to participate effectively in all processes of democratic society, economic activity, cultural expression, community life” and help citizens build a nation free of discrimination (DOE, 1995a:17). The second policy formulation, i.e. White Paper 2 on Education and Training (DOE, 1996) served as a policy framework for legislative development (Naidoo, 2005:24).

The legislation that gave effect to the new policies were the South African Qualifications Act (SA, 1995), the National Education Policy Act (SA, 1996a), the South African Schools Act (SA, 1996b), the Employment of Educators Act (SA, 1998a) and the South African Council of Educators Act (SA, 1998b). The ‘final’ Constitution of 1996 (SA, 1996c) also came into effect during that year and laid the foundation for transformation and democratisation of the South African society based on the enshrinement of fundamental rights. In addition, a new outcomes-based curriculum was launched with the release of the *Curriculum 2005 Framework* in 1997 (DOE, 1997).

In order to understand the implications of these policy changes with regard to democracy in education, these legal instruments will be analysed in more detail in chapter 4 hereafter.

### **3.7.15. Summary of the historical overview of the trend towards democratic participation until 1996.**

In sum, therefore, historically the education system in South Africa developed to become a highly centralised system in the twentieth century. Some exceptions, such as parental involvement in local church schools in the Dutch colonial era, the early Boer republics and the state-aided school system under Rose-Innes and Dale, were early examples of parental participation to a greater or lesser extent. Still, the historical overview clearly confirms that there was a distinct absence of democratic practice, either institutionalised or cultural, in the education systems that catered for the African communities. Moreover, since the establishment of missionary schools in the nineteenth century and government schools for the African communities during the greater part of the twentieth century, no democratic tradition existed in these communities. This historic dearth of a democratic culture or tradition in these communities might be an important indicator to consider in determining reasons for the absence of a mature democratic culture in education.

Finally, after the attainment of full democracy in South Africa in 1994, the education system has been reformed to afford a greater degree of institutionalised parental participation through democratically elected school governing bodies. The trend in the latter decades of the twentieth century towards democratisation of schools and the education system is thus apparent from the historical developments of the education system in South Africa.

## **CHAPTER 4**

### **DEMOCRACY, EDUCATION AND THE LAW.**

#### **4.1. INTRODUCTION.**

The close relationship between education and democracy has been historically and philosophically confirmed (Chapter 3). In this chapter the essential association between education, democracy and the law will be examined.

In pursuit of national goals of economic growth, democratisation and equity, legislation such as the South African Schools Act (SA, 1996c) was enacted to unify the education system and democratise school governance (Naidoo, 2005: 17). It is postulated that the degree to which the intended democratisation of the education system has been attained, may be ascertained by considering the content and implementation of education legislation and policies, and by comparing it to key indicators of democratic features. In particular, the focus of this study is to determine the scope, nature and manner in which principles of democratic governance have been applied and adhered to at the meso-level between the education administration (or departments) and the individual school governing bodies.

#### **4.2. OBJECTIVES OF THIS CHAPTER.**

The purpose of this chapter is firstly, to analyse the legislation, policies and legal principles regulating power-sharing, governance and administration of the education system. Secondly, the aim is to review the literature on topics indicative of democratic or undemocratic features such as persistent centralisation, bureaucracy, inequality, unfair discrimination and absence of participation or open deliberation from a legal perspective.

#### **4.3. POST-APARTHEID DEMOCRATIC REFORMS OF THE SOUTH AFRICAN EDUCATION SYSTEM.**

The elections of April 1994 marked the formal end of *Apartheid* rule and a shift from authoritarian to democratic rule in South Africa (Naidoo, 2005:17) The new government embarked on a process of rapid formulation of policy in order to transform the structure of education by focusing on redress, equity, quality and democratic participation (Naidoo, 2005:17).

With the increasing decentralisation of fiscal, political, and administrative responsibilities to local spheres of government, local institutions, and communities, the notions of participation and deliberation emerged as fundamental tenets in the promotion of the local governance of schools (Grant Lewis & Naidoo, 2004:1). Figure 4.1 tabulates the objectives and mechanisms of the most significant legislative and policy instruments that have been developed to transform the South African education system.

In what follows, the democratic provisions of the legislation and policy formulations pertaining to public school education will be analysed.

**TABLE 4.1 Framework for democratisation and transformation of education: key legislation and policy regulations**

➤ LEGISLATION/POLICY	➤ OBJECTIVE	➤ MECHANISM
<ul style="list-style-type: none"> <li>SA Constitution, 1996</li> </ul>	<ul style="list-style-type: none"> <li>Provide framework for democratisation and transformation</li> </ul>	<ul style="list-style-type: none"> <li>Bill of Rights guarantees fundamental rights including the right to basic education</li> </ul>
<ul style="list-style-type: none"> <li>White Paper 1 and 2 (February 1995 and 1996)</li> </ul>	<ul style="list-style-type: none"> <li>Serve as reference for policy and legislative developments</li> </ul>	<ul style="list-style-type: none"> <li>Education policy framework</li> </ul>
<ul style="list-style-type: none"> <li>National Education Policy Act, 1996 (National Education Policy Act)</li> </ul>	<ul style="list-style-type: none"> <li>Outlines responsibilities of Minister</li> <li>Formalises relations between national and provincial authorities</li> </ul>	<ul style="list-style-type: none"> <li>Councils of Education Ministers, Heads of Education Departments Committee (HEDCOM), inter-governmental forums</li> </ul>
<ul style="list-style-type: none"> <li>South African Schools Act, 1996</li> </ul>	<ul style="list-style-type: none"> <li>Promote access, quality and democratic governance in schooling system</li> </ul>	<ul style="list-style-type: none"> <li>Compulsory education from 7 to 14 year olds</li> <li>Two types of schools – independent and public</li> <li>Devolved participatory governance authority to School Governing Bodies</li> <li>Funding norms - redress through targeted allocation of funds</li> </ul>
<ul style="list-style-type: none"> <li>Further Education and Training Act, 1998</li> <li>Education White Paper 4, 1998</li> <li>National Strategy for Further Education and Training, 2001</li> </ul>	<ul style="list-style-type: none"> <li>Develop a nationally co-ordinated further education and training system</li> </ul>	<ul style="list-style-type: none"> <li>Dedicated further education and training institutions (FET)</li> <li>National curriculum for learning and teaching</li> </ul>
<ul style="list-style-type: none"> <li>Higher Education Act, 1997</li> <li>Education White paper 3 on Higher Education</li> <li>National plan for Higher Education, 2001</li> </ul>	<ul style="list-style-type: none"> <li>Establish a unified and nationally planned system of higher education</li> </ul>	<ul style="list-style-type: none"> <li>Council on Higher Education (CHE)</li> <li>Institutional planning and budgeting framework</li> </ul>
<ul style="list-style-type: none"> <li>Employment of Educators Act, 1998</li> <li>South African Council for Educators Act, 2000</li> </ul>	<ul style="list-style-type: none"> <li>Regulate labour rights and responsibilities of educators</li> <li>Promote professional development of educators</li> </ul>	<ul style="list-style-type: none"> <li>South African Council for Educators</li> </ul>
<ul style="list-style-type: none"> <li>Adult Basic Education and Training Act, 2000</li> </ul>	<ul style="list-style-type: none"> <li>Support the development of the ABET sector</li> </ul>	<ul style="list-style-type: none"> <li>Establishment of public and private adult learning centres</li> </ul>
<ul style="list-style-type: none"> <li>South African Qualifications Authority Act, 1995 (SAQA)</li> </ul>	<ul style="list-style-type: none"> <li>Integrate education and training at all levels</li> <li>Establish quality standards and norms for education and training</li> </ul>	<ul style="list-style-type: none"> <li>National Qualifications Framework – scaffolding for national learning system</li> </ul>
<ul style="list-style-type: none"> <li>Curriculum 2005</li> <li>Revised Curriculum 2005</li> </ul>	<ul style="list-style-type: none"> <li>Promote learner centred outcomes-based education</li> <li>Integration of knowledge, skills and attitudes</li> </ul>	<ul style="list-style-type: none"> <li>OBE Curriculum framework</li> </ul>

(Source: Naidoo, 2005:24)

#### **4.4. DEMOCRACY AND THE CONSTITUTION OF SOUTH AFRICA, 1996.**

It should always be kept in mind that the Constitution is unquestionably the product of political and ideological compromises (Du Plessis, 1997:3) and is a social contract between the diverse cultures and communities of the South African society that reflects the hopes and aspirations, trade-offs, consensus and undertakings of the people (Currie *et al.*, 2001:25). The Constitution establishes South Africa as a liberal democracy based on fundamental rights, democratic principles and democratic institutions.

##### **4.4.1. Constitutionalism and democracy.**

In terms of the generally accepted modern doctrine of constitutionalism, the power of the state, which includes organs of state and public bodies such as school governing bodies and education departments, should be defined by law in order to ensure limited government that cannot and should not impose the arbitrary rule of an authoritarian state or autocracy or dictatorship (Currie *et al.*, 2001:11). Although constitutionalism is to be democracy-reinforcing (Currie *et al.*, 2001:35), there is a tension between the exercise of judicial power through constitutional review of government action and legislation on the one hand, and the demands, aspirations and expectations of the majority opinion of the electorate (Currie *et al.*, 2001:35). In other words, the courts may declare executive action, bureaucratic conduct, parliamentary legislation and administrative policies unconstitutional if it unreasonably and unjustifiably infringes upon the minority rights, even though such government conduct or decisions may have had the support of the majority of South African citizens.

This feature of constitutionalism that non-elected judges can make decisions that have political implications and run counter to the wishes of the majority of citizens is apparently undemocratic, but in essence, it undergirds democracy (Currie *et al.*, 2001:36). Democracy is never simply the rule of the people but always the rule of the people within certain predetermined channels, according to prearranged constitutional procedures and the rule of law (Currie *et al.*, 2001:36).

Davis (1999:12) justifies constitutional review within the context of a democratic society by stating that if a majority intrudes on political rights or excludes opposition groups, it violates democratic norms. If the majoritarian process is defective from the standpoint of deliberative democracy itself, then the case for judicial control becomes stronger (Davis, 1999:12).

#### **4.4.2. Interpreting the constitution.**

Du Plessis (1997:3) points out that constitutions usually come into being after periods of tension and crisis and are generally expressed as broadly as possible in order to ensure flexibility and adaptability. It is thus understandable that the Constitution reflects the compromises and broad formulations by means of dualistic values (Du Plessis, 1997:3). The uncertainties that result from the seemingly contradicting values indicate the dilemma of diverse interests that must be reconciled and harmonised within the modern state. Interpreters of the Constitution should therefore refrain from relying solely on any one of the two formulations or extreme poles, and it will inevitably be the task of the courts to interpret dualistic values within a casuistic context by assigning meaning to the particular value within the spectrum of possibilities (Du Plessis, 1997:3).

According to Swanepoel (1998:5) the Constitution should be interpreted by means of an approach that takes careful consideration of the values contained in the text. Such a normative approach includes the necessity for the judiciary to venture onto the terrain of policy-making when interpreting the constitutional values (Swanepoel, 1998:5). Davis (1999:15) asserts that the very nature of constitutional interpretation requires not merely a formalistic enquiry into the pedigree of a particular rule, but demands an engagement with the substantive content of the constitutional values. Dworkin (1986:224) suggests that when “hard cases” (difficult matters breaking new ground and setting a precedent by establishing new legal rules or principles) are to be adjudicated; the task of the interpreter is to find the best possible interpretation of the text. In finding the best constructive interpretation of the particular society’s legal practice, Dworkin suggests that the judge is restrained only by the principles that the drafters of the

constitution laid down and the requirement that judges may not introduce their own moral convictions, but are limited by constitutional integrity (Dworkin, 1998:13).

The interpretation article of the Constitution, section 39 provides as follows:

39. Interpretation of Bill of Rights

(1) When interpreting the Bill of Rights, a court, tribunal or forum-

(a) must promote the values that underlie an open and democratic society based on human dignity, equality and freedom;

(b) must consider international law; and

(c) may consider foreign law.

(2) When interpreting any legislation, and when developing the common law or customary law, every court, tribunal or forum must promote the spirit, purport and objects of the Bill of Rights.

Section 39(1)(b) requires that when a court interprets the Bill of Rights, it must consider international law (SA, 1996c). In terms of Section 232 of the Constitution, customary international law is part of the common law of South Africa (SA, 1996c). International law contains important provisions concerning rights of education, language and culture (Möller, 1994:84).

When interpreting any legislation, and when developing the common law, every court must promote the spirit, purport and objects of the Bill of Rights (s. 39(2)). As the Bill of Rights affirms democratic values in terms of section 7(1)), it follows, therefore, that any government action that functions contrary to the spirit, purport and objects democratic values and principles may be reviewed by a court and declared unconstitutional and thus void.

Based on the conceptual analysis of the divergent models of democracy in chapter 2 of this study, it is clear therefore, that the term “democracy” does not entail a singular value but encompasses multifarious and, at times, divergent values. Consequently, when promoting values of an open and democratic society in terms of the prescripts of section 39(1)(a), the task the state, including the judiciary and the public administration charged with the responsibility to administer the education system, would be to interpret the Constitution and the law pertaining to education in such a manner so as to find the right mix or to strike an appropriate balance between democratic values such as accountability, openness, responsiveness, justice, tolerance, utility and practicality in order to

advance equality, freedom, human dignity, economic prosperity and efficiency of governance (Boyd, 1990 :26).

When interpreting the Constitution of South Africa, it is no longer sufficient to follow the antiquated hermeneutical theories of establishing the purpose of the legislator by means of the plain and clear meaning contained in the words of the text (Du Plessis, 1997:6).

The Constitutional Court adopted the contextual or purposive approach to interpretation in the first constitutional case of *S v Zuma and others*<sup>5</sup> and *S v Makwanyane and Another*.<sup>6</sup> Subsequently the purposive approach (also termed the teleological approach) to interpretation of the Constitution has been applied in most of the constitutional cases that had a bearing on socio-economic issues.

Davis (1999:179) expresses the hope that the South African judiciary will not follow the strict historic formalism that separated law from politics and the legal “philosopher kings” from the balance of the population. He advocates that when dealing with constitutional interpretation, the transformation of the law requires an acknowledgment that law, politics and morals are intertwined. Davis (1999:179) suggests that a developing democratic culture can be strengthened by a wider, more inclusivist notion of law that enables deliberation not only between lawyers and judges, but also between all interested parties.

#### **4.4.3. Democracy in the Constitutional text.**

The principle of democracy is referred to several times in the Constitution and Currie *et al.* (2001:82) affirm that any law or state conduct that is inconsistent with the principle of democracy is unconstitutional and invalid. The Constitution recognises and makes provision for representative, participatory and direct forms of democracy (Currie *et al.*, 2001: 82). As discussed in chapter 2 of this study, the definitions and concepts of democracy evolve continuously and no final

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<sup>5</sup> 1995 4 BCLR 401 (SA).

<sup>6</sup> 1995 6 BCLR 665 (CC).

consensus exists on the nature and meaning of participation, stakeholder representation or inclusive decision-making in practice (Naidoo, 2005:13).

In order to determine the nature and meaning of the phrase *democracy* or *democratic* (as well as related terms and derivatives thereof), the following analysis of the constitutional text will explore the content, values and forms of democracy in the Constitution.

#### **4.4.3.1. The Preamble.**

The Preamble contains the following references to the principle of democracy (*emphasis added*):

We therefore, through our freely elected representatives, adopt this Constitution as the supreme law of the Republic so as to –  
 Heal the divisions of the past and establish a society based on **democratic** values, social justice and fundamental human rights;  
 Lay the foundations for a **democratic and open society** in which government is based on the will of the people and every citizen is equally protected by law;  
 Build a united and **democratic** South Africa able to take its rightful place as a sovereign state in the family of nations.

It is generally accepted that the preamble does not form part of the text of the Constitution (Venter, 1998:2). In cases where the wording of the Constitutional text is ambiguous, and in cases where a court is satisfied that the purpose of the legislation has intended to limit in some way the wide language used, then it is proper to have recourse to the preamble (Venter, 1998:2). In appropriate circumstances, therefore, the phrase “democratic” that is found in the preamble of the Constitution can be used as a key to clarify ambiguous uncertainties in the enacting clauses of the Constitution.

In the following paragraphs the text of the Constitution will be analysed.

#### **4.4.3.2. South Africa is a democratic state – section 1.**

Section 1 determines that South Africa is a democratic state and provides as follows (*emphasis added*):

Section 1  
 The Republic of South Africa is one, sovereign, **democratic** state founded on the following values:  
 (a) Human dignity, the achievement of equality and the advancement of human rights and freedoms.  
 (b) Non-racialism and non-sexism.

- (c) Supremacy of the Constitution and the rule of law.
- (d) Universal adult suffrage, a national common voter's roll, regular elections and a multi-party system of **democratic** government, to ensure accountability, responsiveness and openness.

By virtue of the supremacy of the Constitution and the rule of law (SA, 1996c: s.1(c)), all administrative action and legislation must comply with the terms and values of the Constitution. Any legislation or government action that contravenes the constitutional provisions or values will be unconstitutional and may be reviewed by the courts. The Constitution requires that government should respect fundamental rights, the rule of law and observe the principle of democracy (Currie *et al.*, 2001:81).

#### **4.4.3.3. Constitutional supremacy – section 2.**

According to Currie *et al.* (2001:74) section 2 of the Constitution gives expression to the idea of constitutional supremacy, which means that the rules of the Constitution are binding on all branches of the state and have priority over any other rules made by the legislatures, the government or the courts.

Section 2 provides as follows:

##### 2. Supremacy of the Constitution

This Constitution is the supreme law of the Republic; law or conduct inconsistent with it is invalid, and the obligations imposed by it must be fulfilled.

This section therefore entails that any government action that is inconsistent with the democratic values and principles of the Constitution is invalid and may be reviewed by a court and declared unconstitutional.

#### **4.4.3.4. Bill of Rights is the cornerstone of democracy – section 7.**

Section 7 confirms that South Africa is a liberal democracy in terms whereof the enshrined Bill of Rights is a cornerstone of democracy.

Section 7 provides as follows (*emphasis added*):

##### 7. Rights

(1) This Bill of Rights is a cornerstone of **democracy** in South Africa. It enshrines the rights of all people in our country and affirms the **democratic** values of human dignity, equality and freedom.

Currie *et al.* (2001:11) explain that section 7 establishes the doctrine of constitutionalism, because it enshrines the fundamental rights and sets out the democratic values as equality, liberty and human dignity that should be upheld in the governing process.

#### **4.4.3.5. Limitation of fundamental rights – section 36.**

Even in democratic societies, fundamental rights are not absolute (Woolman, 1998:12-1). The important section on limitation of fundamental rights, section 36, provides that fundamental rights may only be limited when the stated object behind the restriction is designed to reinforce the values of an open and democratic society (Woolman, 1998:12-1). This section provides (*my emphasis*):

36 Limitation of rights

(1) The rights in the Bill of Rights may be limited only in terms of law of general application to the extent that the limitation is reasonable and justifiable in an **open and democratic society** based on human dignity, equality and freedom, taking into account all relevant factors, including-

- (a) the nature of the right;
- (b) the importance of the purpose of the limitation;
- (c) the nature and extent of the limitation;
- (d) the relation between the limitation and its purpose; and
- (e) less restrictive means to achieve the purpose.

Section 36 establishes a democratic mechanism in terms whereof fundamental rights of individuals and groups may be restricted by weighing and balancing the enumerated factors. The limitation article has been analysed and discussed in detail by other scholars (Woolman, 1996:60; Erasmus, 1994: 629) and will not be further analysed by virtue of the scope of this study.

#### **4.4.3.6. Public administration and democratic constitutional values.**

As a result of the extent of bureaucratic functionalities and powers in South Africa, Hoexter (2002:10) asserts that there is an almost complete overlap between constitutional law and administrative law. For this reason, it is imperative that public administration and bureaucratic conduct by governmental departments should be administratively just and fair in order to be constitutional. Public administration is generally understood to mean the organs and functionaries of the executive branch of the state that are concerned with the day-to-day business

of implementing law and administrative policy (Hoexter, 2002: 2). The term includes government departments such as the Department of Education, whether at a national or provincial level (Hoexter, 2002:3).

In particular, government departments, organs of state and public bodies must adhere to the values and principles listed in section 195 of the Constitution (SA, 1996b). This section provides as follows (*my emphasis*):

195. Basic values and principles governing public administration.
- (1) Public administration must be governed by the **democratic values and principles** enshrined in the Constitution, including the following principles:
- (a) A high standard of professional ethics must be promoted and maintained.
  - (b) Efficient, economic and effective use of resources must be promoted.
  - (c) Public administration must be development-oriented.
  - (d) Services must be provided impartially, fairly, equitably and without bias.
  - (e) People's needs must be responded to, and the public must be encouraged to participate in policy-making.
  - (f) Public administration must be accountable.
  - (g) Transparency must be fostered by providing the public with timely, accessible and accurate information.
  - (h) Good human-resource management and career-development practices, to maximise human potential, must be cultivated.
  - (i) Public administration must be broadly representative of the South African people, with employment and personnel management practices based on ability, objectivity, fairness, and the need to redress the imbalances of the past to achieve broad representation.

The values and principles enumerated in section 195, such as impartiality (fairness), responsiveness, accountability, transparency, efficiency and effectiveness, are particularly significant in a democracy because they are linked to the democratic concept of openness (Curry *et al.*, 2001:89). According to Curry *et al.* (2001:89) other references to the values of openness, responsiveness and accountability in sections 1(d), 59, 70(1), 70(2), 116(1), 118 and 160(7) of the Constitution are linked to the principle of democracy. The concept of openness, as it applies to public administration in a democracy, will be considered in the following section.

#### **4.4.4. Open society based on democratic values.**

##### **4.4.4.1. Defining an 'open' society.**

The phrase open and democratic society is employed in numerous sections of the constitution, including sections 36, 39, 59(2), 72, 118(2) and the preamble.

Karl Popper (1971:39) introduced the terms open and closed societies in his book *The Open Society and its Enemies*. Popper argued that both science and human history are essentially indeterminate and fluid (Scott & Marshall, 2005). Applied to social theory, Popper attacked historicist theories of Plato, Hegel and Marx, which proposed the existence of laws of history and a knowable human destiny. Popper dismissed historicism as scientifically insupportable and politically dangerous (Scott & Marshall, 2005). He argued convincingly that all such theories would lead to authoritarian and inhumane regimes, which he called closed societies because they were closed to the normal processes of change (Scott & Marshall, 2005).

Open societies by contrast, are based on the activity, creativity, and innovation of many individuals, and develop unpredictably through piecemeal social engineering (Scott & Marshall, 2005). They are those societies in which social policies are monitored for unintended consequences, openly criticised and altered in the light of such criticism (Scott & Marshall, 2005). The term open society has thus gained the accepted meaning of societies that are democratic, liberal, accountable, transparent and responsive, in the sense that it must be possible to remove rulers or officials from office who fail to respond to justified criticism (Scott & Marshall, 2005).

#### **4.4.4.2. Accountability and administrative justice.**

A feature of democratic openness is that the conduct of the government and public bodies is open to free criticism and that they are responsive and accountable to such criticism (Currie *et al.*, 2001:89). Accountability means that public bodies must explain their decisions, laws and actions if required to do so and may be required to justify those (Currie *et al.*, 2001:89). Accountability also requires a willingness to take responsibility, to make amends for any fault or error, and to prevent a recurrence (Currie *et al.*, 2001:89).

In a devolving system of school administration and governance, the school principals and educators become accountable to a wider more diverse set of stakeholders (Chapman, 1990:163). The nature and object of educational

accountability is tabulated in Table 4.2. All education administrators and school principals have moral, professional, contractual, community, economic and democratic accountability.

**TABLE 4.2 Accountability in Education.**

<b>Object of accountability</b>	<b>Type of accountability</b>
Learners & Parents (the clients)	Moral
Colleagues, educators, staff	Professional
Employers, political masters	Contractual
School governing body	Democratic

(Source: *In* Chapman & Dunstan, 1990:163)

With regard to accountability in an open and democratic society, the right to administrative justice in terms of section 33 in the Bill of Rights warrants that public administration must be lawful, reasonable and procedurally fair (SA, 1996c). Section 33 provides as follows:

33. Just administrative action
- (1) Everyone has the right to administrative action that is lawful, reasonable and procedurally fair.
  - (2) Everyone whose rights have been adversely affected by administrative action has the right to be given written reasons.
  - (3) National legislation must be enacted to give effect to these rights, and must-
    - (a) provide for the review of administrative action by a court or, where appropriate, an independent and impartial tribunal;
    - (b) impose a duty on the state to give effect to the rights in subsections (1) and (2);
    - and
    - (c) promote an efficient administration.

The provisions of the Promotion of Administrative Justice Act 3 of 2000 give effect to section 33(3) (Hoexter, 2002:2). Roos (2002:11-16) reasoned that in the past, it was only necessary to comply with the provision of an empowering statute, but now lawfulness has become an umbrella concept, which encompasses all the requirements for valid administrative action. In order for administrative action to be lawful, it must comply with the statutory and common law requirements of legality (Roos, 2002: 11).

For an administrative action to be reasonable, it must be a correct and just action based on a rational and coherent decision, and capable of objective

substantiation (Burns, 1998:182). The question of substantive fairness of an administrative action deals with the requirement of reasonableness and justifiability (Roos, 2002:15).

Prior to the Constitution, procedural fairness required that administrative organs or officials had to apply the common law rules of natural justice (Roos, 2002:16). In essence, the rules of natural justice are embodied in two basic principles; namely *audi alteram partem* (to hear the other side) and *nemo iudex in sua causa* (no one may be a judge in his own cause). However, Roos (2002:16) asserts that although the constitutional requirement for procedural fairness and natural justice are similar in scope and content, procedural fairness is more comprehensive and is given a wider interpretation by the courts (Burns, 1998:165).

In terms of section 239 of the Constitution an organ of state means any department of state in the national, provincial or local sphere of government, or any other functionary or institution exercising a public power or performing functions in terms of the Constitution or any legislation. Therefore, in the education context the provincial and national departments of education, the administrative officers exercising public functions, as well as school and school governing bodies are organs of state. Although school governing bodies are organs of state, this does not mean that they are hierarchically or politically subservient to the national, provincial or local governments. A school and its governing body, is not subject to executive control at the national, provincial or local level and can therefore, not be said to form part of any sphere of government. (*Western Cape Minister of Education and others v Governing Body of Mikro Primary School*, 2005, par 23) The requirement to act in a manner that complies with the requirements of administrative justice thus applies to all these organs of state in the education system (Roos, 2002:16).

#### **4.4.4.3. Transparency.**

The most important constitutional provision giving effect to the idea of openness and transparency is the right of access to information in section 32 (Currie *et al.*, 2001:89).

Section 32 provides as follows:

32. Access to Information

(1) Everyone has the right of access to –

(a) any information held by the state; and

(b) any information that is held by another person and that is required for the exercise or protection of any rights.

The right to access to information has been elaborated on by the Promotion of Access to Information Act 2 of 2000, which aims to promote transparency, accountability and effective governance by empowering people to scrutinise government actions and participate in decisions-making by public bodies (Currie *et al.*, 2001:89). Public administration, including the administration of education departments, must foster transparency in terms of section 195(1) of the Constitution by providing the public with timely, accessible and accurate information (SA, 1996c).

In addition, section 33(2) of the Constitution expressly guarantees that everyone whose rights have been adversely affected by administrative action has the right to be given written reasons. Transparency therefore includes the requirement that reasons for administrative decisions must be given. Baxter (1984:63) asserts that reasons should be furnished automatically because good administrators would formulate their findings and reasons before deciding anyway.

#### **4.4.4.4. Responsiveness.**

The principle of democracy does not only provide for the formulation of the will of the people, but also requires that government and public bodies should respond to the will of the people (Currie *et al.*, 2001:90). Responsiveness is entrenched as one of the founding values in section 1(d) in terms whereof a multi-party system of democratic government must ensure accountability, responsiveness and openness (SA, 1996c).

Therefore, in terms of section 195(1) public administration must be governed by the democratic values and principles of openness as enshrined in the Constitution, including that people's needs must be responded to and the public must be encouraged to participate in policy-making (SA, 1996c).

Carpenter (1999:51) averred that the principles of participation, responsiveness, accountability, transparency and openness are part of the objective of ensuring effective and co-operative government in terms of chapter 3 of the Constitution. According to Carpenter (1999: 51) these principles and values form part of the constitutional design to enhance co-operative government. Accordingly, the following paragraph will analyse the constitutional provisions with regard to co-operative government, as it should apply to the public administration of education.

#### **4.4.5. Democratic principles of co-operative government and subsidiarity in the Constitution.**

In terms of section 49(1) of the Constitution, government is constituted as national, provincial and local spheres of government, which are distinctive, interdependent and interrelated (SA, 1996c). In terms of section 3(4) of the National Education Policy Act (SA, 1996a) the national Minister of Education must determine national policy for the planning, provision, financing, staffing, co-ordination, management, governance, programmes, monitoring, evaluation and well-being of the system.

South Africa is a so-called composite state with particular federal features, two of which are constitutionally entrenched distribution of powers between national and provincial spheres, along with the power of the judiciary, specifically the constitutional court, to adjudicate jurisdictional disputes between these spheres (Malherbe, 2006:238).

Chapter 3 of the Constitution is aimed at promoting a co-operative form of federalism in South Africa, as opposed to a competitive form of federalism (Currie *et al.*, 2001:119). According to Carpenter (1999: 50) the provisions of co-operative government are a decisive break from the pre-1994 centralist and hierarchical form of government. In co-operative forms of federalism, different spheres of government share the same responsibilities (Currie *et al.*, 2001:119). The Constitution allocates legislative and executive powers to the central and regional government (Currie *et al.*, 2001:119). For instance, both the national

department of education and the nine provincial departments of education are competent to pass laws and policies in the field of education. However, by co-ordination of inter-governmental actions, co-operative federalism translates into an arrangement in terms whereof framework laws and policies are made centrally and the laws are completed and executed at regional level (Currie *et al.*, 2001:120). This particular arrangement exists in the administration of the education system of South Africa.

#### **4.4.5.1. Principles of co-operative government.**

The principles of co-operative government and its relevance for democracy are apparent from the wording of section 41 of the Constitution:

41. Principles of co-operative government and inter-governmental relations
  - (1) All spheres of government and all organs of state within each sphere must:
    - (a) preserve the peace, national unity and the indivisibility of the Republic;
    - (b) secure the well-being of the people of the Republic;
    - (c) provide effective, transparent, accountable and coherent government for the Republic as a whole;
    - (d) be loyal to the Constitution, the Republic and its people;
    - (e) respect the constitutional status, institutions, powers and functions of government in the other spheres;
    - (f) not assume any power or function except those conferred on them in terms of the Constitution;
    - (g) exercise their powers and perform their functions in a manner that does not encroach on the geographical, functional or institutional integrity of government in another sphere; and
    - (h) co-operate with one another in mutual trust and good faith by-
      - (i) fostering friendly relations;
      - (ii) assisting and supporting one another;
      - (iii) informing one another of, and consulting one another on, matters of common interest;
      - (iv) co-ordinating their actions and legislation with one another;
      - (v) adhering to agreed procedures; and
      - (vi) avoiding legal proceedings against one another.

The use of the word “spheres” instead of “levels” is manifestly aimed at entrenching the constitutional status of the provincial and local government spheres in relation to the national sphere (Carpenter, 1999:49). The term sphere denotes the avoidance of hierarchical tiers as a government structure in the Constitution (Carpenter, 1999:49).

Although the principles of co-operative government apply primarily to the national, provincial and local spheres of government, Squelch (1998:101) affirms that co-operative governance is an essential democratic principle underlying the

new constitutional dispensation and education system. In the South African context, the provisions of the Constitution pre-supposes co-operation between organs of state and impels powersharing in education (De Groof, *et al.*, 1998:26).

In terms of section 8 (1) of the Constitution, the Bill of Rights applies to all law and all organs of state. Section 239 of the Constitution defines an “organ of State” as any institution exercising a public power or performing a public function in terms of any legislation as an organ of State. A public school and its governing body thus constitute an organ of State (*Western Cape Minister of Education and others v Governing Body of Mikro Primary School [2005] 3 All SA 436 (SCA)*). However, insofar as the determination of a language policy, admission policy and other specified functions is concerned, a public school and its governing body is not subject to executive control at the national, provincial or local level and does therefore not form part of any sphere of government (*Western Cape Minister of Education and others v Governing Body of Mikro Primary School: par. 23*). Furthermore, when interpreting any legislation or when developing the law, a court must promote the spirit, purport and objects of the Bill of Rights (SA, 1996). It follows therefore, that by virtue of the Bill of Rights applying to all organs of state, the democratic principles of openness, accountability, responsiveness and transparency must be promoted in the spirit of co-operative government between all spheres of government (including schools and school governing bodies).

Currie *et al.* (2001:124) aver that the principles of co-operative government confirm the well-established principle that a power given for a specific purpose may not be misused for another purpose. For instance, the offering or withholding of financial incentives may generally not be used to persuade an organ of state to act in a certain way (Currie *et al.*, 2001:124). Carpenter (1999: 51) adds to this principle by stating that an additional democratic principle, the subsidiarity principle, applies implicitly to inter-departmental relations in terms of the Constitution.

In what follows, the subsidiarity principle will be discussed with regard to public education.

#### **4.4.5.2. *The subsidiarity-principle.***

The legal principle of subsidiarity accords with the co-operative government and democratic principles of the Constitution (Carpenter, 1999:51). Carpenter (1999:46) explains that the principle of subsidiarity gives explicit recognition to the idea that communities and organs of state are usually ordered hierarchically, and that the individuals (such as parents) or 'lower' echelons in the hierarchy (such as school governing bodies) must be enabled to do everything they have the capacity to do. The groups and 'higher' echelons play a "subsidiary" (hence the term "subsidiarity") role insofar as that they provide support and, possibly, take over the functions of the lower functionary, but only if the latter is unable to perform them adequately and competently.

In essence, the principle of subsidiarity thus means that the responsibility and functions of lower spheres or levels in a system or organisation must not be unlawfully usurped or misappropriated by higher levels of power. Subsidiarity like constitutionalism and many other legal notions is not explicitly referred to in the Constitution (Carpenter, 1999:46). Although subsidiarity is a fairly recent democratic concept that has come of age with the establishment of the European Union, the notion of subsidiarity has been accepted as a legal principle applicable to co-operative federal democracies such as South Africa (Carpenter, 1996:46). The principle of subsidiarity is contained in the European Community-Treaty of the European Union (Estella de Noriega, 2002: 82-175). Articles 5 and Articles 151 of the European Community Treaty refer to the principle of subsidiarity with regard to minority languages and fundamental rights (Shuibhne, 2002: 155-173).

In the South African context, subsidiarity is an implicit legal principle of the Constitution and has a significant legal effect on the exercising of powers where concurrent jurisdiction exists (Carpenter, 1999:51). According to Carpenter (1999: 52) the principle of subsidiarity is implied in the Constitution by the following provisions:

- The principles of co-operative government and intergovernmental relations as expounded in section 41(f) of the Constitution requires that no governmental sphere take over the functions or competencies except those awarded them

in terms of the Constitution. Every governmental sphere is instructed to do only that which it is entitled to do and this is clearly in accordance with the principle of subsidiarity.

- In the same manner, subsection 41(g) provides that their competencies and functions must be executed so that it does not infringe on the geographical, functional and institutional integrity of another governmental sphere. This provision also accords with the principle of subsidiarity.
- From section 146 of the Constitution, which deals with conflicts between national and provincial legislation in the functional areas listed in Schedule 4, it is clear that national government has overriding powers as regards matters that cannot be effectively regulated by legislation enacted by the respective provinces individually or where other governmental spheres are unable to perform their functions adequately. This is in keeping with the subsidiarity principle whereby the 'higher' national government sphere plays a 'subsidiary' role insofar as it provides support and, possibly, takes over the functions of the 'lower' functionary, i.e. provincial spheres, if the latter are unable to perform them adequately and competently.

The principle of subsidiarity is also applicable in education (De Groof, 1994). An example of the application of the subsidiarity principle in the South African education system is section 25(1) of the South African Schools Act (SA, 1996b). In terms of this statutory provision, if the Head of Department determines on reasonable grounds that a school governing body has failed to perform functions allocated to it, he must replace the defunctive school governing body by appointing substitute persons to perform all such functions, for a period not exceeding three months. The period may be extended for up to a year (SA, 1996b: s. 25(3)), but the Head of Department must ensure that a new governing body is elected within this period and he must empower the governing body by building the necessary capacity through training (SA, 1996b: s.25 (4)).

This example from the South African Schools Act confirms that the principle of subsidiarity applies to schools and school governance in that the Head of Department is not entitled to usurp the functions of the school governing body,

but may only temporarily appoint alternative persons and then ensure election of a new governing body. In accordance with the subsidiarity principle, the Head of Department may not assume or arrogate for him the functions of a school governing body, but must leave it to the appropriate persons or bodies to perform. This has been confirmed in a number of court decisions (*Western Cape Minister of Education and others v Governing Body of Mikro Primary School* 2005 (3) SA 436 (SCA); *Laerskool Middelburg v Departementshoof, Mpumalanga Departement van Onderwys* 2003 (4) SA 160 (T)).

Although section 25 was intended to enable any provincial Department of Education to address the numerous instances of defunctive school governing bodies that fail to perform their functions in almost 80% of the schools of SA (Taylor, 2006:3), it is interesting that since 1994, the only instance, thus far, where the state (Mpumalanga Department of Education) applied section 25(1) of the South African Schools Act was in a matter involving the school governing body's function to determine the school's language policy. This occurred in the case of *Hoërskool Ermelo v Department of Education, Mpumalanga* (2007). Briefly, the facts of the matter were that the language policy of Hoërskool Ermelo was Afrikaans single medium of instruction. In the beginning of the academic year of 2007 an number of learners (113) applied for admission to the school but demanded to be taught in English. The provincial Department of Education of Mpumalanga supported the parents and learners demanding English medium instruction, and contended that all the other English schools in the region were overcrowded, but that the Hoërskool Ermelo was underutilised. The Department of Education gave urgent notice in terms of section 25(3) of the South African Schools Act to the school governing body to give admission to the English learners. When the school governing body refused, the Department of Education (Mpumalanga) replaced the school governing body by appointing substitute persons to perform the function of determining the language policy and admission policy. In addition the Department of Education suspended the school principal of Hoërskool Ermelo and replaced him with an acting principal in favour of the Department of Education's policy. The substitute persons duly admitted the learners. However, as in many similar cases previously, the Department of

Education did not provide any additional support or resources (such as English educators) to the school and expected the Afrikaans educators to bear the additional load of double medium instruction. In the Transvaal High Court, the court of first instance, Van den Heever J decided the matter in favour of the school and school governing body and found that the Department of Education had acted *ultra vires* and failed to comply with the requirements of administrative justice. However, on appeal to the full bench of the High Court, the national Department of Education entered the fray and joined the provincial Department of Education. The three judges of the full bench of the Transvaal High Court unanimously overturned the decision of the court *a quo*. Ngoepe J gave the opinion of the court and held that the school governing body had used the language policy to artificially limit admission to black learners. Thereafter, the school governing body took the matter on appeal to the Supreme Court of Appeal on the grounds that the Department of Education had applied section 25 incorrectly to usurp the functions of a functional governing body in order to promote a political agenda. At the time of the writing this thesis, the appeal of *Ermelo High School* was pending.

From the salient facts of the *Ermelo*-case, this matter is an example of how the responsibility and functions of the state organ (the Ermelo - school governing body) in a lower level of the system were unlawfully usurped or misappropriated by the higher levels of power, viz. the provincial Department of Education. Although the final outcome of this case has not yet been decided, it should be remembered that in South Africa the decentralised functions and responsibilities of school governing bodies may not be usurped by the higher levels of government, because, in addition to being unlawful, such conduct or decisions will be contrary to the democratic principle of subsidiarity.

In addition to principles of co-operative government, the Constitution also provides for different forms of government, which will be considered in the next paragraphs.

## **4.5. FORMS OF DEMOCRACY IN THE CONSTITUTION.**

### **4.5.1. Representative democracy.**

Currie *et al.* (2001:83) explain that the Constitution does not contain a specific provision that every person has the right to representative democracy. However, the principle of representative democracy can be inferred from the political rights enumerated in section 19 of the Constitution (Currie *et al.*, 2001:83). These political rights include the freedom to make political choices, the right to form political parties, to campaign for and participate in political party activities, the right to free and fair elections and the right of every adult citizen to vote and stand for public office (section 19).

Although the Constitution does not expressly extend the principle of representative democracy to other non-political areas of civic society, such as school governance, the basic democratic idea is that people should participate through their duly elected representatives in politics and matters of public concern (Currie *et al.*, 2001: 83).

The South African Schools Act provides for representative democracy by determining that school governing body members must be elected by the constituencies that consist of parents, educators, non-educators and, in the case of secondary schools only, learners of each particular school (Karlsson, 2002:329). In principle, their peers must elect the representatives. Regardless of school size, parents must always have a majority through a 50% plus one member representation, and the chairperson must be a parent member (Karlsson, 2002:329). The reason for this power balance is that parents of enrolled learners have the greatest stake in the school's efficiency and quality of teaching and learning (Karlsson, 2002:329). The South African Schools Act contains the innovative measures that non-professional staff and learners are included among electoral constituencies to elect representatives to school governing bodies (Karlsson, 2002:329).

In a longitudinal study of 27 schools across South Africa, Karlsson (2002:332) reports that slow changes have taken place in the race and gender profiles of

governing bodies. According to Karlsson (2002:332) the trend towards racial and gender heterogeneity indicates a slight deepening of representational democracy at schools since the first tri-annual elections were held in 1997.

Therefore, the longitudinal study found that by 2001 the structural aspect of governance, i.e. the representative dimension of democracy, was established and in operation at all schools (Karlsson, 2002:333). Karlsson (2002:331) is critical of the fact that although the South African Schools Act lays the foundation for representative democracy in schools, it does not provide any mechanism for avoiding and overcoming a re-enactment of the traditional power relations in South Africa in terms of gender, class and race. Karlsson (2002:333) contended that the school governance model of the South African Schools Act was overly ambitious and resulted in “over-reach” by the national government. She suggests that more realistic models of governance be designed to make provision for the varied socio-economic contexts of schools in South Africa (Karlsson, 2002:333).

#### **4.5.2. Participatory democracy.**

Participatory democracy means that individuals or institutions must be given the opportunity to take part in the making of decisions that affect them (Currie *et al.*, 2001: 87). In the education sector participatory democracy is particularly important for organised interest groups and stakeholders, such as teachers unions, parent organisations, business chambers and learners. However, Currie *et al.* (2001:87) indicate that although the Constitution provides ample opportunity to participate in the legislative process, it does not include any Constitutional freedom or right to participate in executive decision-making (Currie *et al.*, 2001: 83). For instance, the Constitution requires that the National Assembly (section 57(1)), the National Council of Provinces (section 70(1)) and the provincial legislatures (section 116(1) (b)) may make rules and orders concerning its business, with due regard to representative and participatory democracy, accountability, transparency and public involvement. Local authorities may not pass by-laws unless the public has been given opportunity to participate by means of public comment to the proposed by-law (section 160(4) (b)).

Although the public cannot participate in executive decision-making, section 3 of the Promotion of Administrative Justice Act requires that persons are given a hearing before decisions are taken that affect their rights (Currie *et al.*, 2001: 83). This feature of participatory democracy is particularly relevant in the modern state where the legislator is no longer in control of the executive or the bureaucracy (Hoexter, 2002:8). This aspect will be discussed in more detail in paragraph 4.11 hereunder.

In the education setting, the participatory dimension of democracy is signified by the power relations at schools and within the education system (Karlsson, 2002:333). The longitudinal study of 27 schools across South Africa, known as Education 2000 Plus, which is being undertaken by the Centre for Policy Development (CEPD) found that no significant change in the power relations at schools had occurred since the first elections of school governing bodies were held in 1997 (Karlsson, 2002: 333). The study investigated participation levels at meetings and found that in almost every school governing body, principals played a dominant role in meetings and decision-making (Karlsson, 2002:332). This was attributed to the principal's position of power within the school, level of education in contrast to other members, first access to information issuing from education authorities, and because it is the principal who executes the decisions taken (Karlsson, 2002:332). Following the principal, educators were also greater participants in decision-making than members representing non-educator staff, parents and learners (Karlsson, 2002:332). The study found that despite having the majority, most school parents were reticent and in only half of the sampled schools were parent representatives found to be fully active in school governing body decisions and actions (Karlsson, 2002:332). This was attributed to a weak understanding of their role, a capacity deficit in the skills needed to perform governance functions, and contextual poverty, transport and communication difficulties (Karlsson, 2002:332).

This study reaches the important conclusion that the implementation of the representative structure, i.e. the governing body form, is insufficient to democratise schooling and that enhanced participation in governance functions through democratic processes, requires greater attention (Karlsson, 2002:335).

Karlsson (2002:335) emphasises that without balance in governance form, functions and resources, democracy in schools is elusive.

#### **4.5.3. Direct democracy.**

Although direct democracy is not the primary form in which modern political rights are exercised, section 17 of the Constitution includes the direct democracy rights of assembly, demonstration, picket and petition (Currie *et al.*, 2001: 88). Direct democracy serves as a counterweight to the importance of political parties in modern representative democracy (Currie *et al.*, 2001:88). It further serves to balance the influence exerted by interest groups through the possibilities created by participatory democracy (Currie *et al.*, 2001:88). Direct democracy is of particular importance to individuals and groups whose interests are neglected by political parties or whose interests relate to local issues that do not concern the national government, such as education concerns at specific schools or abuse of administrative power in public offices (Currie *et al.*, 2001: 88).

#### **4.5.4. No reference to deliberative democracy.**

Another manifestation of direct and participative democracy is the deliberative model of democracy (see par. 2.5.7). In the constitutional state, the political and legal institutions function as translators of public opinion and deliberation into the concrete matter of legal rules and adjudicative outcomes (Davis, 1999:8). The Constitution is justified on the basis that it facilitates deliberation, which, according to Davis (1999:8), is the very essence of the democratic enterprise. Habermas (1996a:137) advances the cause of deliberative democracy by arguing that democracy will only gain legitimacy if those affected have first engaged in public discussion and deliberation. He maintains that the private and public autonomy (i.e. negative and positive liberties) of legal subjects cannot be adequately formulated, let alone politically implemented, unless adequate and substantive deliberation occurs with regard to concerns and issues affecting the parties (Habermas, 1996a:137).

Deliberation and argumentation is needed to justify every governmental or administrative decision (Eriksen *et al.*, 2003:128). Guttman and Thompson

(1996:129) state that the deliberative principle of accountability requires representatives and administrators to do more than to try to win re-election, and more than to just respect constitutional rights; the representatives must enter into discourse with their constituents in order to debate the pros and cons of decisions. Deliberative democracy requires that before parties can bargain, vote or decide, they have to deliberate in order to reach valid, reasonable and substantively justifiable conclusions (Guttmann and Thompson, 1996: 129).

Although the principles of deliberative democracy have gained much ground over the past two decades (Cunningham, 2002: 164) as discussed in paragraph 2.5.7 above, the Constitution does not contain explicit provisions referring to the deliberative features of democracy. The likely reason for this is that theories of deliberative democracy, have only fairly recently been refined by philosophers such as Habermas, Benhabib and Cohen (see par. 2.5.7). Nevertheless, it can be reasoned that the principles of deliberative and direct democracy are implied by the constitutional values and democratic principles of openness, accountability, transparency, responsiveness and the fundamental rights of assembly, demonstration, picket and petition as discussed in paragraphs 4.9.2 above (SA, 1996c).

Applying direct democracy to the governance of schools, it stands to reason that the cultivation of the constitutional values of civic duty, responsibility, obedience to elected leaders in authority, adherence to the law, tolerance of private autonomy and cultural diversity, accountability and responsiveness to democratic deliberations should remain of particular importance for the optimal functioning and attainment of success in educational institutions (see par. 2.4.1.2 above). Accordingly, principles of direct democracy should be applied to ensure efficient and effective school governance.

Davis (1999:179), after critically examining the interpretative approaches of the judiciary in selected constitutional cases, expresses the hope that the further transformation of the law and the South African society will more accurately reflect the constitutional design, which will contribute to the deepening of deliberation and the enhancement of democracy.

#### 4.6. DEMOCRACY, DIVERSITY AND MINORITY RIGHTS IN TERMS OF THE CONSTITUTION.

South Africa's official motto is “*ike e:/xarra//ke*”, which means Unity in Diversity in the indigenous Komani-San language. The age old dilemma of unity or diversity has been described by the philosopher William James (1996:10) in his book *A pluralistic universe* as the most central of all philosophical problems. At the heart of democracy in a diverse and multicultural society such as South Africa, is the issue whether the state should accomplish equality in education by assimilation of cultures into a uniform system of English language education or, on the other hand, whether equality in education would be accomplished by the advancement of multiculturalism and multilingualism.

The preamble to the Constitution of South Africa (SA: 1996a) contains the phrase:

We, the people of South Africa, .... Believe that South Africa belongs to all who live in it, **united in our diversity** (*own emphasis*).

It is accepted that the preamble does not form part of the text of the Constitution (Venter, 1998:2). For this reason it is logically necessary to consider the wording of the text of the Constitution, apart from the preamble itself, in order to interpret the phrase “unity in diversity”. Although a preamble is not normally used as an instrument of interpretation, a preamble has been described as “a key to open the minds of the makers of the Act and the mischief which they intended to redress” (Venter, 1998:2). But the key cannot be used if the meaning of the enacting clauses is clear and plain. In cases however where the wording is ambiguous, and in cases where the Court is satisfied that the Legislature must have intended to limit in some way the wide language used, then it is proper to have recourse to the preamble.

From its inception the Constitutional Court has intensively applied the preamble of the Interim Constitution to establish the foundations of the constitution. (*Du Plessis v De Klerk* 1996 3 SA 850 (KH) par [123] per Kriegler J; *Ferreira v Levin*;

*Vryenhoek v Powell* 1996 1 SA 984 (KH) par [255] per Sachs J; the *Makwanyane*-judgment par [278]). It follows therefore, that the phrase “*united in our diversity*” that is found in the preamble of the Constitution, can be used as a key to clarify ambiguous uncertainties in the enacting clauses.

#### 4.6.1. Dualism in the Constitution.

The phrase “unity in diversity” indicates a seeming antithesis between national and state unity on the one hand, and cultural, geographic, linguistic and religious diversity on the other hand. According to Corder and Du Plessis (1994:22-39) a number of such dualistic tensions are to be found in the Constitution. Other examples are *inter alia*: Libertarianism and Liberationism; Progressivism and Traditionalism and in the context of this present discussion, the inherent dualism between Pluralism and Unitarianism. However, these dualistic values, so apparent in the text of the Constitution, should not be understood to be mutually exclusive, but in fact form part of the same continuum. In keeping with dualistic philosophy, the notion that two opposites can co-exist and in fact form part of the same reality, is central to the dualistic idea (Russel,1984:304). For instance, humans can be said to be both rational and irrational at the same time; humans have physical bodies but at the same time possess a spirit. These interdependent dualistic values of the Constitution, therefore form part of the mutually inclusive spectrum of possibilities and nuanced variations.

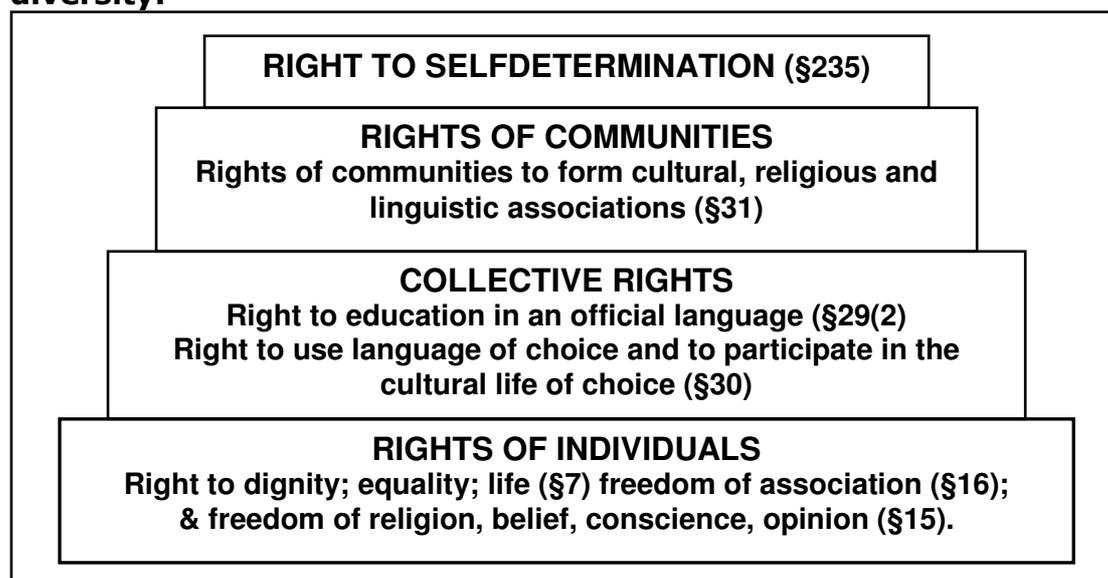
It should always be kept in mind that the 1996 Constitution is unquestionably the product of political and ideological compromises (Du Plessis, 1997:3). Constitutions usually come into being after periods of tension and crisis. Du Plessis (1997:3) points out that constitutions are generally expressed as broadly as possible, and formulations which are too detailed are avoided as far as possible. The reason for this is to ensure flexibility and adaptability. It is thus understandable that the Constitution reflects the compromises and broad formulations by means of dualistic values. The uncertainties that result from the seemingly contradicting values indicate the dilemma of diverse interests that must be reconciled and harmonised within the modern state. Interpreters of the Constitution should therefore refrain from relying solely on any one of the two

formulations or extreme poles, and it will inevitably be the task of the courts to interpret dualistic values within a casuistic context by assigning meaning to the particular value within the spectrum of possibilities. Venter (1998:2) is of the opinion the phrase “united in our diversity” may be of use to indicate that no provision of the Constitution should be interpreted so narrowly as to overemphasize either unity or diversity.

#### **4.6.2. The value of diversity in the Constitution of South Africa.**

The main values espoused in the Constitution are the democratic values of human dignity, equality and freedom as listed in article 7(1) and elsewhere. Secondary values implicit to the Constitution are diversity (Swanepoel, 1998:46) and unity (Venter, 1998:4). Swanepoel (1998:46) mentions that the fact that diversity is not explicitly mentioned as a primary value in either section 1(a) or section 7(1) of the Constitution, indicates that this value will probably not be accorded the same weight as dignity, equality and freedom. It should however always be born in mind that in terms of Article 39 of the Constitution the spirit, purport and objects of the Bill of Rights, including these values, must be promoted (Swanepoel,1998:46). The Constitution of South Africa enshrines a hierarchy of constitutional rights that structures diversity. Figure 4.1 illustrates this hierarchy of rights.

**FIGURE 4.1 Framework of hierarchical Constitutional rights and diversity.**



Within this framework communities may advance their diverse cultures and promote their diverse political aspirations. At the base of this framework of are the rights of individuals to dignity, equality, freedom of religion and the freedom of association. The second tier of rights are collective rights such as everyone's right to use a language of choice and to participate in the cultural life of choice (sec.30). On the next level of the structure the Constitution provides for rights of communities to form cultural, religious and linguistic associations (sec. 31) and to this end a Commission for the promotion and protection of the rights of communities is established in terms of section 185 of the Constitution. Progressing to the final tier of the hierarchical structure of rights is the right of communities to self-determination (sec. 235).The South African Constitution's emphasis on diversity is depicted in the following provisions:

#### **4.6.2.1. Diversity of languages.**

Article 6 provides for eleven official languages. All official languages must enjoy parity of esteem and must be treated equitably. These provisions confirm the value of linguistic diversity. In the process of certifying whether Article 6 complies with the Constitutional Principle XI, the Constitutional Court found that the purpose of Principle XI was not to protect the status of any specific official

language, but to protect language diversity (*Ex parte Chairperson of the Constitutional Assembly*, 1996: par 210).

The protection of language diversity affirms the value of each language and enables linguistic communities to express their culture and thoughts in words most dear to their hearts. Many communities who have experienced the feelings of inferiority towards dominant cultures, find it life affirming and liberating to be able to express their emotions and thoughts in their own language by music and song, prose and poetry, drama and philosophy.

#### **4.6.2.2. Religious diversity.**

Freedom of religion, belief and opinion of everyone is entrenched in section 15 of the Constitution. Religion is a fundamental part of the culture, everyday experiences and traditions of most communities. For this reason section 15 provides that religious observances may be conducted at state or state-aided institutions such as schools and colleges. It follows that this section confirms the value of religious diversity.

#### **4.6.2.3. Freedom of association.**

Section 18 of the Constitution entrenches freedom of association. Although this right is phrased as an individual right, it is clear from the content of this right that freedom of association can only be exercised within an association or group of people. In the matter of *Wittmann v Deutsch Schulverein*, 1998 the court ruled that section 32(c) of the Interim Constitution guarantees to everyone the freedom of association, including the right to establish educational institutions based on common values. *In casu* the court further held that plaintiff subjected herself to the school's policy and rules when she enrolled at the school and that:

The right to exclusivity on the grounds of culture, language or religion includes the right to exclude non-users of that language and non-adherents of that culture or religion, or to require from them conformity. In respect of these educational institutions the fundamental freedom of religion of outsiders is

limited to the freedom of non-joinder. Outsiders cannot join on their own terms and once they have joined cannot impose their own terms.

The court confirmed this approach to freedom of association in terms of section 17 of the Interim Constitution (and section 18 of the Final Constitution) as follows:

Freedom of association entails the right with others to exclude non-conformists. It also includes the right to require those who join the association to conform with its principles and rules.

#### **4.6.2.4. *Right to education in an official language where reasonably practicable.***

The education clause of the 1996 Constitution provides as follows:

29 Education.

- (1) Everyone has the right-
  - (a) to a basic education, including adult basic education; and
  - (b) to further education, which the state, through reasonable measures, must make progressively available and accessible.
- (2) Everyone has the right to receive education in the official language or languages of their choice in public educational institutions where that education is reasonably practicable. In order to ensure the effective access to, and implementation of, this right, the state must consider all reasonable educational alternatives, including single medium institutions, taking into account-
  - (a) equity;
  - (b) practicability; and
  - (c) the need to redress the results of past racially discriminatory laws and practices.
- (3) Everyone has the right to establish and maintain, at their own expense, independent educational institutions that-
  - (a) do not discriminate on the basis of race;
  - (b) are registered with the state; and
  - (c) maintain standards that are not inferior to standards at comparable public educational institutions.
- (4) Subsection (3) does not preclude state subsidies for independent educational institutions.

In terms of section 29(2) of the Constitution everyone has the right to receive education in the official language or languages of their choice in public educational institutions, where reasonably practicable. If the Constitution were simply phrased in individualistic or unitarian terms, then this article would probably not have existed and no provision would have been made by the drafters of the Constitution for recognition for the need to receive education in

any of the diverse eleven official languages. As it is, this article confirms the right to receive education in diverse official languages of choice.

The constitutional court gave its interpretation of the education clause of the Interim Constitution, which was phrased slightly differently, in the first constitutional case on education in the matter of *In re: The School Education Bill of 1995 (Gauteng)*. This matter dealt with the question whether it was constitutional to prohibit public schools by statute to administer language proficiency tests in order to decide on admission of learners. Sachs J extensively analysed the international and foreign protection of minorities and applied it to South Africa. The court declared that legislation prohibiting language proficiency tests to decide admission to schools was constitutional.

The issue of language rights and mother tongue education does not fall within the specific focus of this study, but as a sub-ordinate issue it warrants some attention. Briefly, the judgment by Sachs J in the constitutional case of *In re Gauteng Education Bill* is slanted, because it erroneously creates the impression that the international practice is that minorities language rights are only protected as a “negative liberty” by allowing independent schools in these languages, but that there is no positive obligation on the state to provide mother tongue education. On analysis of the international position of language rights and mother tongue education (Language Medium 1 – LM1) it is clear that the opposite is actually true. In many developed multilingual democracies there is a positive obligation on the state to provide LM1 (mother tongue) education in public schools in regions where numbers of the minority learners warrant such education. The following examples serve to emphasise the international position:

- United Kingdom: Certain schools in Wales are designated as Welsh-speaking and Welsh is added as a core subject with English (Meredith, 1996:348);
- The Netherlands: In the province of Friesland where Frisian is the spoken language, Frisian is compulsory in elementary education. Furthermore, in other provinces of the Netherlands the local authority (municipality) must respond to local variations by providing education in languages spoken by ethnic minorities (Van Ham, 1996:361,364);

- Belgium: Legal protection of minority languages (French, Flemish and German) is provided for minority language groups that live just over the border of their language areas (Fiers, 1996:410). The Belgian concept influenced the authors of the South African Constitution (Fiers, 1996:410);
- Austria: In Burgenland and other regions, the learners of Croatian and Hungarian minorities receive public primary education in their own languages (Berka & Geistlinger, 1996:268);
- Italy: In the provinces of Bolzano and Trento the German-speaking minority learners have a statutory right to receive public education in their mother tongue (Gori, 1996:300);
- Sweden: Municipalities are obliged to give public education to learners of minority languages, in particular Sámi (Lapp) and Finnish, if there is at least a group of five (5) learners;
- Finland: A municipality must maintain a separate minority primary schools if at least 13 Swedish- or Finnish-speaking learners inhabit the area. For secondary schools the numerical requirement is higher and depends on the decision of the state (Modeen, 1996:311);
- Denmark: The municipality is required to offer mother tongue education instruction to non-Danish-speaking learners who are receiving compulsory education in the Folkeskole (Fledelius, 1996:378);
- Spain: All school children living in the historical communities of Catalonia, Basque Country and Galicia, have a right to mother tongue education. The Spanish language policy of immersion means that all learners should be bilingual (mother tongue and Spanish) at the end of their schooling (Vallés Rovira, 1996:321);
- Germany: Some ethnic minorities have special rights in some “Länder” (states) to receive public education in their languages (Füssel & Püttner, 1996:290);
- United States of America: Although there is no well-developed body of language rights in the United States, hundreds of thousands ethnic minority learners are enrolled in programmes that use their mother tongues for a portion of the instruction (Glenn, 1996:394);

- Canada: The educational rights of the French-speaking or English-speaking linguistic minority in a province are guaranteed by section 23 of the Canadian Constitution Act, 1982 (Brown & Zuker, 2002:22). In 1990, the Supreme Court of Canada, in *Mahe v Alberta*, attempted to define the linguistic rights provided by section 23 (Brown & Zuker, 2002:22). Section 23 should be viewed as encompassing a “sliding scale” and warrants the provision of public minority language instruction if the number of learners warrants the education (Brown & Zuker, 2002:23).

The language policies for public schools often determine that it is peremptory for minorities to receive mother tongue (LM1) instruction in geographic regions where sufficient numbers of such minority learners exist in these deocracies. Parents have limited choice in this regard. Minority parents wishing to have their children educated in another language must do so at their own expense or apply for exception. The reasons for these “positive discrimination” (affirmative action) provisions are to protect languages against extinction and to promote diversity.

According to Malherbe (1997:59) the decision articulated by Sachs J was based on a seriously flawed point of departure. Malherbe (1997:59) contends that the constitutional court erroneously likened the multi-cultural diversity of South Africa to international and foreign analogies for minority protection. Malherbe (1997:59) submits that reference to minorities is totally inappropriate in the South African context because this results in a particular minority having to request the state to provide education in another language. The South African context differs from marginalised or unprotected minorities in other jurisdictions where the foreign courts have to decide on the reasonableness of the protection by the state. Malherbe (1997:59) explains that in the South African education context no single language should be allowed to dominate because the diversity provisions of the Constitution already recognises and authorizes education in eleven official languages as a fundamental right. In the South African context, a developed and official language such Afrikaans is not analogous to an unprotected or marginalised minority language in other jurisdictions such as the United States of America. However, as a result of the erroneous point of departure of Sachs J in

the *Gauteng School Bill*-case, the status of Afrikaans in particular, has been seriously eroded to the extent that these language communities are experiencing the marginalisation of their cultural and linguistic rights (Scholtz, 2006:1-14).

**4.6.2.5. *Right to use language and to participate in the cultural life of choice.***

Section 30 provides that everyone has the right to use the language and to participate in the cultural life of their choice, but no one exercising these rights may do so in a manner inconsistent with any provision of the Bill of Rights. This is one of the strongest affirmations of communal rights. The plurality of the diverse South African society is entrenched and celebrated.

**4.6.2.6. *Right of communities to enjoy their culture, practice their religion and use their language.***

Likewise, section 31 strongly confirms the value placed on diversity in the Constitution by providing that persons belonging to a cultural, religious or linguistic community may not be denied the right, with other members of that community, to enjoy their culture, practice their religion and use their language and to form cultural, religious and linguistic communities.

**4.6.2.7. *Commission for the Promotion and Protection of cultural rights.***

Importantly, section 185 establishes the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities whose primary object is to promote the rights of cultural, religious and linguistic communities. This is a recognition of the necessity of providing an institutional structure to promote and protect the value of diversity of cultures, religions and linguistic communities in a democratic South Africa.

#### **4.6.2.8. *Right to impartial and fair public administration.***

The public administration services must be provided impartially, fairly, equitably and without bias in terms of section 195(1)(d), notwithstanding any cultural, religious or linguistic differences that exist. Historical colonial and Apartheid examples of the unfair and inequitable provision of public services reinforce the urgency of recognising past failures and redressing such societal biases. The public administration, as an organ of state, plays an immensely important role in the modern state. The effect on the unfair and inequitable practices aimed at certain cultural, linguistic or religious communities is usually most sorely felt within the realm of public service such as education and public broadcasting.

#### **4.6.2.9. *Traditions and customs of communities.***

Section 212 determines that national legislation may provide for a role for traditional leadership as an institution in terms of customary law and the customs of communities.

#### **4.6.2.10. *Right of communities to self-determination.***

Section 235 provides that the right of the South African people as a whole to self-determination, as manifested in the Constitution, does not preclude recognition of the right of self-determination of any community sharing a common cultural and language heritage within the territorial entity in the Republic or in any other way determined by national legislation. In essence this means that communities have the constitutional right to strive for and attain full political and cultural self-determination. This article must be understood within the framework of the Constitution. The right to self-determination not only refers to political self-determination by which a community may attain regional autonomy or full independence, but also to the right to obtain cultural, religious and linguistic self-determination. Within the education context of South Africa, this right is expressed by the school communities, i.e. the parents, learners, educators,

school governors and school managers, that are enabled by the Constitution and national legislation such as the National Education Policy Act (SA, 1996(b)) and the South African Schools Act (SA, 1996(c)) to determine their own school culture, language and religion.

Similar international examples exist of communities and ethnic minorities that have constitutionally or by negotiation obtained a measure of self-determination. For instance, in Spain the Catalan and Basque communities have regional autonomy and cultural self-determination; in the United Kingdom self-determination rights have been conceded to the Scottish and Welsh parliaments; and in Israel the Palestinian territory has self-governance and the right to self-determination. Since the fall of Communism in 1989 world history marks a definite trend towards the international acknowledgement of minority rights (Adams *et al.*, 1994:497). The establishment of numerous independent states of ethnic minorities that were previously part of a larger state such as Eritrea, Croatia, Slovenia, Slovakia, Estonia, Latvia, Lithuania, Armenia, Ukraine, Byelorussia, Turkmenistan, Azerbaijan, Kazakhstan, Kirgishistan, Uzbekistan and Georgia, to name a few, punctuates this trend (Gregan, 2005:514-515). During the 1990's the number of international treaties on minority rights were agreed to. This will be discussed in the next section.

#### **4.7. INTERNATIONAL LAW ON DIVERSITY.**

Laforest (1993:1) identifies two basic principles that underpin diversity and minority rights in international law: the principle of non-discrimination and the principle of differential treatment. In terms of these two basic principles, individuals can find their security in the diversity of the smaller group without the fear of discrimination and the individual finds a home in unity within the so-called global village as well. Individuals cannot enjoy their cultural rights in isolation and therefore need to exercise their rights collectively by freely associating with members of a differentiated cultural grouping (De Waal *et al.*, 2000:430).

In a multi-cultural, multi-lingual and multi-religious society such as South Africa a parent's right to decide and choose the manner of education that a child should receive, is fundamentally dependent on a society's willingness to respect the principle of differential treatment. If a society is willing to accommodate multi-cultural, multi-lingual and multi-religious values, then it is accordingly willing to allow the diversity of multi-cultural, multi-lingual and multi-religious education of its children. This inevitably implies that a multi-cultural society such as South Africa must accommodate, respect and allow minority communities to give differentiated education to its children in order to remain multi-cultural. If multi-cultural values are not respected and promoted, the outcome will obviously lead to an enforced assimilation into one dominant culture.

In order to analyse the international law that has a bearing on diversity and multi-cultural rights, the international treaties and conventions applicable to South Africa need to be considered.

#### **4.7.1. International Convention on Civil and Political Rights.**

This Convention (SA, 1951) was adopted by South Africa on 10 October 1951 and determines in article 27:

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with other members of their group, to enjoy their own culture, to profess their religion, or to use their own language.

Vital aspects of any person are considered to be culture, religion and language (De Wet, 2002:54). Culture and education are inextricably linked, because culture is learnt and taught through informal education of the family and formal education in the schools (Van Loggerenberg *et al*, 1997:12). Dlamini (1994:578) states that education is the primary instrument to ensure the safeguarding, protection and transference of a community's own culture.

According to Akkermans(1997:241) education has two functions namely a qualification function and a socialisation (or civilising) function. This socialisation

function of education is optimised by placing a child in the safe setting of a known language, culture and religion (Van Loggerenberg *et al.*1997:12). The education of the socialisation function is least effective if children are placed in cultural-, linguistic- or religious settings foreign to their own upbringing. According to Van Loggerenberg *et al.* (1997:12) the learning process in education should develop from within a known culture and language towards “opening the door” of knowledge of the unknown and foreign elements of life.

It follows therefore that in order to adhere to article 27 of this Convention, members of diverse communities (minorities) in South Africa must not be denied the right to educate according to their diverse cultural-, religious- and linguistic preferences.

#### **4.7.2. Convention against Discrimination in Education.**

The Convention against Discrimination in Education (SA, 1996(d)) was ratified by South Africa on 9 June 1996. It endeavours to respect the diversity of national education systems and to promote equality of opportunity and treatment for all in education. In terms of article 1 of this Convention the objective is not to impair the establishment or maintenance of separate education systems or institutions for persons or groups of persons. Article 2 elaborates on this in more specific terms when it depicts a few instances that do not constitute discrimination. One of these is:

The establishment or maintenance, for religious or linguistic reasons, of separate education systems or institutions offering an education which is in keeping with the pupil’s parents or legal guardians, if participation in such systems or attendance at such institutions is optional and if the education provided conforms to such standards as may be laid down or approved by the competent authorities, in particular for education of the same level.

Article 5 elaborates on the rights of minorities:

It is essential to recognise the right of members of national minorities to carry on their own educational activities, including the maintenance of schools and, depending on the educational policy of each State, the use or the teaching of their own language.

In her well reasoned dissertation, De Wet (2002:9-66) shows that differentiation in education (i.e. accommodation of diversity) does not result in inequality, but in fact enhances equality. Promoting diversity in education does not necessarily result in unfair discrimination. However, unfair discrimination may result if diversity in language, culture and religion is abused to harm a learner's dignity. Equality and the absence of unfair discrimination in education do not imply identical uniformity, but actually requires differentiated treatment in order to acknowledge individuality and promote diversity (De Wet, 2002:66). According to Dlamini (1994:575) South Africa must therefore promote diversity in education in order to comply with this Convention, but at the same time leave room for the development of a uniform culture.

#### **4.7.3. African [Banjul] Charter on Human and Peoples' Rights.**

The Banjul Charter (SA: 2000(a)) was ratified by South Africa on 7 January 2000. Article 17 of this Charter confirms individual rights to education as well as cultural rights as follows:

1. Every individual shall have the right to education.
2. Every individual may freely, take part in the cultural life of his community.
3. The promotion and protection of morals and traditional values recognized by the community shall be the duty of the State.

#### **4.7.4. African Charter on the Rights and Welfare of the Child.**

This treaty was ratified by South Africa on 7 January 2000 (SA, 2000(b)). Article 2 of this Charter relates to the diversity that exists between communities in Africa and determines that:

2. The education of the child shall be directed to:
  - (c) the preservation and strengthening of positive African morals, traditional values and cultures;
  - (d) the preparation of the child for responsible life in a free society, in the spirit of understanding tolerance, dialogue, mutual respect and friendship among all peoples ethnic, tribal and religious groups;

Article 4 of this Charter also emphasises the rights of parents in respect of the education of their children:

4. States Parties to the present Charter shall respect the rights and duties of parents, and where applicable, of legal guardians to choose for their

children schools, other than those established by public authorities, which conform to such minimum standards may be approved by the State, to ensure the religious and moral education of the child in a manner with the evolving capacities of the child.

#### **4.7.5. Convention on the Rights of the Child.**

This Convention (SA, 2004) was ratified by South Africa on 20 February 2004 and guarantees wide-ranging rights of the child and in particular the right to receive free and compulsory primary education and the right of children to enjoy their own culture or to use their own language. Articles 28, 29 and 50 of the Convention on the Rights of the Child contain provisions dealing with the rights of minorities. Article 30 of the Convention provides that:

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

The applicable international law has a bearing on education in South Africa and places a distinct duty on the State to promote and protect the moral, religious, linguistic and cultural diversity of communities. This duty emanates from the ratification of the International treaties which form part of the South African legal system. If the South African state were to disregard these duties, it would be acting illegally and thus contravene the principle of the rule of law.

#### **4.8. DEMOCRACY AND EDUCATION LEGISLATION.**

The first step to promote democratic values is to organise and institutionalise the form of administration, management and governance best suited to the task. The establishment of democratic values and attitudes can only be achieved through education when the total structure of education is democratic (Herriman, 1995: 181). The rationale for community participation is that, to learn effectively to become active and informed citizens of democracy, learners need direct experience of democratic processes in the classroom and the school (Boyd, 1990:80).

The functions of the law include the regulation of relationships and activities so that harmony among the various role-players can result (Beckmann, 2007:5). According to Beckmann (2007:5) it is the logical objective of education law to establish the legal framework to harmonise the roles (including democratic rights and responsibilities) of the state, educators, learners and governing bodies in order to ensure that all learners in South Africa have access to quality education and thus become active democratic citizens.

In the following section education legislation and policy, as part of education law, will be analysed to determine democratic principles that apply in the education context.

#### 4.8.1. National Education Policy Act, 1996.

The preamble of the National Education Policy Act (SA, 1996a) contains the following reference to democracy (*emphasis added*):

Preamble

Whereas it is necessary to adopt legislation to facilitate the **democratic transformation** of the national system of education into one that serves the needs and interests of all the people of South Africa and upholds their fundamental rights;

...

According to section 2, the National Education Policy Act was enacted with the objective to enable the National Minister of Education to determine national education policy in accordance with certain principles and to undertake consultations prior to the determination of education policy (SA, 1996a). This Act was the logical precursor for the unification and transformation of the fragmented pre-1994 education system. Accordingly, in terms of the preamble, this Act has the purpose of developing national policy to transform and democratize the national education system (SA, 1996a). Consequently, the National Education Policy Act sets the tone for the complete democratization and transformation of the education system by enabling the National Minister to develop appropriate policies.

As is evident from section 4 of the National Education Policy Act, many of the directive principles in terms whereof national education policy must be

developed, are founded on democratic principles and values of an open society (S A, 1996a). For instance, the examples of democratic provisions in section 4 are as follows:

#### 4. Directive principles of national education policy

The policy contemplated in section 3 shall be directed toward -

(a) the advancement and protection of the fundamental rights of every person guaranteed in terms of Chapter 2 of the Constitution, and in terms of international conventions ratified by Parliament, and in particular the right -

(i) of every person to be protected against unfair discrimination within or by an education department or education institution on any ground whatsoever;

(ii) of every person to basic education and equal access to education institutions;

(iii) of a parent or guardian in respect of the education of his or her child or ward;

(iv) of every child in respect of his or her education;

(v) of every student to be instructed in the language of his or her choice where this is reasonably practicable;

(vi) of every person to the freedoms of conscience, religion, thought, belief, opinion, expression and association within education institutions;

(vii) of every person to establish, where practicable, education institutions based on a common language, culture or religion, as long as there is no discrimination on the ground of race;

(viii) of every person to use the language and participate in the cultural life of his or her choice within an education institution; ...

In essence, section 4(a) is an abridged summation of the most pertinent fundamental rights that have a bearing on education:

- Section 4(a)(i) confirms the democratic value of equality (Constitution - s.1(a); s. 7(1), s.9) by reiterating that education policies provides that there may be no unfair discrimination by education departments or schools (SA,1996b);
- Section 4(a)(ii) repeats the fundamental right of everyone to basic education (Constitution - s.29(1)(a));
- The directive principles also confirm the fundamental rights of parents and children with regard to education (Constitution – s. 28(1)(b));
- Language of instruction (Constitution – s. 29(2));
- Freedoms or religion, conscience, expression and association (Constitution – s.15, 16 and 18);
- The right to establish schools based on common language, religion and culture (Constitution – s. 29(3)) and the right to use of own language and culture in schools (Constitution – s.30, 31). Although the Constitution does not contain a right to equal access *per se*, but the right to establish public schools based on common language, religion or culture, and the right to use of own

language and culture, implies that equal access to public facilities (schools) should be accommodated where reasonably possible (De Wet, 2002:55);

- Section 4(b) of National Education Policy Act expressly contains the principle that policies should be developed to include the advancement of democracy in the education system. No reference is made to the particular form or model of democracy contemplated and therefore it can be inferred that all forms, be it representative, liberal, republican, participatory and deliberative democracy, should be advanced.

This section provides as follows:

Principle 4(b)

4(b). enabling the education system to contribute to the full personal development of each student, and to the moral, social, cultural, political and economic development of the nation at large, including the **advancement of democracy**, human rights and the peaceful resolution of disputes; ...

Section 4(m) of National Education Policy Act firstly, contains the principle that policies should be developed to include public participation in the development of education policy. This principle includes the democratic principles of deliberation, openness, transparency and accountability as discussed in paragraph 3.8.3 above. Secondly, section 4(m) expressly refers to the democratic principle of participation in governance of all aspects of the education system by representation of stakeholders by providing as follows:

Principle 4(m)

4(m) ensuring broad **public participation** in the development of education policy and the **representation of stakeholders** in the governance of all aspects of the education system;...

This is a significantly important provision, in the context of this study, because it affirms the principle that the national education policy should allow for participation in governance in all aspects of education. The national education policy therefore encourages democracy in the education system and its institutions.

However, the National Education Policy Act is structured as framework legislation that enables the Minister of Education to flesh out the extent of democratisation of the education system through specific purposive statutes (Naidoo, 2004:17). In order to determine the extent of democratisation of the education system by

means of decentralisation and devolution of authority, it is necessary to evaluate the specific legislation *inter alia* applicable to schools, Further Education and Training institutions, Higher Education institutions and educators. The legislation applicable to these components of the education system will be analysed in the following section.

#### **4.8.2. South African Schools Act 84 of 1996.**

The Schools Act has given formal effect to the establishment of democratic structures of school governance, which provide the basis for co-operative governance between education authorities and the school community (Squelch, 1998:101). In principle, this Act establishes a democratic power-sharing and co-operative partnership between the State, the parents and the educators (Karlsson, 1998:37).

##### **4.8.2.1. Preamble.**

The preamble of the South African Schools Act, 1996 (SASA) contains the following references to democracy (*emphasis added*):

WHEREAS this country requires a new national system for schools which will redress past injustices in educational provision, provide an education of progressively high quality for all learners and in so doing lay a strong foundation for the development of all our people's talents and capabilities, **advance the democratic transformation** of society, combat racism and sexism and all other forms of unfair discrimination and intolerance, contribute to the eradication of poverty and the economic well-being of society, protect and advance our diverse cultures and languages, uphold the rights of all learners, parents and educators, and promote their acceptance of responsibility for the organisation, governance and funding of schools in **partnership** with the State;

WHEREAS it is necessary to set uniform norms and standards for the education of learners at schools and the organisation, governance and funding of schools throughout the Republic of South Africa; ....

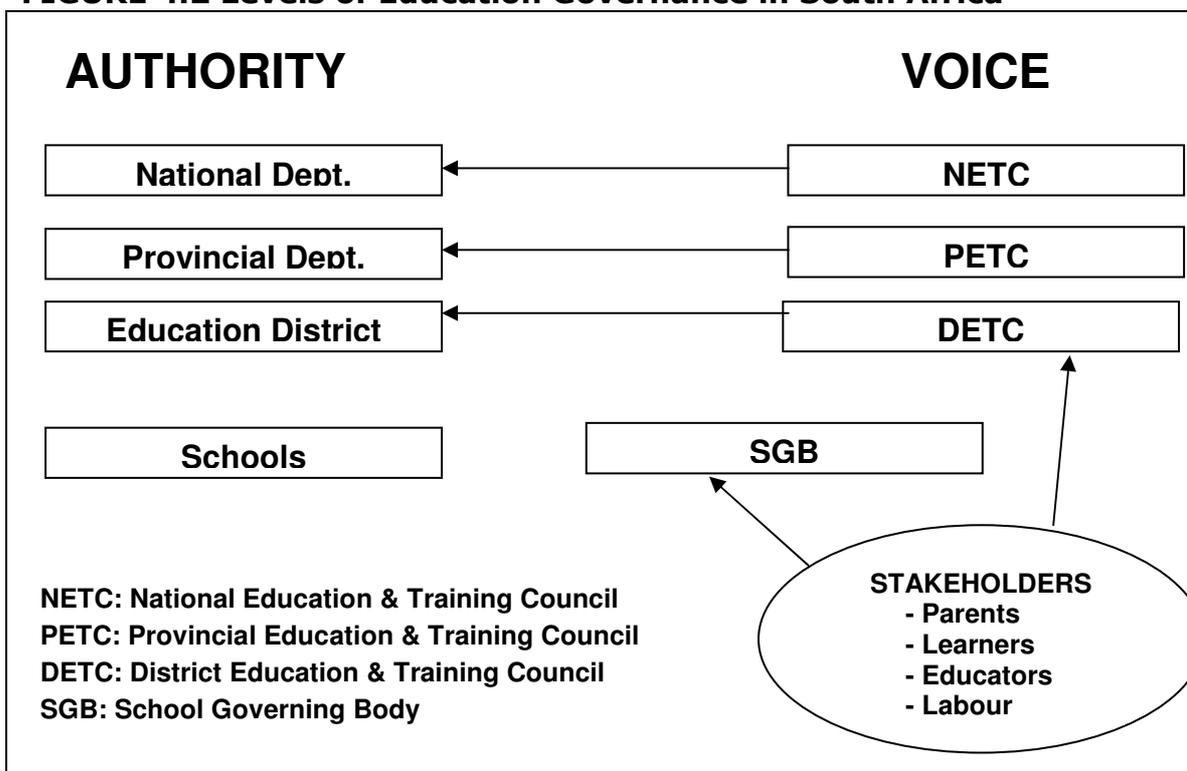
The highlighted section in the preamble of South African Schools Act firstly, incorporates the policy intention to transform the society to a democratic society, and secondly, includes the policy intention to promote democratic participation by sharing responsibility in education governance and funding, and thirdly, indicates that the fragmented education system under the pre-democratic system will be done away with and will be replaced by a unified system throughout South Africa.

The phrase “in partnership” signifies the intention to co-operate and share authority and financial responsibility between the State and the various stakeholders in education. According to Botha (2004:33) the preamble of a statute may be used to interpret the purpose of the legislation in appropriate circumstances. Consequently, if a particular section in South African Schools Act requires interpretation, then these provisions in the preamble will indicate the democratisation purpose of this statute.

#### **4.8.2.2. *Decentralisation of authority to School Governing Bodies.***

The South African Schools Act (SASA), 84 of 1996, provides for democratic structures and for a democratic process in which representatives of all the stakeholders (parents, educators, non-educators, learners in secondary schools, and even the state) are elected to school governing bodies (Colditz, 2002:1).

In terms of sections 16 of the South African Schools Act the governance of every public school is vested in the School Governing Body and it may perform only such functions as prescribed by the Act (SA, 1996b). The school governing bodies are representative of parents, educators, non-educators and learners (section 23) and must be democratically elected every three years (section 28) (SA, 1996b). The levels of governance in South Africa are illustrated in Figure 4.2.

**FIGURE 4.2 Levels of Education Governance in South Africa**

(Source: Govender, 1997:120)

In terms of section 20 of the South African Schools Act the following functions with regard to school governance have been devolved to school governing bodies:

- to promote the best and strive to ensure its development through the provision of for all learners at the school;
- to adopt a constitution;
- to develop a mission statement;
- adopt a code of conduct for learners of the school
- to determine times of the school day;
- to administer and control of the school's property;
- to encourage parents, learners, educators and to render voluntary services to the school;
- to recommend the appointment of educators and non-educators;

- to allow the reasonable use of the facilities of the school for educational programmes not conducted at the school under fair conditions determined by the Head of Department;
- discharge all other functions consistent with the South African Schools Act.

Potgieter (1997:109) avers that the section 20 list of comprehension-looking functions might erroneously lead one to conclude that school governing bodies have meaningful powers in school government. He explains (Potgieter, 1997:110-111) that certain functions of the school governing body, such as the power to determine the admission policy of a public school (section 5(5) of South African Schools Act) and the right to determine the language policy of public schools (section 6(1) of South African Schools Act) are functions restricted by national policies and provincial law in effect give school governing bodies decision-making power that is limited. These policies may not be determined in a manner that unfairly discriminates against learners on grounds of race, culture, language, ethnic origin etcetera (section 5(1) South African Schools Act). Potgieter (1997:112) is of the opinion that these functions appear to be significant at first glance, but place such restrictive conditions on school governing bodies that the real power remains in the hands of government officials.

#### ***4.8.2.3. The role of other representatives in school governing bodies.***

The fact that parents form the majority in a school governing body does not automatically mean that their voice should necessarily be the only one heard in the school governing body or school affairs (Colditz, 2002:3). It merely recognises the significance of parents' interest in their children's education. An important observation is that once elected, all members of the school governing body become governors (Colditz, 2002:2). Section 16(2) of the South African Schools Act makes it clear that these governors stand in a position of trust towards the school, which in turn means that all members of the SGB must at all times act in the best interest of the school (Colditz, 2002:2). The principal of the school, who is made an ex officio member of the school governing body, represents the state. However, the principal is but one of many governors on the

school governing body(Colditz, 2002:2). He or she has but one vote; he or she does not have a casting vote or a more important vote than any of the other members of the SGB (Colditz, 2002:2).

Once elected, parents do not represent parents; educators do not represent educators; learners do not represent learners; and the principal does not represent the education authorities in the school governing body (Colditz, 2002:2). Every one of them is now a governor, who represents the school and must always act in the best interest of the school. An understanding of the true fiduciary interest by every such governor, will lead to a common and forceful goal: to always act in the best interest of the school (Colditz, 2002:2). When school governing body representatives fulfil their fiduciary roles, it should be done in accordance with the Habermasian rules for ethical discourse (see par. 2.4.9.4). This implies that the discourse (debating/arguing/discussing) is a process of reaching mutual and reciprocal understanding and should be insulated from coercion, inequality and power play (Habermas,1990: 43-115).

Colditz (2002:3) is of the opinion that if representatives of stakeholders serve on school governing bodies believing that they should at all costs advance the interests of those who elected them to the school governing body, then the school governing body is doomed to fail in its purpose. This opinion accords with the deliberative democratic principles of autonomy (freedom to take sides of best arguments), power neutrality (only communicative power, not administrative, cultural or financial power, may sway arguments) and ideal role-making (reciprocity and sincerity) (see par. 2.4.9.8 above).

#### **4.8.2.4. Differentiated system of governance.**

Potgieter (1997:113) explains that the South African Schools Act makes provision for a differentiated system of governance in the sense that schools will have varying degrees of self-governance, depending on their capacity to exercise particular governing functions.

In addition to the functions listed in section 20, other functions have also been accorded to school governing bodies in terms of the South African Schools Act (SA, 1996b), including the following:

- to issue rules for religious observances at the school (section 7);
- to determine the admission policy (section 5(5));
- to determine the language policy (section 6);
- to be responsible for disciplinary hearings of learners (section 9).
- to take all reasonable means within its means to improve the quality of education provided to all learners at the school (section 36(1)).

The functions with regard to financial administration of the school governing body include the following (SA, 1996b):

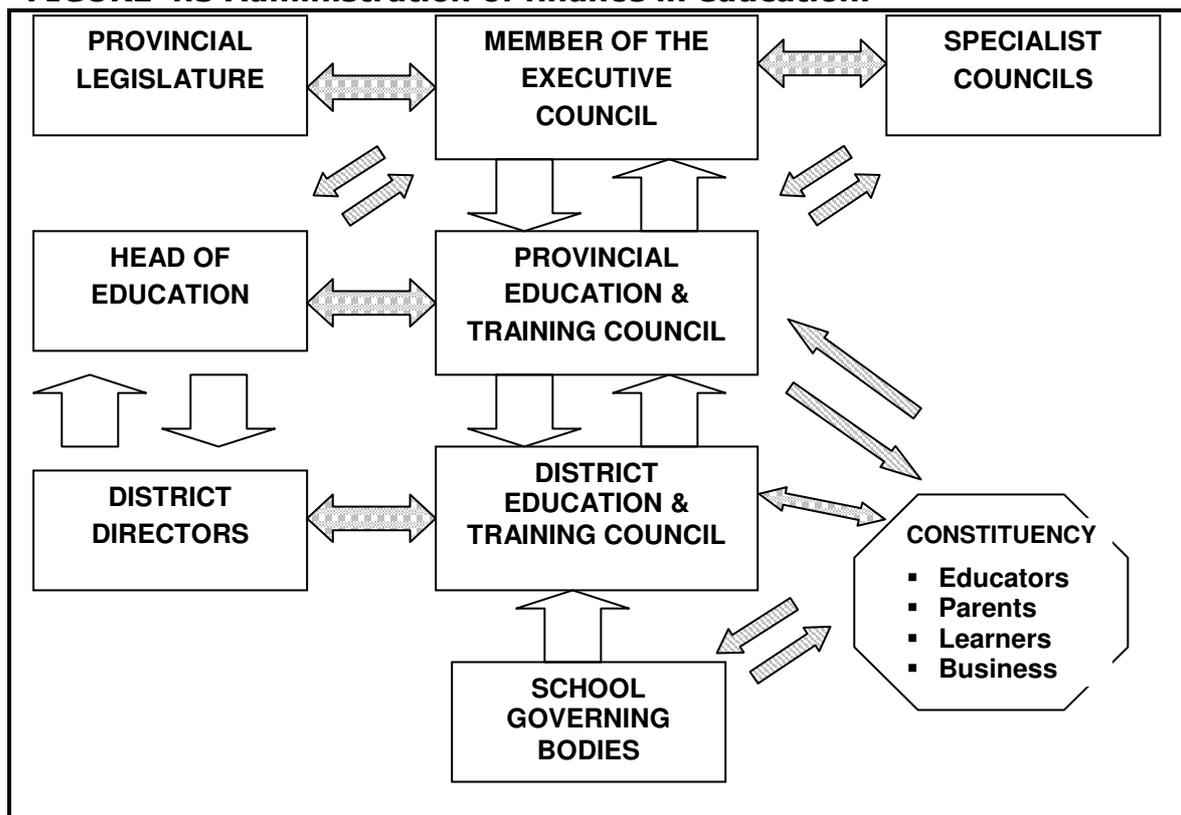
- to establish a school fund and administer it in accordance with directions issued by the Head of Department (section 37(1));
- to open and maintain one banking account (section 37(3));
- to use the school fund or proceeds thereof and any assets of the public school only for educational purposes, at or in connection with such school (section 37(6));
- to prepare a budget each year, which shows the estimated income and expenditure of the school for the following year (section 38(1));
- to keep records of funds received and spent by the public school and of its assets, liabilities and financial transactions (section 42(a));
- to draw up financial statements at the end of each year (section 42(b));

Additional functions that may be allocated to school governing bodies on application to the Head of Department in terms of section 21 include (SA, 1996b):

- to maintain and improve the school's property, buildings and grounds occupied by the school;
- to determine the extra-mural curriculum and choice subject options;
- to purchase textbooks, educational materials or equipment for the school;
- to pay for services for the school;
- to provide an adult basic education and training class or centre.

Karlsson (2002:330) explains that the powers and functions of governing bodies fall into two categories thereby enabling some schools to have different levels of school governing body participation. The functions in section 20 and the financial responsibilities are mandatory for all school governing bodies, while those in section 21 are available on application to the head of the provincial education department (Karlsson, 2002:330).

School governing bodies thus have substantive authority to govern public schools by virtue of these functions and, as organs of State, have to act according to the principles of democracy as espoused in the Constitution. Govender (In: De Groof *et al.*, 1997:127) reminds that the democratisation and decentralisation of governance in education poses serious challenges for accountability. The political head of education in a province, viz. the Member of the Executive Council, has to tread carefully between accountability to a political constituency and accountability to the broader public as represented in education and training councils (Govender, 1997:127). Figure 4.3 illustrates the interrelationship and system of communication in terms of the education legislation.

**FIGURE 4.3 Administration of finance in education.**

(Source: Govender, 1997: 128)

The Member of the Executive Council is assisted by the provincial Head of Department (that is, the administrative head), who is responsible for providing quarterly written reports on the state of education in the province to the executive committee of the council. Sayed (1999:150) argues that the distribution of power in South African education needs to be reviewed in view of the intractable problems facing the schools system. He contends against the unqualified commitment to educational decentralisation, especially in countries, such as South Africa, that are in transition and are marked by gross disparities in educational opportunity and access (Sayed, 1999:150). According to Sayed (1999:150) there should be careful examination of the optimal balance between citizen participation and state regulation in the governance of education in the South African context.

According to Karlsson (2002:335) democratic governance remains uneven in schools in South Africa, because it is contingent on social conditions such as capacity differences and social inequalities. She contends that unless all

governance functions are equally accessible and equally practiced in schools, the democratisation of schooling in South Africa will remain tenuous and the policy will remain rhetorical (Karlsson, 2002:335).

#### **4.9. DEMOCRACY AND EDUCATIONAL POLICIES.**

Various education policy documents demonstrate and confirm the professed commitment to democracy. Policy is a word that is notoriously difficult to define (Rabie, 1997: 220). It is important to distinguish between a policy and a law, because such a distinction determines the extent of the decision-making authority of a governing body in relation to the power of education authorities in terms of legislative authority.

In terms of the definition in section 1 of the Promotion of Administrative Justice Act a policy is a specie of an administrative action if it was adopted by organs of state when exercising power in terms of the Constitution or when exercising a public function in terms of legislation (Hoexter, 2002:99). Policies of the departments of education or school governing bodies are thus administrative actions reviewable by the courts.

The case of *Minister of Education v Harris* 2001(4) SA 1297 (CC) illustrates this point. The Constitutional Court held that laws, regulations and rules are legislative instruments, whereas policy determinations are not. Moreover, policy is manifested in a variety of different instruments such as norms and standards, guidelines and criteria, which have different degrees of enforceability (Rabie, 1997: 220). In what follows, the national policies that have relevance for the democratisation of public schools will be examined.

##### **4.9.1. White Paper on Education and Training of 1995 (DOE, 1995).**

In Education White Paper 1 published on 15 March 1995, the following statement was made (DOE, 1995:3):

The rehabilitation of the schools and colleges must go hand in hand with the restoration of the ownership of these institutions to their communities through

the establishment and empowerment of legitimate, representative governance bodies.

This statement of principle laid the foundation for the establishment of the democratic governance of schools in South Africa (Colditz, 2005:1). Before this, very few schools had structures in which stakeholder groups could exercise their right to have a meaningful and legitimate input regarding education matters (Colditz, 2005:1).

Education White Paper 1 elaborated on the theme of representative governance by stating (DOE, 1995:22):

The principle of democratic governance should increasingly be reflected in every level of the system, by the involvement in consultation and appropriate forms of decision-making of elected representatives of the main stakeholders, interest groups and role players. This requires a commitment by education authorities at all levels, to share all relevant information with stakeholder groups, and to treat them genuinely as partners. This is the only guaranteed way to infuse new social energy into the institutions and structures of the education and training system, dispel the chronic alienation of large sectors of society from the educational process and reduce the power of government administration to intervene where it should not.

Regarding the involvement of the state in school governance, Education White Paper 1 (DOE, 1995:75) stated the following:

Involvement of government authorities in school governance should be limited to the minimum required for legal accountability and should be based on participative management.

The government's commitment to openness, transparency and participation was expounded in principle 11 of the education policy that provided (*emphasis added*):

The **principle of democratic governance should increasingly be reflected** in every level of the system, by the involvement in consultation and appropriate forms of decision-making of elected representatives of the main stakeholders, interest groups and role players. This requires a commitment by education authorities at all levels to share all relevant information with stakeholder groups, and to treat them genuinely as partners. This is the only guaranteed way to infuse new social energy into the institutions and structures of the education and training system, dispel the chronic alienation of large sectors of society from the educational process, and reduce the power of government administration to intervene where it should not.

At the time of the publication of Education White Paper 1, the theories and principles of deliberative democracy had not been developed to its fullest extent. This policy undertaking of principle 11 to reflect democratic governance in every level of the system by **appropriate forms** of decision-making opens the door for the state to apply and implement the principles of deliberative democracy to its fullest extent. This matter will be further addressed in chapter 7 of this thesis.

#### **4.9.1.1. The role of parents in school governance.**

The South African Schools Act makes provision for the fact that parents should always form the majority in a school governing body. The reason for this can also be traced back to the White Paper (DOE, 1995:21). According to Colditz (2002:2) the White Paper correctly describes the role of parents Principle 3 of the education policy (DOE, 1995) confirmed the common law rights as follows (*emphasis added*):

Parents or guardians have the **primary responsibility** for the education of their children, and have the right to be consulted by state authorities with respect to the form that education should take and to take part in its governance. Parents have the right to choose the form of education which is best for their children, particularly in the early years of schooling, whether provided by the state or not, subject to reasonable safeguards which may be required by law. The parents' right to choose includes choice of the language, cultural or religious foundation of the child's education, with due respect to the rights of others and the rights of choice of the growing child.

Colditz (2002:2) reminded that it was a long and hard battle for the majority of parents in South Africa to have this right recognised so unequivocally and warned that the battle to retain recognition of this right may be equally long and hard.

This policy accords with international conventions confirming that children (if they are learners) are entitled to receive direction and guidance from their parents in the manner in which their individual rights may be exercised in their best interest, including the fundamental right to basic education (Möller, 1999:98).

#### **4.9.2. Education White Paper 2.**

The Education White Paper 2 (DOE, 1996:16) states unequivocally that 'governance public for public schools is based on the core values of democracy.'

These core values are identified as:

- Representation of all stakeholder groups;
- Participation in active and responsible roles;
- Tolerance;
- Rational discussion;
- Collective decision-making.

The Education White Paper 2 (DOE, 1996:16) also acknowledges that the diverse school conditions should be addressed by national and provincial policy to allow for the fact that the capacities to support these core democratic values may be under-developed in many communities. According to Karlsson (2002:329) South Africa's policy on democratic school governance is a post-modern recognition of diversity. Instead of neutralising difference, the policy aims to respond meaningfully to different capacities and contexts (Karlsson, 2002:329). In other words, the ostensible aim of the policy is not to assimilate diverse cultures, languages and religions of stakeholders and learners into a uniform melting-pot, but to tolerate and accommodate the diversity within a single unified system.

Karlsson (2002:329) elaborates that the core democratic values of tolerance, rational discussion and collective decision-making are largely attitudinal and may be developed experientially, whereas the values of representation and participation are addressed explicitly in the South African Schools Act. This accords with the underlying notion that by implementing and practicing democracy, democracy shapes education and education, in turn, develops democracy (see par 3.1 above).

#### **4.9.3. Education White Paper 6 – Special Needs Education: Building an inclusive education and training system.**

Prior to 1994, the South African Education Department was split into 18 racially divided education departments. Each education department had their own policies regarding learners with special education needs. Not all education

departments made provision for these learners and the disadvantaged communities were totally marginalised. There were extreme disparities and discrepancies in the provision for specialised education for the different race groups and virtually no provision for black disabled children at a preschool level (DOE, 2001: 11-15). A number of international conventions and conference gave impetus to a global movement towards inclusive education. The most prominent international instruments were the Convention on the Right of the Child, (UN, 1989), the 1990 Jomtien World Conference, in Thailand, the UNESCO World Conference on Special Needs Education held in Salamanca, Spain in 1994, and the Dakar World Education Forum in April 2000 where it was stated that no child should be discriminated against and every child has the right to receive an education, and the marginalisation and inclusion of children should be addressed by the countries of the world by creating *"equal opportunities for all learners to learn and succeed"*.

The Constitution, provides in section 29 (1) that everyone (including disabled learners or learners experiencing barriers to learning) has the fundamental right to basic education, and section 9(3) addresses the issue of equality and unfair discrimination based on disability. Inclusive education focuses on the key issues of access, equity and redress. The process of developing a system of inclusive education in South Africa entails far-reaching conceptual and pragmatic changes from the traditional child-deficit, medical model towards an ecological and multilevel systems paradigm, suggesting support for all learners within a systemic and developmental approach within mainstream schools (Engelbrecht, 2006:256).

The first policy statement by the Department of Education on addressing the need for inclusive education and equal access was formulated in the Education White Paper 6 of July 2001. This policy on Special Needs Education: Building an Inclusive Education and Training System outlines the strategy to transform the education system to accommodate the full range of learning needs and establish a caring and humane society. White Paper 6 (par. 3.1), proposes a time frame of 20 years for the implementation of inclusive education in South Africa commencing in 2004. The national Department of Education has published a

number of policy documents detailing operational and conceptual guidelines for the development of a single inclusive education system as envisaged by the Salamanca Statement.<sup>7</sup>

A system is envisaged in terms whereof existing special schools will continue to provide special education to learners that require intense levels of support. In addition, special schools will acquire new enhanced roles to function as resource centres within districts to provide particular expertise and support to neighbourhood schools (DOE, 2001). Full-service schools will be developed from general schools to provide for the full range of learning needs (DOE, 2001:17-23). These schools will focus on multi-level classroom instruction, co-operative learning, problem solving and the development of learners' strengths and competencies (DOE, 2001:17-23). Within mainstream education, general schools will be orientated to become inclusive by providing services to all learners experiencing mild to moderate barriers to learning (DOE, 2001:17-23). It is concluded in the policy that schools, educators and families must collaborate to ensure that schools provide the resources to include children with diverse educational needs (DOE, 2001:17-50).

In her case study thesis, Laauwen (2004:1-223) investigated why the policy on Special Needs Education did not emerge in South Africa when it was widely expected. She found that the main reasons for the "policy-lag" were situated in the intended paradigm shift from a medical based model to an eco-systemic model, the intended restructuring of the special school system, logistical factors,

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<sup>7</sup> Department of Education (DOE) 1995. White Paper on Education and Training. Government Notice 196 of 1995. Cape Town; DOE 1999. Consultative Paper No. 1 on Special Education: Building an Inclusive Education and Training System. Pretoria: Government Printer; DOE 1999. Personnel Administration Measures in terms of the Employment of Educators Act. Pretoria: Government Printer; DOE 2001. Education White Paper 6: Special Needs Education. Building an inclusive education and training system. Pretoria: Government Printer; DOE 2001. Education change and transformation in South Africa: A review 1994 – 2001. Pretoria: Department of Education; DOE 2003. Conceptual and operational guidelines for the implementation of inclusive education: District-based support teams. Pretoria: Government Printer; DOE 2003 Conceptual and operational guidelines for the implementation of inclusive education: Full service schools. Pretoria: Government Printer; DOE 2005. Education for all – 2005 country status report: South Africa. Pretoria: Department of Education; Guidelines to Ensure Quality Education and Support in Special Schools and Special Resource Centres, DOE 2007; National Strategy on Screening, identification, Assessment and Support (School Pack), DOE 2008.

and the unavailability of resources (Laauwen, 2004:2008). Laauwen (2004:210) suggests that the politics of participation was the main factor constraining the speed and direction of policy development in Special Needs Education.

#### 4.9.4. Norms and Standards for Educators.

In February 2000 the national Minister of Education published the policy developed in terms of National Education Policy Act setting out the norms and standards for educators. One of the seven roles of educators and associated competences include the Community, Citizenship and Pastoral role of educators. In terms of this role educators are required to uphold the Constitution and promote democratic values and practices in schools and society (DOE, 2000:77). After teaching and practicing the democratic values, the educator must assess the following competencies of learners with regard to democracy (*emphasis added*):

- Foundational competences (*Where learners demonstrates an understanding of the knowledge and thinking which underpins the actions taken.*)
- Understanding various approaches to education for citizenship with particular reference to South Africa as a diverse, developing, **constitutional democracy**.
- Understanding key community problems with particular emphasis on issues of poverty, health, environment and **political democracy**.
- Knowing about the principles and practices of the main religions of South Africa, the customs, values and beliefs of the main cultures of South African, the Constitution and the Bill of Rights.
- Reflexive competences (*Where learners demonstrate the ability to integrate or connect performances and decision-making with understanding and with the ability to adapt to change and unforeseen circumstances and explain the reasons behind these actions.*)
- Adapting learning programmes and other activities to promote an awareness of **citizenship, human rights and the principles and values of the Constitution**.

These policies with regard to the norms and standards for educators thus include the requirement to demonstrate, practice, teach and assess good citizenship, constitutional values and democracy in schools. This accords with the view that inculcation of good attitudes towards citizenship and civic duties are necessary to institute and improve democracy. The democratisation of education includes the policy that stakeholders such as parents, teachers, learners as members of the local school community, must participate in the activities of the school (DOE, 1997a:6).

#### **4.9.5. Recommendation of appointment and transfer of educators.**

The correct selection and appointment of employees is an important function that determines the success and effectiveness of any organisation or institution (Klatt, Murdick & Schuster, 1985: 199). In accordance with section 20(1)(i) of the South African Schools Act any appointment, promotion or transfer of educators may, in terms of section 6(3)(a) of the Employment of Educators Act only be made on the recommendation of the school governing body, provided that the correct procedural and legislative provisions had been followed (SA, 1998). This function of the school governing body must be performed with due regard to equality, equity and the other democratic values and principles which are contemplated in section 195(1) of the Constitution (SA, 1996c). The objectives of the appointment process are to fill the posts as soon as possible in an objective, just and acceptable manner by ensuring meaningful and democratic participation of relevant stakeholders (DOE, 2005a).

Despite the fact that the provision in the Schools Act is peremptory, a number of cases have been litigated as a result of legal uncertainties, disregard or misinterpretation of the legislative provisions dealing with the school governing body's function of recommending the appointment, promotion or transfer of educators (Prinsloo & Bray, 2006:93). The uncertainties and misinterpretations stem from the various interpretations of the requirements of equality, equity and other democratic values, as well as the requirement in section 7(1) (b) of the Employment of Educators Act that provides that a school governing body must take the need to redress past imbalances in employment equity into

consideration. The cases concerning the school governing body's function to recommend the appointment or transfer of educators will be discussed more fully in paragraph 4.13.3 hereafter.

#### 4.9.6. Religious policy for schools.

The National Policy on Religion and Education (DOE, 2003:1-199) describes South Africa as a modern secular state, which is neither religious nor anti-religious, and in principle adopts a position of impartiality towards all religions and other worldviews. In terms of the co-operative model, both the principle of legal separation and the possibility of creative interaction are affirmed (DOE, 2003: 1-119). In public education the co-operative model applies, which combines constitutional separation and mutual recognition (DOE, 2003: 1-120). The policy suggests that this model provides a framework that is the best for religion and the best for education in a democratic South Africa (DOE, 2003: 1-120).

However, nowhere in the Constitution is it explicitly stated that South Africa is a secular state. This is erroneously assumed because South Africa is described as a democracy (s.1) and the founding provisions of the Constitution (section 1) do not describe South Africa as a theocratic state. It should be noted that contrary to the separationist model of the United States and Canada, which attempts to completely divorce the religious and secular spheres of society, South Africa follows the co-operative model towards religion and the state (DOE, 2003: 1-119).<sup>8</sup> The problematic approach of the US Supreme Court toward the state and religion and the untenable results associated with the separationist model in schools have been well documented.<sup>9</sup> Other countries like the United Kingdom, Germany, and Italy, to name a few, also follow the co-operative model of state and religion. In *Wittmann v Deutscher Schulverein, Pretoria*<sup>10</sup> Van Dijkhorst J

<sup>8</sup> *S v Lawrence* 1997 (4) SA 1176 (CC) per Chaskalson P at par 100: "Our Constitution deals with issues of religion differently to the US Constitution. It does so under the equality provisions of s 8, the freedom of religion, belief and opinion provisions of s 14, and the education provisions of s 32."

<sup>9</sup> See in general Russo "In the Eye of the Beholder: The Supreme Court, Judicial Activism, and Judicial Restraint" (2005) *School Business Affairs* 47-50. See also par. 2.4.1.1 above.

<sup>10</sup> 1998 (4) SA 423 (T) at p 446 G-H

explained that the South African approach differs markedly from America when he held:

It is clear therefore that the drafters of our Constitution steered our constitutional ship on a religious course diametrically opposed to that of the United States.

In terms of the co-operative model, both the principle of legal separation and the possibility of creative interaction between the law and religion are affirmed. However, the modern concept of democracy does not specifically include the American separation model, and it remains contentious whether South Africa is a *secular* state as understood in terms of the separation theory of church and state.

Although the preamble of the Constitution acknowledges God with the supplication “May God protect our people,” this does not imply that South Africa adheres to one religion or belief system. Quite the opposite applies, because South Africa is a multi-religious country with all the major world religions as well as indigenous African religions presented in the diverse communities of the society (DOE, 2003: 1-201). The Constitution allows for this religious diversity by guaranteeing freedom of conscience, religion, thought, belief and opinion in section 15(1). With regard to religious observances and practices, section 15(2) of the Constitution provides as follows:

15. Freedom of religion, belief and opinion.

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

- (a) those observances follow rules made by the appropriate public authorities;
- (b) they are conducted on an equitable basis; and
- (c) attendance at them is free and voluntary.

In addition, section 9 of the Constitution, the Equality-clause, provides that the state may not unfairly discriminate directly or indirectly against anyone on a number of grounds, including (*researcher’s emphasis*):

9. Equality

9. (3) The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, **religion, conscience, belief, culture**, language and birth.

Within this Constitutional framework, the National Policy on Religion and Education calls for public schools to promote the core values of a democratic society, through the curriculum, through extra-curricular activities, and in the way that they approach religious festivals, school uniforms and even diets (DOE, 2003: 1-201).

Accordingly, the policy on religion in public education distinguishes between “religion education,” “religious instruction” and “religious observances” (DOE, 2003: 1-202). The policy determines that “Religion Education” is a curricular programme for teaching and learning about religions and religious diversity in South Africa and the world (DOE, 2003: 1-203).

Religious instruction is understood to be instruction in a particular faith, with the view to the inculcation of adherence to that faith or belief (DOE, 2003: 1-211). Religious instruction of this sort is primarily the responsibility of the home, the family, and the religious community (DOE, 2003: 1-211). Religious instruction would in most cases be provided by the clergy, or other persons accredited by faith communities to do so (DOE, 2003: 1-211).

In accordance with the Constitution (s.15(2)), the South African Schools Act (South Africa, 1996b) and rules made by education authorities (DOE, 2003: 1-211) provide that school governing bodies may make a public school’s facilities available for religious observances, in the context of free and voluntary association, and provided that facilities are made available on an equitable basis. Religious observances are rites, rituals, ceremonies and services in accordance with the faith community’s traditions and beliefs. The religion policy provides that although religious observances may take place on the school property, they are not part of the official education function of the public school (DOE, 2003: 1-211). The school governing bodies are required to determine the nature and content of religious observances for educators and learners.

The approach of the constitutional court has been to avoid adjudication of the content and correctness of religious beliefs, because it is positivistically regarded

as extraneous to the law (per Sachs J at par 34: *Christian Education South Africa v Minister of Education* (2000)). In the matter of *Christian Education South Africa v Minister of Education* the parents association, representing independent Christian schools and independent school governing bodies, contested section 10 of the South African Schools Act, 1996 which outlawed corporal punishment by anyone at a school. Christian Education South Africa argued that the parents' right to religious freedom had been infringed and that section 10 was thus unconstitutional. After applying the proportionality test, the court concluded that the South African Schools Act was not unconstitutional and that the limitation of the freedom of religion was justified and reasonable in terms of the limitation provision (section 36) of the Constitution. However, the reasoning of Sachs J restricting the secular and sacred to "peaceful co-existence" is thus at variance with the intended co-operative model of constitutional interpretation. This positivistic method of adjudication is unjust because it purposely disregards the religious convictions and rights of parties (Smit, 2009:9). The separationist approach of the constitutional court emphasises so-called neutrality which unfairly discriminates against religious views whilst, at the same time, accommodating non-religious secular or humanist values (Malherbe, 2007:11).

Contrary to the constitutional court's approach, the religion policy for public schools thus aspires to establish a religion-friendly basis that encourages equitable practice of observances designed to support goodwill and unity between faiths without syncretising uniformity or promoting religious relativism or divisiveness (DOE, 2003: 1-213).

#### **4.9.7. School calendars and religious holidays.**

School governing bodies may exercise the right to close schools for religious commemorations, but only where the majority of pupils are members of the faith in question (DOE, 2000). In keeping with the prescriptions and the spirit of the Constitution, the linguistic, religious and cultural rights of minority learners should also be respected and not disadvantaged in any way when determining the school calendars and time (DOE, 2000).

#### **4.9.8. Maintenance of discipline and guidelines for adopting a code of conduct.**

In terms of section 3(n) of the National Education Policy Act, the national Minister of Education must determine education policy for the control and discipline of learners at schools (SA, 1996a). The South African Schools Act, section 8(1) empowers governing bodies of a school to maintain discipline in a school. Certain disciplinary issues affect democratic principles such as the principles of dignity (including avoidance of cruel or inhumane punishment), equality (including protection of due process procedures, language and cultural rights, equal participation, etc.), and private autonomy (including privacy, freedom of expression).

In this regard, the national minister's policy guidelines (DOE, 1998:2B-18) for a Code of Conduct for schools prescribe principles that:

- affirm the democratic values of human dignity, equality, and freedom (Guideline 4.1);
- determine that all learners and partners (e.g. parents, school governing body, community stakeholders, Department of Education, educators) have a democratic right to due process and to participate in decision-making about matters affecting them at school (Guideline 3.3);
- confirm that the school governing body may suspend a learner after a fair hearing and due process is followed, but the Head of Department must confirm the school governing body's recommendation to expel a learner (Guideline 3.8);
- affirm that the right to privacy may be limited and an educator may search learners based on a reasonable suspicion and methods that are reasonable in scope (Guideline 4.3);
- provide that learners have the right to agreed procedures with the governing body for expressing and resolving school-related grievances (guideline 4.5.2);
- provide that learners have the right to freedom of expression, which includes free speech, as well as the right to seek, hear, read and wear. However, this right is not absolute and expression that leads to a material and substantial disruption of schools is unacceptable (Guideline 4.5.1);

- the ultimate responsibility for learners' behaviour rests with their parent or guardians (Guideline 6(1)).

From the aforementioned, it is evident that democratic principles apply within schools with regard to learner discipline and that school governing bodies have been empowered to maintain discipline in co-operation with the educators, learners and the Head of Department.

#### **4.9.9. Norms and Standards for the language policy in public schools.**

Section 7 of the Constitution (SA, 1996c) enshrines the protection of eleven official languages as fundamental rights of individuals and communities. The Constitution also provides in section 29(2) that everyone has the right to receive education in the official language or languages of their choice in public educational institutions where that education is reasonably practicable. In order to ensure the effective access to, and implementation of, this right, the state must consider all reasonable educational alternatives, including single medium institutions, taking into account equity; practicability; and the need to redress the results of past racially discriminatory laws and practices.

In terms of section 6(2) the School Governing Body must determine the language policy, within the policy framework of the national norms and standards. In terms of section 3(4) (m) of the National Education Policy Act the national Minister has determined the Norms and Standards of the National Language Policy for Public Schools. The core features of the Language Policy (SA, 1997:2B-12) are that:

- the right to choose the language of instruction is vested in the parents who exercise learners' language rights on behalf of the child;
- an additive bilingual policy is the norm. This means that Grade 1 and 2 learners are taught in their home language. Thereafter, from Grades 3 to 9 the language of learning and one additional language as a subject must be offered and from Grades 10 to 12 two approved languages must be passed. In practice this leads to the rapid addition of English as language of instruction (Heugh, 2000:173);

- the numerical formula model built into the language policy determines that a school has to provide tuition in a specific language if at least one class (i.e. 40 primary school or 35 secondary school learners) insist on it and other schools in the district are full to capacity. This numerical formula indicates the government's norm of what is considered to be a "reasonably practicable" standard to receive education in an official language in terms of section 29(2) of the Constitution.

In terms of section 28(2) of the Constitution (SA, 1996), as well as the Convention of the Rights of the Child (ratified on 16 June 1995), the African Charter on the Rights and Welfare of the Child (ratified on 7 January 2000) a child's best interest is of paramount importance in every matter concerning the child.

#### **4.10. SUMMARY: DEMOCRATIC PRINCIPLES FOR EDUCATION.**

The Constitution provides the framework for determining the relationship between democracy and education. The education statutes and policies underpin the democratic and constitutional values and stipulate the principle that democratic governance should increasingly be reflected in the education system.

To recap, the salient assertions that have thus far been made in this literature review with regard to democracy, education, school governance and the law are:

- A modern constitutional democratic society integrates the liberal, republican, participatory, deliberative and direct models of democracy into a complex system of government and social institutions based on democratic principles and values such as private autonomy (negative liberty), public autonomy (positive freedom), equal protection before the law, equality in respect and opportunity, human dignity, no unfair discrimination, participation, accountability, transparency and openness (Chapter 2);
- Democratic society is dependent on democratisation of schools and the education system. There is an interrelationship between the political and

social dimensions of democracy and the schooling of democracy at schools (Chapter 3);

- Although all the communities of South Africa do not have a long and developed democratic culture, power-sharing and democratisation of the schooling system existed historically to varying degrees since the establishment of the Cape Colony and furthermore developed in conjunction with the international trend towards increased parental participation at schools (Chapter 3);
- The new constitutional dispensation establishes South Africa as a liberal democratic society with a justiciable Bill of Rights and a constitution that enshrines representative, participatory and direct forms of democracy (Chapter 4);
- The reformed education system includes policies and legislative provisions requiring and establishing democracy in schools and the education system, based on the requirements of openness, accountability and responsiveness and including institutionalised power-sharing arrangements between the national and provincial government and school governing bodies representing the local parent and learners in individual schools (Chapter 4);

The predominant indicators of successful democratisation of an education system include:

- Respect for fundamental rights;
- Non-bureaucratic conduct;
- Responsiveness;
- Transparency;
- Accountability,
- Openness and deliberation;
- Decentralisation, power-sharing and co-operation;
- Increased efficiency and effectiveness through participation;
- Educational administration that is impartial, fair and equitable;
- Fair employment and management practices;
- A high standard of professional ethics;
- Tolerance and protection of diversity.

Based on these features as indicators of democracy, the extent to which the South African education system has implemented these democratic practices or has instituted these features will be examined in what follows.

#### **4.11. INCIDENCE OF UNDEMOCRATIC PRACTICES IN THE EDUCATION SYSTEM.**

The following section will review the literature and case law to ascertain the extent to which the education system has become democratised with reference to the indicators listed in paragraph 4.12. In particular, the issue of democratisation of school governance and the undemocratic practices in the education system will be examined.

The unsatisfactory quality of education administration at national and provincial level is one of the causes of the misalignment between the law and school governance (Beckmann, 2007: 4). Visser (2005: 698-702) commented that the high ideals voiced in the preamble of the South African Schools Act will probably remain hopes and dreams that cannot be realised fully as a result of poor education administration at provincial level.

##### **4.11.1. Failure to establish consultative forums.**

In 1999, the erstwhile Minister of Education, Prof. Kader Asmal, failed to populate the National Education and Training Council (“NETC”) which is referred to in section 11 of the National Education Policy Act. Section 11(1) of the National Education Policy Act is peremptory and provides that:

###### Consultative bodies

(1) The Minister may, subject to any applicable law, by regulation establish such bodies as may be necessary to advise him or her on matters contemplated in section 3: Provided that the Minister **shall establish-**

(a) a body to be known as the National Education and Training Council, whose membership shall reflect the main national stakeholders in the national education system, to advise on broad policy and strategy for the development of the national education system and the advancement of an integrated approach to education and training.

Since 1999 and during the term of the current Minister of Education, Ms. Naledi Pandor, a number of legislative amendments to education legislation had been promulgated without compliance with this condition (Randell, 2007:2). According to Randell (2007:2) this failure by the Minister amounted to an illegality and he contends that all the legislative amendments are *ultra vires* for failure to comply with this requirement. Randell (2007:2) affirms that the Minister has no discretion in this regard as the functions arose *ex lege*. The Minister received a notice from the Federation of Governing Bodies of South African Schools in 2006 to comply with section 11(1) of the National Education Policy Act (Randell, 2007:2). Although the Minister called for nominations for membership of the National Education and Training Council during 2007, further legislation was passed without consultation with the National Education and Training Council.

This is a confirmation of the disregard that the National Department of Education has for the requirement of legality and the democratic principle of participation by stakeholders. The National Education and Training Council is a statutory deliberative forum that promotes discourse and participation. Unless the National Department of Education acknowledges the value of deliberative democratic processes and demonstrates the willingness to encourage discourse, the inherent systemic weaknesses of traditional forms of democracy will be perpetuated.

#### **4.11.2. Disrespect for language rights.**

State protection in terms of the rule of law of political and civil liberties, which includes enshrined fundamental rights, constitutes a substantive and formal feature of liberal democracy (Cunningham, 2004:47). The issue of respect for fundamental rights, and in particular respect for language rights in public schools, has come to the fore in a number of court cases (*Laerskool Middelburg v Departementshoof, Mpumalanga Departement van Onderwys*, 2003; *Governing Body of Mikro Primary School. v Western Cape Minister of Education*, 2005; *Laerskool Seodin v Department of Education, Northern Cape Province*, 2005;

*Ermelo Hoërskool v Departementshoof, Mpumalanga Departement van Onderwys*, 2007).

The *de jure* National Education Language Policy ('the Language Policy') supports multilingualism by additive bilingual education based on the numerical formula model. This looks impressive on paper and sound reasonable, but according to Heugh (1999: 313) the *de facto* language policy differs vastly from these laudable ideals. In practice, the Language Policy pays mere lip service to the promotion of multilingualism (Malherbe, 2004:14-15). English as the dominant language is promoted to the detriment of African languages and Afrikaans (Foley, 2004:62). When one considers what the Language Policy fails to say, the reason for the *de facto* practice is clear.

According to Smit (2006:3) the National Language Policy is inadequate by virtue of the following:

- It omits to provide that mother tongue education should be the norm;
- It fails to provide that the state is obliged to make schools available in the mother tongues of learners where reasonably practicable in accordance with the numeric formula model;
- It fails to provide that endangered minority languages should be specially protected;
- It does not determine how much resource allocation would be equitable for the sustained short, medium and long term development of each language;
- It does not determine norms or standards to ensure that the language policy most supportive of general conceptual growth amongst learners is followed.

As a result of these critical omissions, the Language Policy becomes meaningless for minority languages such as the official African languages and Afrikaans (Smit, 2006: 3).

In a plenary speech in national parliament on 14 September 2006, the Minister of Education, Ms. Naledi Pandor (2006:1), said that the government was resolved to

promote unity in diversity at the school level in terms of both learners and employees. According to Smit (2006:7) this statement confirms the government's emphasis on unifying the education system in order to transform the workplace of educators to enable employment equity and redress. Teacher's unions, predominantly representing previously disadvantaged educators, demand that English remains the common language of instruction at all schools in order that educators may have employment opportunities at any school (SADTU, 2006:1). In order to appease certain politically powerful teachers unions, the *de facto* government policy and bureaucratic action promotes English as the language of instruction at schools (Smit, 2006: 7).

The obvious reason for the South African government's reluctance to effectively promote mother tongue education is that if mother tongue instruction were to be advanced in schools, it would inevitably result in the formation of specific language schools (Smit, 2006:7). This implies that learners would then be encouraged to attend schools that offer instruction in their mother tongue. Likewise, educators proficient in the languages of instruction would have to teach at such schools. The overriding political resolve, on the other hand, is to transform the education system to an integrated and assimilated unity and to avoid linguistic differentiation. Therefore, the apparent reason for the *de facto* language policy is that the complete integration into a uniform monolingual education system will readily enable redress and transformation of the education system.

However, as a result of the political decision not to promote *de facto* mother tongue education, the effectiveness of education in South Africa has deteriorated to such an extent that approximately 80% of all the schools were classified as dysfunctional in 2006 (Taylor, 2006:1-9). According to Taylor (2006: 3), all the dysfunctional schools are previously disadvantaged schools. In 2005 the results were so poor that only 150 000 grade 12 learners (representing 12,5% of the initial 1,2 million grade 1 learners) achieved a matriculation pass that is of an acceptable standard (Gallie, 2007:5). The English Language Skills Assessment (ELSA) report by the authoritative independent education researchers, Hough

and Horne (2006:2) contain the alarming statistics that only 12 % of Second Language Medium Instruction (L2MI) learners who completed Grade 12 at the end of 2005 were academically literate in English compared to 87% English first language (MTE) and 85% Afrikaans first language learners. This is down from 51% in 1990. At the language colloquium held at Cape Town, Minister Pandor (2006:1) admitted that the National Language Policy of 1997 (Language Policy), which purports to advance home language education, has not been implemented convincingly, because resources have not been made available in amounts that would give effect to the policy.

Alexander (2004:1) aptly described the issue of language of instruction in education as the litmus test for democracy in South Africa. The issue of language of instruction led Alexander (2003:184) to strongly criticise the fact that after several years in the new democratic, post-apartheid period the language medium basis of the educational system had not been changed from a second language to a mother tongue basis. He said that it was an indictment on the foresight and sense of social responsibility of the tertiary educational sector (Alexander, 2003:184). Alexander (2003:179-189) stated that *“the time had come to lay to rest the ghost of Dr. Verwoerd and to rehabilitate mother tongue education.”* Alexander (2003:184) emphasised that the misguided rejection of the principle of mother tongue education by a very large number of South African parents and teachers is the single most disastrous legacy of apartheid and colonialism with which we have to grapple in post-apartheid South Africa. In his words, Alexander (2003:184) eloquently argued that unless the issue of mother tongue education is tackled aggressively:

... we are dooming countless generations of South Africans, especially black South African youth, to a destiny of mediocrity and failure, for we cannot repeat often enough the paradoxical fact that the only children of South Africa who are the beneficiaries of mother tongue education from the cradle to university are first language speakers of English and many first language speakers of Afrikaans.

Alexander (2003:184) reminded that the annual poor Matriculation examination results (a less than 50% pass rate) and the disastrous drop-out rates translate into a economic wastage of billions of Rands. Added to this is the social costs in escalating alienation, crime and violence as a result of the production of functionally illiterate and non-employable learners (Alexander, 2003:184).

In addition to the poor results of the education system, a steady stream of court cases have been contested between public schools, school governing bodies and provincial education departments on the issue of language rights.

The first constitutional court case that dealt with an education issue was *In re: The School Education Bill of 1995 (Gauteng)* 1996. This matter dealt with the question whether it was constitutional to prohibit public schools by statute to administer language proficiency tests in order to decide on admission of learners. The court declared that legislation prohibiting language proficiency tests to decide admission to schools was constitutional. To the Gauteng Provincial Education Department the outcome of this case was a landmark victory because language proficiency tests were regarded as artificial mechanism to prevent integration and transformation of the education system. Visser (1997: 342) remarked that the outcome of this case was (to him) a foregone conclusion, because the current policy of the government and the mistrust of cultural, language, collective or minority rights is strongly opposed to schools based on a common culture or language could not exist in the public school system. Visser (1997: 341-348) trenchantly criticised the reasoning and decisions of Mahomed DP<sup>11</sup> and Sachs J, and particularly the hostile manner in which constitutional justices such as Didcott J dealt with the advocates arguing for protection of minority language and cultural rights. Visser (1997:342) cautioned that the *Gauteng School Education Bill*-case was a clear indication of future adjudication of constitutional provisions on education, language and culture, which would be susceptible to political

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<sup>11</sup> “The whole argument of Mahomed DP seems to me to verge upon the fantastic. In view of the court’s desire to strike down the political compromise in section 32(c), it had to find some ground to neutralise the qualification in section 32(c) which is opposed to its own dogmatic views. In my submission this is good illustration of the length to which the court may go in imposing its ideas on others regardless of the words actually used in the Constitution. All this does not inspire confidence in the way in which the court will interpret the relatively vague education provisions in the new constitutional text.” (Visser, 1997: 346).

manipulation in spite of the requirement that the constitutional court is supposed to function apolitically. This warning seems to have proved correct.

In the matter of *Laerskool Middelburg v Departementshoof, Mpumalanga Departement van Onderwys*, (2003:160) it was held that a decision by the provincial Education Department to enforce the inclusion of an English medium course on an Afrikaans medium school was an irregular and unjust administrative action. The court criticised the inordinately politicised action of the Education Department. It was irregular because the National Language Policy guidelines of filling available schools before requiring single medium schools to become double medium were not followed and the school governing body's right to determine the schools language policy was ignored.

In the matter of *Governing Body of Mikro Primary School. v Western Cape Minister of Education* a similar set of facts was adjudicated by the Cape Provincial Division of the High Court. In this instance the provincial Education Department had once again enforced, at pains of disciplinary action, the inclusion of an English medium course upon an Afrikaans medium school, thus effectively changing the school language policy without regard to the democratic rights of the governing body. The action of the Education Department was found by the Thring J to "fly in the face of the law" because the Minister's language policy guidelines of filling available schools before requiring single medium schools to become double medium were not followed. Thring J put it as follows:

... it is the simple principle that the state must obey the law. That is a principle which is so fundamental and so important in any civilised country that it must be only extremely rarely, if ever, that the rule of law can be "held hostage", to the best interests of children. Indeed, it is difficult to imagine how it could ever be in the best interests of children, in the long term, to grow up in a country where the State and its organs and functionaries have been elevated to a position where they can regard themselves as being above the law, because the rule of law has been abrogated as far as they are concerned.

The Western Cape Minister of Education took the matter on appeal. However, the Supreme Court of Appeal (SCA) unanimously confirmed the decision of the court *a quo* and dismissed the appeal with costs. The pattern of officious interference with school governing bodies' rights to determine language policy has been

repeated in the cases of *Laerskool Seodin v Department of Education, Northern Cape Province, 2005* and *Ermelo Hoërskool v Departementshoof, Mpumalanga Departement van Onderwys, 2007*.

In a well-reasoned article, Mawdsley and De Waal (2008:561-579) analysed American and South African case law and lucidly demonstrated that the right to freedom of expression not only includes physical symbols such as religious dress, but also includes the symbolic expression of culture by means of language. The first example is the matter of *Antonie v Governing Body, The Settlers High School and the Head of Western Cape Education Department* (2002) that involved a learner who wore dreadlocks in violation of the school dress code as a physical symbol of her adherence to the Rastafarian religion (Mawdsley & De Waal, 2008:571). The High Court held that the school governing body's decision to suspend the Rastafarian learner was "a blatant absurdity" because the human dignity of the learner was unfairly infringed. Human dignity includes "mutual respect, including respect for one another's convictions and cultural traditions" (at 273).

Also, in a later case of *MEC for Education, KwaZulu Natal and Others v Pillay and Others* (2008), the constitutional court held that the particular learner should have been allowed to wear a nose stud, as an exception to the school's uniform dress code, because the practice was a peculiar and particularly significant manifestation of the learner's South Indian, Tamil and Hindu identity (Mawdsley & De Waal, 2008:271-272). It was her way of expressing her roots and her faith. Langa CJ explained that "religious and cultural practices can be equally important to a person's identity" [at par 91]. The chief justice warned that

What is relevant is not whether a practice is characterised as religious or cultural but its meaning to the person involved. Predetermining that importance based on what will often be an imperfect or artificial categorization, reinforces ideas about the respective roles and importance of religion and culture in people's lives and fails to accommodate those who do not conform to that stereotype.

However, it is apparent that the "mutual respect for cultural traditions", as stated in *Antonie*, and the "accommodation of cultural practices", in accordance with the

*Pillay* decision, has not been applied by the South African education departments to the issue of language, as the cultural claim to single-medium Afrikaans schools has come under negative government scrutiny (Mawdsley & De Waal, 2008:272). Despite the fact that section 29(2) of the constitution contains the assurance that “[e]veryone has the right to receive education in the official languages of their choice in public educational institutions where education is reasonably practicable”, Mawdsley and De Waal (2008:273) remind that, to date, only one of the eleven official languages, Afrikaans, has been at the core of education-related litigation. The difficulty, though, in language and culture is that section 29(2) of the constitution provides that the right to receive instruction in one’s own language is limited to a “reasonably practicable” standard. Similarly, section 6(1) of the South African Schools Act (SA, 1996) provides that a provincial minister of education can override a governing body’s single-medium language policy where “reasonably practicable to provide education in a particular language of learning and teaching”.

In each of the language cases, the legal challenge has involved government efforts to require single-medium Afrikaans schools to accept learners desiring instruction in English (Mawdsley & De Waal, 2008:273). English is the prevailing language in education in South Africa, and as a result, Afrikaans, like all other languages in South Africa, is a minority language<sup>12</sup> and, like any language, Afrikaans can be characterised as that which “helps identify a person with a particular ethnic or linguistic group” (Watson, 2007:256).

Mawdsley and De Waal (2008:273-278) contend that language is a particular form of symbolic expression of culture and in general has always played a vital role in “ethnic identity and culture” and that the failure, or refusal, to recognise or use one’s language in the formal education system means that “the only hope of using, and maintaining, a local indigenous language is through informal and non-formal education outside the formal structures”.

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<sup>12</sup> According to the 2001 census, isiZulu is the mother tongue of 23,8% of SA’s population, followed by isiXhosa at 17,6%, Afrikaans at 13,3%, Sepedi at 9,4%, English and Seswana each at 8,2%, Sesotho at 7,9%, Xitsonga at 4,4%, isiSwati at 2,7%, Tshivenda at 2,3%, and isiNdebele at 1,6%; [www.southafrica.info/sa\\_glance/demographics/language.htm](http://www.southafrica.info/sa_glance/demographics/language.htm) (accessed 2009-02-28).

The connection between the language of the home and the language of the school is reflected in *Seodin Primary School v MEC of Education, Northern Cape* (2006) where the High Court for the Northern Cape upheld the decision of the Minister of Education for the Northern Cape directing Afrikaans single-medium schools to accept English learners and, thus, become dual-medium. Mawdsley and De Waal (2008:275) suggest that *Seodin* indicates that Afrikaans is more than a language and has connected to it a way of life, or culture, that spans centuries and integrates, at its core, the Calvinist religious doctrine with the home and the school.

In a remarkable application, Mawdsley and De Waal (2008:276) convincingly demonstrate that the decision of the US Supreme Court in *Wisconsin v Yoder* (1972) is instructive and affords an interesting perspective for considering the legal obligation owed to minority cultures. In *Yoder*, the US Supreme Court addressed the claims of the Amish,<sup>13</sup> a religious and cultural minority, that they be exempt from the State of Wisconsin's compulsory attendance statute requiring their children to attend school until age sixteen. The Amish asserted that the academic instruction received by their children's attendance at an Amish-operated school until eighth grade (age thirteen or fourteen) was sufficient "to prepare them for life in the rural Amish community". In exempting the Amish from the state's requirement and in not requiring that the Amish children attend a public secondary school until age sixteen, the Supreme Court reflected upon the devastating impact that requiring Amish children to attend public schools might have on 300 years of Amish religious tradition:

The impact of the compulsory-attendance law on respondents' practice of the Amish religion is not only severe, but inescapable, for the Wisconsin law affirmatively compels them, under threat of criminal sanction, to perform acts undeniably at odds with fundamental tenets of their religious beliefs . . . [C]ompulsory school attendance to age 16 for Amish children carries with it a very real threat of undermining the Amish community and religious practice as they exist today; they must either abandon belief and be assimilated into society at large, or be forced to migrate to some other and more tolerant region (at 218).

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<sup>13</sup>The Old Order Amish daily life and religious practice stem from their literal interpretation of the Biblical injunction from the Epistle of Paul to the Romans, "be not conformed to this world. . .". The Amish are farmers whose rejection of "telephones, automobiles, radios, and television, their mode of dress, of speech, their habits of manual work . . . set them apart from much of contemporary society; their customs are both symbolic and practical." (Mawdsley & De Waal, 2008:275).

Applying the *Yoder* rationale to Afrikaans, Mawdsley and De Waal (2008:277) explain that, in essence, it is a similar dilemma regarding the government-directed changes in Afrikaans single-medium schools. In the case of Afrikaans, an existing and viable community, whose culture is both framed and represented by its language, faces dissolution where cultural patterns formulated in the home may well become disconnected from their development and implementation in single-medium schools (Mawdsley & De Waal, 2008:277). The reality is that the only language at issue in any of the law cases thus far is Afrikaans and the Afrikaans language brings to any litigation historical baggage as “a hated language of oppression” and “the language of the oppressor”, as well as the perception that Afrikaans single-medium schools “[are] still largely and deliberately kept as lily-white as shown by their enrolment numbers” (Mawdsley & De Waal, 2008:277-278). Mawdsley and De Waal (2008:278) aptly note that such invective leaves little room for rational discussions about language as a symbol of culture or about the impact upon a home-school Afrikaans educational culture when single-medium schools are forced to change.

In *Yoder* the US Supreme Court refused to permit a state to impose its interests upon an existing religious and cultural community where the community’s uniqueness, once dissipated, would never be able to be reconstituted (Mawdsley & De Waal, 2008:278). Unfortunately, in South Africa the impending and potentially disastrous impact on the Afrikaans culture that is likely to follow from the elimination of the Afrikaans single-medium schools does not appear to be part of the government’s analysis when considering changing Afrikaans single-medium schools (Mawdsley & De Waal, 2008:278). What seems to have been lost in the discussion is that, while the Afrikaans language may survive in Afrikaans-speaking homes, the home-school culture associated with that language is not likely to (Mawdsley & De Waal, 2008:278).

Even if the Afrikaans language and culture are associated with invidious discriminatory practices under apartheid, the current role of government, one can argue, should not be punishing Afrikaans for what it was, but determining whether it can afford to continue a school language policy towards Afrikaans single-

medium schools that will have a debilitating effect on the language and the culture (Mawdsley & De Waal, 2008:278). Will any minority language and culture be secure in the future from government intervention where a language and culture that has desired in the past to preserve its language and cultural identity has been prevented from doing so? (Mawdsley & De Waal, 2008:279).

Although the government in South Africa, like the State of Wisconsin in *Yoder* and compulsory attendance, can articulate a rational basis for eliminating single-medium schools, the dilemma is whether South Africa's courts are willing to take the long look, as did the US Supreme Court in *Yoder*, and assess whether the long-term loss of a unique culture is worth a short-term, rational argument of convenience (Mawdsley & De Waal, 2008:278). Mawdsley and De Waal (2008: 279) eloquently remind that if, perhaps, the fading away of the languages and cultures of existing minority communities is something that must come to be accepted as part of globalisation, will anyone in the future ever remember the languages forgotten, the cultures lost, and the missed opportunities to preserve those lost cultures and the languages that symbolised them?

The obvious answer to this predicament is not to pit transformation of the education system against democratic principles or fundamental individual and minority rights, but to improve the quality of education of the whole by improving the competence of educators and efficiency of the system, because this would be in the best interest of all children in the long run. Ironically, Sachs J warned against pitting the transformation of the system against democratic principles or fundamental rights by stating in the matter of *In re: The School Education Bill of 1995*(1996) that:

The objective should not be to set the principle of equality against that of cultural diversity, but rather to harmonise the two in the interests of both. Democracy in a pluralist society should accordingly not mean the end of cultural diversity, but rather its guarantee, accomplished on the secure bases of justice and equity.

To recap, this section has shown that there is a concerted effort on the side of provincial education departments' disregard the *de jure* National Language Policy and the constitutional protection of minority language rights in order to advance

transformation of the education system by means of English medium instruction at public schools.

#### **4.11.3. Bureaucratic action.**

Since the decentralisation of school governance in South Africa in 1996, a number of misdirected bureaucratic actions by education administrators have led to legal disputes that indicate a disregard or misunderstanding of the democratic values and principles underlying our society and the education system. The focal point of these disputes has tended to be at the meso-level of the education system, i.e. between provincial education departments on the one hand, and schools, parents or educators on the other. As in other countries, the significant political and legal conflicts in public education have centred on questions of educational governance, on questions of educational processes, educators, and on the goals and benefits of education (Harman, 1990:73).

The tensions between the demands and values of democracy and the necessity of bureaucracy have not dissipated with the rise of more complex patterns of governance that encompass multiple stakeholders, but have become even greater (Meier & O'Toole, 2007:122). Although democracy does not have links to bureaucracy in abstract theory, in practice however, every democracy in the world is dependent on an efficient bureaucracy to function legitimately (Meier & O'Toole, 2007:1). Bureaucracy is an essential feature of post-industrial societies in all organizations where complex and large administrative tasks need to be undertaken (Harman, 1990:62).

The classic definition, originally put forward by Weber (1968: 8), describes bureaucracy as a system of administration with the following characteristics: hierarchy; impersonality (the work is conducted according to set rules, without arbitrariness or favouritism, and with little flexibility or discretion to deviate); continuity (the administrative offices constitute full-time salaried occupations, with security of tenure and prospects for regular advancement); and expertise (officials are selected on merit, are trained for their function, and control access to knowledge and information because written record is kept of transactions).

However, apart from the positive features that improve the efficient and effective functioning of an organisation, bureaucracy is also associated with negative features such as 'red tape', non-accountability, unresponsiveness, delay, inflexibility, ineptitude, centralised elitism and undemocratic tendencies (Harman, 1990:63). It is in this negative sense that the present study will refer to the term 'bureaucracy.'

In her book *Bureaucracy and Democracy* Etzioni-Halevy (1983:85) defined bureaucracy as a hierarchical organisation of officials appointed to carry out certain public objectives. She concluded that although bureaucracies have not become more powerful than politicians, bureaucrats in most modern states have become sufficiently powerful to pose a threat to democracy by means of the ability to allocate resources, influence outcomes by administrative decision-making and by controlling positions of power (Etzioni-Halevy, 1983:180 -198).

Although there is a mini-bureaucracy within schools (Boomer, 1990:123), this study focused on the national (central) and provincial (regional) administrative power, which act outside schools. In the paragraphs that follow, examples from reported case law, and undemocratic actions or trends are analysed to determine whether bureaucracy constrains participation in education.

#### **4.11.3.1. Bureaucratic appointment of educators.**

As a result of bureaucratic interference with the rights of school governing bodies to recommend the appointment of educators, the legality of the bureaucratic decisions of the respective provincial Departments of Education have been challenged in a number of court cases (*Carnavon High School and another v MEC for Education, Northern Cape*; *Douglas Hoërskool v The Premier of the Northern Cape Province*; *Kimberley Girls High School v. Head of the Department of Education, Northern Cape Province*; *Settlers Agricultural High School v. Head of Department of Education, Limpopo Province*). All of these cases, except *Kimberley Girls High* were decided in favour of the school governing bodies by virtue of unlawful bureaucratic decision-making by the education departments.

This is probably the most contested area between the education departments and school governing bodies in terms of quantity of legal disputes and subsequent legislative amendments effected in parliament.

The procedure to be followed when appointing an educator is described in the regulations of the Employment of Educators Act (SA, 1998) under the heading “Personnel Administration Measures” (DOE, 2001: 3C-1). In terms of section 20(1)(i) of the Schools Act, 84 and section 8 (2) of the Employment of Educators Act no appointment or transfer of an educator to a public school may be made unless the recommendation of the governing body has been obtained.

*4.11.3.1.1. Grove Primary School and others v Department of Education, Western Cape.*

In the matter of *Grove Primary School and others v Department of Education, Western Cape* the court held that a collective agreement between the Department of Education and the Education Labour Relations Council to unilaterally transfer all educators that were in excess to existing vacancies, without regard to the rights of approval of the particular school governing bodies, was unlawful.

*4.11.3.1.2. Douglas Hoërskool v Premier, Northern Cape.*

In *Douglas Hoërskool v Premier, Northern Cape*, the main point of contention was whether the school was correct to recommend only one candidate if he was the only qualified candidate to apply. The court confirmed that the school was correct in interviewing the only qualified candidate, because all the other four applicants were unqualified.

*4.11.3.1.3. Carnavon High School and another v. MEC for Education, Training, Arts and Culture of Northern Cape Provincial Government.*

After following the correct legal procedure of sifting, interviewing and selection of a candidate principal in the matter of *Carnavon High School and another v. MEC for Education, Training, Arts and Culture of Northern Cape Provincial Government*, the Northern Cape High Court confirmed the school governing

body's right to insist on appointment of the suitable candidate, because the reason of possible amalgamation of schools was not a legitimate basis for the Head of the Department of Education to decline the recommendation.

*4.11.3.1.4. Settlers Agricultural High School v. Head of Department of Education, Limpopo Province.*

The case of *Settlers Agricultural High School v. Head of Department of Education, Limpopo Province* is, once again, illustrative of the manner in which the education officials bureaucratically disregarded the democratic authority of the school governing bodies. This matter involved the appointment of a principal to a vacant post. The school governing body had duly complied with all the legal procedures, including the advertising of the post, the interviewing and the recommendation requirements. The governing body recommended that Mr. V, a white Afrikaans speaking candidate, be appointed in first choice of preference. However, the Education Department appointed the second candidate on the shortlist, Mrs. M., because the departmental employment equity plan favoured a black female candidate as an affirmative action appointment. The Education Department contended that it could not be expected to simply "confirm and rubberstamp" a recommendation of a governing body, but that it was obliged to take requirements of employment equity into consideration.

The school governing body contended firstly, that section 6(3) of the Act did not entitle the Head of Department to substitute his bureaucratic choice of candidate for that of the governing body; secondly, that section 7(1)(1) required that the ability of the candidate be considered as a factor in conjunction with the need to redress past imbalances. The court upheld both contentions of the school governing body. The candidate recommended by the governing body had outscored the nearest competing applicant by a considerable margin during the evaluation process. The High Court held that the best interests of the learners were of paramount importance in accordance with section 28(2) of the Constitution and accordingly that the most able candidate had to be appointed.

4.11.3.1.5. *FEDSAS, Limpopo v Department van Onderwys; Limpopo Case no. 30801/2003 (TPD)*

According to Joubert and Bray (2007:95) the matter of *FEDSAS, Limpopo v Department van Onderwys; Limpopo Case no. 30801/2003 (TPD)* illustrates the overriding importance of obtaining a governing body's recommendation to transfer. In this matter the principal of Laerskool Pietersburg (a public primary school) received letters from the Department of Education, Limpopo Province during December 2003 informing the governing body that certain educators in excess at other school were to be transferred to the school (Smit, 2007:95). The governing body held interviews and recommended certain of the educators for transfer. However, the governing body informed the Department of Education that a number of educators were found unsuitable and that the transfer of these educators would not be recommended (Smit, 2007:95). The Department then informed the governing body that it had not been entitled to interview the educators to determine their suitability. The Department gave notice to four 'temporary' educators that their services would be terminated the following day. Thereafter the Department gave notice that the educators in excess would be transferred temporarily in terms of section 8(5) EEA until further notice (Smit, 2007:95). The Department followed the same procedure at other public schools in the province. FEDSAS (a voluntary association of school governing bodies) applied to the Court for an order preventing the Department of Education, Limpopo Province from transferring educators that had not been recommended by the governing body (Smit, 2007:95).

The Respondent (Department of Education) firstly argued that it's was entitled to transfer the excess educators in terms of Resolution No.6 of 1998. In terms of this Resolution the Minister of Education collectively agreed with the Teacher's Unions that excess educators would be transferred in terms of the section 2.4 of the Personnel Administration Measures in accordance with the transformation policy (Smit, 2007:95). Such a collective agreement would take the form of personnel regulations proclaimed by the Minister. The Court found that the Respondent incorrectly relied on Resolution No. 6, because it had been repealed during 2001(Smit, 2007:95). The Respondent was not entitled to transfer in terms

of the purported collective agreement and in any event did not follow the correct procedure in terms of the stated resolution. In terms of section 20(1)(i) of the South African Schools Act, 1996 (SA, 1996 (a)) the school governing body of a public school must recommend the appointment of educators to a school, subject to the Employment of Educators Act, 1998 (SA, 1996 (b)) and the Labour Relations Act, 1995 (SA, 1995(a)).

The Employment of Educators Act (EEA) contains the specific provision in section 6(3)(a) that any appointment, promotion or transfer to any post at a public school, may only be made on the recommendation of the governing body (Smit, 2007:93-101). These provisions are phrased in the imperative, which confirms that the required procedure and recommendation of the governing body is peremptory.

In essence, the criteria, procedure and provisions regarding transfers are identical to the requirements for appointing educators. The Court also held that even if such a collective agreement had been in force, section 6(3) (a) and 8(2) of the Employment of Educators Act would in any event require the recommendation of the governing body to transfer educators. By virtue of the fact that a collective agreement is subordinate legislation, it would be subject to the specific provisions of the Employment of Educators Act (i.e. the original legislation).

*4.11.3.1.6. Pudulogo Primary School v MEC of Education, North West Province Case no. 14754/2005 TPD*

It remains doubtful whether a Head of Department may totally disregard the recommendation of a governing body by unilaterally force an appointment or transfer of educators onto an unwilling school. The unreported matter of *Pudulogo Primary School v MEC of Education, North West Province Case no. 14754/2005 TPD* is an example of a case where the recommendation of the governing body was totally disregarded by the education department (Smit, 2007:100). The facts are briefly that the Department had the practice of transferring excess educators to schools with vacancies in the province without

obtaining governing body recommendations. In this particular case an educator, *M*, initially did not consent and refused to be transferred, because he felt unqualified to teach the subjects for which a vacancy existed (Smit, 2007:100). The vacancy was thereafter duly advertised as an open vacancy and the governing body followed the interview and selection procedure meticulously. On the morning of the interviews, the governing body (interviewing committee) was informed by the Department that South African Democratic Teachers Union (SADTU) had objected to the vacancy being advertised and that the objection had been upheld. This implied that the vacancy had been withdrawn (Smit, 2007:100). However, the Interviewing Committee went ahead with the interviews and the governing body thereafter recommended a temporary educator of the school as the preferred candidate (Smit, 2007:100).

The Department refused to appoint the recommended educator and instead transferred the initial educator, *M* (who incidentally was a member of SADTU and had subsequently consented to the transfer). The school brought an urgent application to court requesting that the recommended educator be appointed and the transfer be declared void (Joubert & Bray, 2007:100). The Respondent (MEC of Education, NW) argued in its pleadings that Resolution No. 6 of the Collective Agreement of 1998 with SADTU and other Teacher's Unions required that preference be given to the redeployment of excess educators. The Respondent also averred that in terms of the Personnel Administration Measures (PAM) it was entitled to withdraw erroneously advertised vacancies at any time (Smit, 2007:100). Lastly, it was averred that the decision of the governing body was unduly influenced by the temporary educator. However, before the matter went to Court the Respondent conceded that its arguments were erroneous and offered to settle the matter. The Court ordered the recommended educator to be appointed (in terms of the settlement) and awarded a punitive cost order in favour of the school (Smit, 2007:100).

The extent of the number of cases involving bureaucratic interference with the right of school governing bodies to recommend appointment of educators,

confirms the bureaucratic practice to advance employment transformation without due regard to democratic participation by the elected school governing bodies.

The misconstruction of the legal framework and the consequent misalignment of law can result from ignorance of the law or misguided decision-making and even *mala fide* use of “imagined” power by school governors or provincial administrators (Beckmann, 2007:5).

#### 4.11.3.1.7. *Simela v MEC for Education, Eastern Cape*

Inflexible or illegal decision-making by the education officials is illustrative of bureaucratic actions that disregard the democratic principles underlying the education system. An example is the case of *Simela v MEC for Education, Eastern Cape* (2001) the Provincial Department of Education failed to obtain the prerequisite consent from educators to be transferred, when the entire professional staff of a school was “seconded” to other schools as a punitive measure (Smit, 2007:94).

According to Smit (2007:94), the first requirement for a valid transfer or appointment in terms of section 8 (1) (a) of the Employment of Educators Act (SA, 1998) is that an affected educator must give prior approval and consent to the intended appointment, transfer or promotion. The educators were simply given copies of the report of a “task team”, which concluded that they were all guilty of various acts of misconduct. The educators sought a court order restraining the Department of Education from taking any steps to implement their transfers, and applied for reinstatement to the posts from which they had been transferred (Smit, 2007:94).

The court held that the provisions relating to the transfer (or appointment) of educators in the Employment of Educators Act require the consent of the affected educators. No such consent had been obtained. With regard to the exercise of bureaucratic authority, Francis AJ expressed the court’s opinion as follows:

The Constitution affords everyone "the right to administrative action that is lawful, reasonable and procedurally fair." This means that every exercise of public power must, in order to be constitutional, be mandated by law, be performed in good faith by a decision-maker who has not misconstrued his or her powers, be rational, and be conducted with due regard to the rules of natural justice.

The court further held that fundamental to the notion of fair administrative action is that people have a right to be heard before their liberty; property; existing rights or legitimate expectations are prejudicially affected (Smit, 2007:94). The court found that the allegations contained in the task team's report pointed to serious disciplinary offences, which called for disciplinary action against individual educators in terms of chapter 5 of the Employment of Educators Act. The Education Departments' reluctance to take disciplinary action and the decision to remove all the educators from their posts under the guise of a purported secondment, pointed to an attempt to avoid the unpleasantness and effort associated with disciplinary action. The bureaucratic manner in which the Education Department summarily transferred the educators and the "shotgun" approach of removing the entire staff from their posts on the basis of untested allegations was unconstitutional, inherently unfair, disproportionate, and contrary to the interests of education. As to relief, the Court declared the transfers void, reinstated the educators in their posts and ordered the Education Department to pay the legal costs of the lawsuit (Smit, 2007:94).

#### 4.11.3.1.8. *Suid-Afrikaanse Onderwysunie v Departementshoof Departement van Onderwys, Vrystaat, 2004.*

In the case of *Suid-Afrikaanse Onderwysunie v Departementshoof Departement van Onderwys, Vrystaat, 2004* the Free State Education Department once again devised a scheme to dismiss 1200 temporary educators (Beckmann, 2007:5). The administratively unjust and unlawful decision of the Free State education authority was again set aside by the court.

Although the courts have by way of relief made punitive cost awards against blatantly unlawful bureaucratic action (*Suid-Afrikaanse Onderwysunie v Departementshoof Departement van Onderwys, Vrystaat, 2001*), this has not

deterred the education authorities from repeating such unlawful action in another guise. In the matter of *Suid-Afrikaanse Onderwysunie v Departementshoof Departement van Onderwys, Vrystaat, 2004* the judge, Hattingh J, castigated the officials of the Free State provincial department of education for the way in which they treated certain educators employed at the Louis Botha High School (Beckmann, 2007:5). There was an agreement (in the form of a resolution in the provincial chamber of the education labour relations council) between certain teacher's unions (predominantly the South African Democratic Teacher's Union) and the Free State provincial government (including the Free State Department of Education) which, inter alia, provided that where schools had an excess of educators, those educators would be regarded as surplus and redeployed. Other teacher's unions, such as the South African Afrikaans Education Union, representing minorities were not part of this agreement.

According to Beckmann (2007:5), this agreement provided that vacancies at other schools would be filled with surplus educators, taking into account the profile of the educator and the requirements of the post. This agreement also entailed that if an educator unreasonably refused to be redeployed in this manner, he or she would be deemed to have resigned (Beckmann, 2007:5). Some educators at Louis Botha High School received letters from the department which obliged them to apply for posts advertised in a vacancy list. An offer was made to them to accept an unspecified post at a particular school within three days of receipt of the letter; otherwise the department would consider terminating their service contracts (Beckmann, 2007:5).

They were also given three days in which to provide a written motivation as to why their services should not be terminated (instead of the 90 days provided for in the relevant legislation). The union to which the affected educators belonged to applied to the high court for urgent relief. The court held:

The first respondent had designed a procedure to orchestrate dismissals which had been, at best, a scandalous display of imagined power. The motive for the first respondent sending the letters had been, to put it softly, utterly shocking and it testified of scandalous and condescending conduct. It had been done unambiguously *mala fide* and was an utterly unsuitable manner of behaving towards employees. Accordingly, that the respondents clearly had shamefully

disregarded the provisions of the Constitution of the Republic of South Africa Act 108 of 1996 and had acted *mala fide* and *ultra vires* and the application had to be granted.

Clearly, when the judge referred to the term or phrase “imagined power”, he referred to actions on the part of officials who thought they had the power to perform certain acts although the legal position was contrary to what they understood to be the correct legal position (Beckmann, 2007:5). The Free State High Court described the bureaucratic orchestration of a dismissal of a large number educators from various public schools by the Head of Education as “shocking”, “shameful” and “scandalous” (Beckmann, 2007:5). The court also held that certain acts were patently *mala fide* (in bad faith); especially where the provincial administrators knew they did not have the power, yet still chose to act illegally (Beckmann, 2007:5). Similar cases have occurred regularly (*Nelson v Member of the Executive Council*, 2001; *Observatory Girls Primary School v Head of Department of Education, Gauteng*, 2003).

To summarise, the cases discussed in this section confirm a definite bureaucratic trend that education authorities are disregarding the legal requirements for justly and fairly transferring or dismissing educators.

#### **4.11.3.2. Bureaucratic unresponsiveness.**

##### *4.11.3.2.1. Maritzburg College v Dlamini, Mafa and Kondza, 2005.*

Visser (2005: 698-702) commented that the case of *Maritzburg College v Dlamini, Mafa and Kondza, 2005* was clear example of the unresponsiveness and poor quality of education administration at the provincial level. In this case, three learners of a public school were involved in an incident in which a window of a hired bus was smashed. Two learners were found to be smelling of alcohol and a bottle of brandy was found in the third’s kitbag. After a proper and fair hearing, the school governing body decided to recommend expulsion of two of the learners to the Head of the Department of Education, KwaZulu-Natal province. In the interim the learners were suspended in terms of section 9 (1) (b)

of the Schools Act pending the outcome of the final decision by the Head of Department (Visser, 2005:698).

Despite numerous letters, telephone calls from the Governing Body and a meeting with the Head of Department, he failed to come to a decision on the expulsion of the learners for 21 months. Eventually, out of sheer desperation the school governing body approached the High Court for a declaratory order. The Head of Department contended that section 9 (1) (a) of the Schools Act did not allow for learners to be suspended for more than one week and that the interim suspension pending a decision on expulsion was unlawful. Combrinck J found that the Head was incorrect in relying on the provisions of section 9(1) (a) of the Schools Act and that, the school correctly applied the provisions of the Act and regulations. The Court criticised the unresponsive bureaucratic attitude of the public official by stating (at page 18):

I find it disturbing (to put it mildly) that a public official had to be galvanized into action to do his duty only when served with a court application. Even more disturbing is his attitude as spelt out in paragraph 11 of his answering affidavit, quoted earlier in this judgment, that there is ". . . no obligation on me to expeditiously make a decision on expulsion as a number of issues had to be considered by me.

The Court declared the decision of the governing body to be lawful and gave a punitive costs award in favour of the school (Visser, 2005: 702).

#### 4.11.3.2.2. *Pearson High School v Head of the Education Department, Eastern Cape Province, 1999.*

In a similar vein, the phenomenon of an unresponsive provincial education official was repeated in the matter of *Pearson High School v Head of the Education Department, Eastern Cape Province, 1999*. In this case, the Head of Department Education refused to confirm the expulsion and ordered that a learner, who had committed a serious misconduct, should return to the school. The salient facts of the case were that about two months earlier the learner, aged 15 (whose name was kept confidential in the Court proceedings by virtue of his minority) was a pupil at another school, Grey High School, Port Elizabeth. He was accused of stabbing four fellow learners with the needle of a medical syringe. Following this incident the learner was removed from Grey High School and placed at Pearson

High School. The principal of Pearson High School agreed to give the learner another chance on condition that he expressed special commitment to the ethos and rules of the school.

However, in less than a month after being admitted to the new school this learner was found guilty the serious misconduct of purchasing dagga (marijuana) on the school grounds. After a fair disciplinary hearing the school governing body recommendation that he be expelled from the school. Nevertheless, the Head of Department disallowed the expulsion and ordered that the learner return to the school. This forced the school to launch an urgent application to the High Court for the review of the education official's decision. The factors that the court considered were the necessity for good discipline in the interest of other learners at the school, the protection of educators, upholding standards of education, concerns of the parent body as well as the seriousness of the misconduct and prior infringements of the learner. The Court ordered that the decision of the Head of Department be set aside, that the learner must be expelled from the Pearson High School and that the Education Department be ordered to pay the legal costs.

Although justice prevailed in the particular instances, these cases are examples of unresponsiveness and bureaucratic avoidance of decision-making, which had detrimental consequences for school discipline and educational efficiency. The court order remedied the administrative injustice of the bureaucratic indecision, but could not address the inherent undemocratic shortcomings of the bureaucracy.

#### **4.11.3.3. Bureaucratic non-accountability.**

In a sequel to the High Court decision of *Head of Department of Education, Limpopo Province v Settlers Agricultural High School*, 2003 that was discussed in paragraph 4.8.2.1.4 above, the Head of Department applied to the Constitutional Court to have the matter reconsidered. However, the Constitutional Court refused to condone the late the application in the interests of justice and furthermore

commented on the failure of the public official to comply with three High Court cost awards against him. The Constitutional Court stated (see 2003 11 BCLR 1212 (CC) par. 14) that:

If the applicant has indeed ignored the order for costs made against him in the earlier proceedings that would indicate an unacceptable lack of respect for court orders. ... If governments do not obey the court, they cannot expect citizens to do so. Nothing could be more demeaning of the dignity and effectiveness of courts than to have government structures ignore their orders.

Therefore, the matters referred to in this section confirm a marked trend that education officials in provincial departments of education are disregarding deliberative democratic controls such as responsiveness, discussion, reasonable justification of decisions, accountability and transparency in order to enforce the political objective of transforming the education system.

#### **4.11.3.4. Bureaucratic indifference to transparency.**

In the labour dispute of *Jonkers v Western Cape Education Department*, 1999 the grievant was informed telephonically that he was appointed as principal of a school in February 1997. After the selection process had been found to be flawed, it was repeated. After eight months had elapsed, the grievant was then informed that the post had been disputed and a moratorium had been placed on the filling of the post. The objection to the process was subsequently upheld by an arbitrator, who ruled that the selection process should commence *de novo*. However, the arbitrator criticized the department of education for lack of adequate communication and transparency and stated:

Much of emotional distress and embarrassment caused to the grievant could have been minimized if all communications regarding selection and nomination are only made in writing and decisions should be promptly communicated to all interested parties.

Similar instances of inadequate communication and lack of transparent decision-making occur regularly with regard to the appointment of educators (*Keti & another v Head of Campus, Umtata General Hospital*, 2006; *Uitvlucht Primary School v Head, Education Department Eastern Cape Province*, 2000).

#### **4.11.3.5. Bureaucratic indifference to openness and deliberation.**

According to Visser (2004: 150), in the matter of *Despatch High School v Head of Department of Education, Eastern Cape, 2003* the Eastern Cape high court voiced its displeasure at the closed way in which the Education Department in that province had dealt with a complaint against a principal who had stolen a school cell phone and had lied about it. The department found the principal guilty of misconduct and gave him a final written warning, whereas the governing body wanted him charged with serious misconduct and dismissed. At issue was the unco-operative disregard of parent complaints and participation (Visser, 2004:154).

The court stated that the manner in which the education department dealt with the concerns of the school governing body regarding the continued presence of the principal at the school was far from satisfactory (Visser, 2004:154). The court faulted the respondent for displaying indifference to the “understandable concerns” of the school governing body. Had the Head of Department complied with the democratic obligation to be responsive to public involvement through deliberation, the need for the school to resort to litigation might well have been averted.

#### **4.11.4. Increased centralisation.**

The state usually centralises education and controls the schools through a set curriculum; an inspectorial system; centralising staffing requirements; uniform building and equipment schedules; supplying provisions from a central supply store; restricting local school and educator discretion (Dunstan, 1995:115). Weiler (1990:448) asserted that central governmental authority for educational decision-making is never actually totally surrendered. The following instances indicate that this centralisation has become increasingly evident in the South African education system.

##### **4.11.4.1. Dominance of national government.**

Malherbe (2006:247) states that the approach of the National Education Policy Act is incorrect because it confers a wide range of powers on the national minister of education and amounts to centralization of matters that are the concern of the provinces. The constitutional court specifically spelled out (par 31-32, 38) in the matter of *In re: National Education Policy Bill, 1996* that the policies made in terms of the National Education Policy Act, 1996 are not enforceable and should be implemented through a process of negotiation and co-operation (Malherbe, 2006:247). However, Malherbe (2006:247) demonstrates that the formal structures for co-operation and negotiation between the national and provincial spheres with regard to education have become “little more than a one-way traffic system” as a result of centralising tendencies and policies of national government. Malherbe (2006:249) explained that reasons for this centralising tendency are:

- a) a misunderstanding or misinterpretation of the Constitution;
- b) the continued political aversion of the ANC government to federalism;
- c) the wide-spread inability and incompetence of a number of provincial governments;
- d) the intergovernmental structures favour centralization;
- e) since 2004 all nine provinces are governed by the ANC which is also the party with national power.

Malherbe (2006:250) stated that in practice the national government takes the initiative to develop policy and promulgate legislation, whereas the provincial governments merely implement the education legislation.

Van Deventer (1998:51) contended that the extent of the state’s prescriptive regulations and intervention of all aspects of admission, language, and religious policies, norms and standards for funding and financial administration, expulsion and code of conduct guidelines in reality does away with any real partnership or power-sharing. Van Deventer (1998:51) lists the following working examples of domination by the centre, i.e. the national department of education:

- the state may commandeer the facilities (both movable and immovable) of any public school for use in conducting educational programmes not provided by the school;
- the state may restrict the schools use of all the immovable property in certain instances;
- the state (Head of Department) decides which governing bodies may exercise what powers and which may be allocated specific functions in terms of section 21 of the South African Schools Act;
- the state may withdraw powers and functions from school governing bodies (South African Schools Act, s. 22);
- the state determines that composition of membership of school governing bodies and the numeric representation of different stakeholders on school governing bodies;
- the state regulates the admission policy by *inter alia* abolishing language proficiency tests and pre-admission tests, prohibiting refusal of admission by virtue of non-payment of school fees, etcetera;
- the state regulates language policies by *inter alia* determining the norms for the numeric formula, age or grade during which the additive bilingual commences;
- the state regulates the religious policy;
- the state (national Minister of Education and Heads of Department of provincial education departments) have substantial power in controlling, and regulating all aspects of managing the educator staff of public schools, including *inter alia* administrative control over the appointment, transfer, promotion of educators; as well as the management of the disciplining or dismissal of ill-disciplined or incompetent educators;
- the state (Head of Department) has substantial administrative control in matters relating to learners in public schools; the state controls the matter of expulsion, regulates the guidelines for a code of conduct, abolished corporal punishment and controls the alternative placement of expelled learners;

- the Members of the Executive Committee for Education in each province may determine guidelines for *inter alia* the functions of student representative councils;
- the national Minister of Education determines norms and minimum standards for the funding of public schools;
- the national Minister of Education must regulate the criteria and procedures for the total, partial or conditional exemption of parents from paying school fees;
- some Members of the Executive Committees for provincial education have allocated themselves the power to treat two or more schools as one for the purposes of governance under a single governing body;
- the state (Members of the Executive Committee for provincial education and Head of Department) has the power to issue guidelines for the preparation of annual budgets, financial statements and administration of school funds;
- the state (national Minister of Education and Members of the Executive Committees for provincial education) have extensive power to determine regulations concerning school governing bodies.

By virtue of the foregoing, Van Deventer (1998:51) maintains that parents and school governing bodies are peripheral partners in name only. Van Deventer (1998:54) stresses that the only real partnership that exists in education is the partnership between the state and the organised teaching profession.

#### ***4.11.4.2. Erosion of compromise provisions in school legislation.***

Many of the provisions in the Bill of Rights, such as the language provision, the education clause with regard to single medium education, the property clause and other provisions referred to in paragraph 4.10.1 above, are a result of political compromises reached during the constitutional negotiations (De Groof *et al.*, 1997:66). The compromises reflected in the South African Schools Act go beyond language policy and impact on, for example, the powers of governing bodies to recommend educators for appointment and to generate extra revenue

for a school and reflect strong tensions between the powers of centralisation and decentralisation (Sayed, 2000:141-152; Beckmann, 2007:13). Visser (1997:60) averred that the manner in which compromises were handled by the courts seemed to ring the death knell for the compromises that had been reached and the state seemed to be wresting back all the powers and functions that it had devolved during the negotiation process.

On the one hand, there is a theoretical commitment to greater participation in democratising school governance in terms of the South African Schools Act, yet on the other hand, according to Sayed (2002:35-46), the government is representative of the majority electorate and in practice has to balance the needs of specific groups with the overall good of society. Sayed recommends that the state play a more directive (*centralist*) and interventionist role in a country such as South Africa, with high levels of inequity and low local capacity, for educational decentralization to be effective (Sayed,2002:45). Sayed is critical of the extent to which redress, equity and nation building can be effected and guaranteed by decentralised school governance.

The use of the word 'all' in section 5(m) of National Education Policy Act indicates the intention to devolve authority to stakeholders to participate in all aspects, including those that were previously the exclusive domain of centralised decision-making and administration. It can be reasonably inferred that the use of broad terminology of section 4(m) the policy implies that no aspect of education should be excluded from participatory governance. In other words, aspects of education that have hitherto been the exclusive or predominant responsibility and function of the national or provincial departments of education such as curriculum content, regulation of language, admission and financial policies, should also fall under the loop of participatory governance of stakeholders.

#### **4.11.4.3. Recentralisation through legislative amendments.**

Many compromises regarding the powers of governing bodies have been significantly altered in an apparent reduction of powers of governing bodies

through a series of amendments of the Schools Act (Beckmann, 2007:13). These suggest a recentralisation of powers of decision-making concerning among others recommendations of staff for appointment (where the state is now at liberty to ignore a governing body's recommendations), the levying of school fees and the utilisation of school funds (Beckmann, 2007:14).

As a result of the judicial defeats in the cases regarding the appointment and transfer of educators, the national department of education had the relevant troubling sections of the South African Schools Act and the Employment of Educators Act amended in parliament on three occasions. The Education Laws Amendment Act, No. 48 of 1999, made provision for a time-frame within which a governing body must make its recommendations when an educator is appointed; the Education Laws Amendment Act, No. 24 of 2005, made provision for the appointment of educators to new public schools by the provincial Head of Department (and not a school governing body); and the Education Laws Amendment Act, No. 16 of 2006 provides that the school governing body must recommend at least three candidates (SA, 2006:s.6(3)(c)) and the provincial Member of the Executive Council for Education (MEC) may appoint any of the recommended candidates SA, 2006: s.6(3)(f)). The MEC may accordingly disregard the school governing body's preferred candidate and may appoint any candidate on the list of three recommended candidates, even if it is a less suitably qualified or experienced candidate.

These incremental amendments amount to recentralisation of the function to recommend the appointment of educators and reflect gradual erosion of the authority previously devolved to school governing bodies. However, Visser (2006: 369) warned that amending legislation is usually considered a way out of many a dilemma, presumably because of the relative ease with which lawyers and legislatures can churn out new laws as opposed to the much more challenging and far-reaching task of actually changing the way statutory power is exercised or legal duties complied with in order to achieve good governance. This recentralisation of power is aimed at enabling education departments to circumvent the encumbrance of recommendations by school governing bodies, in

order to bring about the policy of transformation of the educational system and workplace in accordance with demographic criteria.

#### ***4.11.4.4. Dissatisfaction at national level with the school governance model in the South African Schools Act.***

Naidoo (2004:96) reports that many provincial and school level actors experience the role of the National Department of Education to be more intrusive. This leads to a more interventionist approach at national level and the continued use of legislation as a constraining mechanism (Naidoo, 2004:96). Naidoo (2004:96) aptly described the increased centralisation by National Department of Education as follows:

The South African Schools Act stresses shared governance, yet paradoxically the view from the top is still that legislation and prescription is the route to transform educational governance. There is still substantial reliance on uniform mandatory solutions and specific directives to ensure implementation of governance reforms according to the national vision.

Naidoo (2004:96) reports that the prevailing theory-in-use at the national level of the Department of Education is that governance changes can come about by proclaiming or legislating new policies. He asserts that the message communicated through the system down to level of the school governing bodies is that if there are sufficient guidelines and controls, these will result in actions that will lead to democratic decision-making in the interests of the school (Naidoo, 2004:96). Yet, Naidoo (2004:98) points out that governments cannot democratically mandate what matters, because what matters most is local motivation, local skills and know-how, as well as local commitment. Accordingly, Naidoo (2004:123) found that in spite of the fervent activity at national level to effect transformation through legislative and policy changes, the desired result of transforming the education has not been attained.

#### **4.11.5. Inadequate participation.**

In his thesis on Educational Decentralisation and School Governance in South Africa, Naidoo (2004: 1-133) found in a qualitative study conducted at six schools representative of various socio-economic contexts in the Gauteng and KwaZulu-Natal provinces respectively, that there is a substantial difference between the

promulgation of policy (including education legislation, executive policy and guidelines) and the practical implementation thereof in the school.

Participation by parents in governance is individualistic and sporadic, depending almost entirely on the good graces of principals or the initiative of individual parents, who may or may not have the power to challenge existing patterns of participation (Grant-Lewis & Naidoo, 2004:101). A more in-depth interrogation of specific stakeholders' theories-in-use regarding parent and learner participation reveals that many stakeholders, particularly principals and educators, do not necessarily value participation in itself or for advancing democratic decision-making in school. In their practices, such participation is often little more than information sharing or limited consultation, promoted by principals and educators for how it can help the school or make their work easier (Grant-Lewis & Naidoo, 2004:101). Naidoo's findings confirm that the school principals' leadership and conceptualisation of democracy play a crucial role in participation and shared governance and decision-making in schools.

Although elections of school governing bodies represent an important structural element in local democracy, the exercise of voting rights alone are not indicative of whether citizens in general or in a particular school constituency are truly participating in shared decision-making (Naidoo, 2004:122). Naidoo (2004:122) warns that reliance on voting alone becomes even more problematic when voting turn-outs are low or voters have to be induced or pressurized to vote even if there are no competing candidates. This finding confirms the criticisms against elitist (Schumpeterian) models of democracy as discussed in chapter 2 above.

Nevertheless, Naidoo (2004:123) found that despite the influences of the political system and the socio-economic contexts that sufficient grass-roots democracy exists in the communities to sustain the decentralized system of school governance. Essentially, Naidoo (2004:123) found that participation was sub optimal at best and poor in most schools in the study as a result of the stakeholder model based on representation. The stakeholder groups are seldom

homogenous and the liberal democratic model results in exclusion of marginalized, uneducated and indigent stakeholders.

According to Naidoo (2004:123) training of members of a school governing body that focuses on the technical, administrative aspects of governance such as meeting procedures and how to read financial statements is actually disempowering because is not conducive for participatory decision-making. He suggests that training of members of school governing bodies should include advanced knowledge and skills on matters such as financial management, budgeting and a more enlightened understanding of democracy. Naidoo (2004:124) concludes that progress towards authentic forms of participatory governance requires policies to transcend traditional assumptions and narrow conceptions of what democratic school governance is. Naidoo (2004:125) advocates that governance reforms need to be linked to a paradigm shift in the way teachers and administrators are trained, the way educational hierarchy operates, and the way that education is treated by political decision-makers. Naidoo (2004:125) concludes that in order to develop and improve democratic participation a more realistic model of democracy is required.

To a large extent, these findings of Naidoo confirm the problem statement with regard to the conceptualisation and understanding of democracy as stated in chapter 1 of this study.

#### **4.11.6. Systemic dysfunctionality.**

According to Taylor (2006:2) South Africa's problems of poverty, high levels of crime, and rampant inefficiency in the civil service, are manifestations of a deeper problem underlying our society. Taylor demonstrates (2006:2) that the results of the annual Senior Certificate examination reveal that close to 80% of South Africa's schools are essentially dysfunctional. The inability of most of the schools to provide learners with the attitudes and intellectual skills required to build a modern state, is the fundamental problem and constitutes the very bedrock of a democracy (Taylor, 2006:1-2). Perhaps this inability of most schools to provide

the essential socializing skills as ordered institutions with a strong work ethic, can be attributed, to some extent, to the way the education system operates and the undemocratic values that infiltrate the schools from a bureaucratic hierarchy. This phenomenon will be discussed in the paragraphs that follow.

#### **4.11.7. Misunderstanding of core tenets of democracy.**

The transformation of the South African Education system has brought a spectrum of democratic dilemmas to light between education departments and schools. According to Hilliard & Notshulwana (2001:155), it became evident after the transformation of the education system, that there is still a lack of “enlightened understanding” of the essential tenets of democracy. They contend that democracy can take decades to evolve and is complicated by the fact that, prior to 1994, South Africa had never experienced a democratic culture (Hilliard & Notshulwana, 2001:151).

The divergent views of democracy are evident from the judicial and other disputes with regard to:

- equal access to schools (*Laerskool Middelburg v Departementshoof, Mpumalanga Departement van Onderwys; Western Cape Minister of Education v Governing Body of Mikro Primary School*);
- transformation policies (*FEDSAS, Limpopo v Department van Onderwys; Limpopo*);
- public funding (*Ex parte Chairperson of the Constitutional Assembly: in re Certification of the Constitution of the Republic of South Africa*);
- disregard of school governing bodies and inadequate stakeholder participation (*Despatch High School v Head of Department of Education, Eastern Cape; Carnavon High School and another v MEC for Education, Northern Cape; Douglas Hoërskool v The Premier of the Northern Cape Province; Settlers Agricultural High School v. Head of Department of Education, Limpopo Province*);
- public accountability (*Maritzburg College v. Dlamini; Settlers Agricultural High School v. Head of Department of Education, Limpopo Province*);

*Pearson High School v Head of the Education Department, Eastern Cape Province*);

- limits to fundamental rights within the school system (*Western Cape Minister of Education and others v Governing Body of Mikro Primary School*; *Seodin Primary School v Northern Cape Department of Education*).

The failure by education authorities to support school governing bodies' recommendations to expel ill-disciplined learners demonstrates an officious reluctance to take decisive action in the interest of good school governance (Visser, 2005:702). The unilateral appointment of educators contrary to school governing bodies' recommendations and legislative amendments exposes the intentional programme of provincial education authorities to recentralize control and power in key issues in education (Beckmann, 2007:6). Legal disputes over the imposition of language policies by education authorities in contravention of the rights of school governing bodies indicates a bureaucratic disregard for minority languages rights (Malherbe, 2004:14-15). Beckmann (2007:5) catalogues a number of cases resulting in misalignment of education departments and -officials with the law and democratic principles. These include:

- Neglect of duty and misinterpretation of education laws by provincial heads of education departments;
- Corruption and incompetence regarding examinations including the leaking of examination papers;
- Maladministration;
- Disregarding court orders (see *Head of Department of Education, Limpopo Province v Settlers Agricultural High School* 2003);
- *Mala fide* and *ultra vires* dismissal of educators by the head of education (see *Suid-Afrikaanse Onderwysunie v Departementshoof Departement van Onderwys, Vrystaat* 2001)
- Irregular decisions by the Mpumalanga education department to suspend the school principal and deputy-principal and suspending the governing body (*Schoonbee v MEC for Education, Mpumalanga* 2002 4 SA 877 (T));
- Non-responsive conduct;

- Illegal interference with the language rights and policy of the school. (*Western Cape Minister of Education v Mikro Primary School* 2005);
- Unwillingness to appoint educators recommended by governing bodies (*Observatory Girls Primary School v Head of Department of Education, Gauteng* 2003).

These disputes and unprofessional work ethics confirm the concern that democracy in the education system is being constrained by bureaucracy, and as a result, that the efficiency and optimal effectiveness of the education system is being undermined.

#### **4.11.8. The state's failure to uphold the partnership with parents.**

In terms of the Education White Paper 2 policy statement on the *Organisation, Governance and Funding of Schools* (DOE, 1995:31) the government opted for the so-called partnership-approach (Option 3) which sought to balance the principles of equity, redress, quality and efficiency within a framework for partnership funding between government and communities (par. 5.16). This entailed the recognition that the state could not afford quality education for all at no direct cost to the parents and communities ("free education"). In terms of the partnership-approach the provincial budgets would be structured according to the following components:

- a. Capital: an allocation to each province on the basis of an index of need;
- b. Redress: an allocation to each province for an Education Redress Fund, which would channel resources for reconstruction and quality improvement to disadvantaged schools, and leverage additional funds from other sources;
- c. Core: funds for core services such as administration, quality assurance and monitoring, teacher support, and planning;
- d. Salaries: support for staff, and for teachers (based on the provincially-negotiated standard staff provision scale, within national norms);
- e. Operating costs: funds to pay for enrolment-driven operating costs (like textbooks, stationery and teaching materials, and costs which can be

calculated on an enrolment-linked formula (like maintenance, electricity and water costs).

The preamble to the South African Schools Act explicitly provides that the organisation, governance and **funding** of schools will be promoted in **partnership** with the state (SA, 1996a). This phrase affirms that a partnership arrangement exists between the state and parents with regard to the funding of schools. The partnership entails that in exchange for the substantial contribution made by parents towards public school funding, over and above their contribution by taxes, the state should respond accordingly by assuming the primary responsibility for the funding of public education (Randell, 2007:1).

Section 29 of the Constitution guarantees everyone's right to basic and further education. In case of *Western Cape Minister of Education and others v Governing Body of Mikro Primary School* (2005) the High Court of Appeal ruled that Section 29(2), which guarantees everyone's right to education in the language(s) of his/her choice, is a **right against the state**, and not against individual schools. In the same vein it is clear that also the right to basic and further education is a right against the state; the state has a constitutional obligation to provide education (Colditz, 2006:2).

However, the provision of education takes place by means of educators, and therefore the state has a further constitutional obligation to provide educators to facilitate education (Colditz, 2006:2). The legal framework or scheme within which the state provides educators to schools can be found in the regulations published by the Minister of Education on 18 December 1998 in terms of the provisions of the Employment of Educators Act, 1998 (SA, 1998). According to Colditz (2006:2) the scheme has two main characteristics:

- (a) Firstly, it is each Member of the Executive Council (MEC) for responsible for Education in the respective provinces to determine the total establishment of a provincial education department, i.e. the total number of people in the employ of the education department.
- (b) Secondly, it is the provincial Head of Department's task to determine the educator establishment at each school in the province. This takes place

according to a model of post provision (also known as the so-called Morkel model) and the total establishment for the province as a whole as determined by the Member of the Executive Council.

The state should make provision for a sufficient number of educators to fulfil its constitutional obligation (Colditz, 2006:2; Randell, 2007:1). Failure to do so could lead to the infringement of learners' constitutional rights (Colditz, 2006:3).

Governing bodies may appoint educators who are **additional** to the school's approved educator establishment. However, Colditz (2006:3) asserts that in terms of the provisions of section 20(4) of the South African Schools Act, the appointment of **additional** educators does not mean that the governing body assumes the state's role in the provision of classroom teaching and the appointment of a sufficient number of educators for teaching purposes. The governing body is still only able to appoint educators **additional** to those appointed by the state in fulfilling its constitutional obligation (Colditz, 2006:3). It is estimated that approximately 100 000 of the 327 000 educators in South African public schools are employed and remunerated by school governing bodies in terms of section 20(4) of the South African Schools Act (Randell, 2007:3).

In a media statement released by the Federation of South African School Governing Bodies dated 4 May 2007, Randell (2007:1) criticised the National Department of Education for inappropriately limiting the annual increase of educator's remuneration. Randell (2007:1) reminded that the new dispensation in education was introduced with a social contract which entails a significant contribution by parents and other stakeholders. He stated that parents contribute approximately R10 billion annually to the public school sector in South Africa (Randell, 2007:1) but that the state failed to uphold its end of the partnership by inappropriately limiting the remuneration of educators.

## **4.12. SCHOLARS SUGGEST REFORM TO IMPROVE THE EDUCATION SYSTEM.**

### **4.12.1. Visser's suggested conditions for reform.**

In an article on suggested public school reform, Visser (2006:359-366) explained that the three key role-players involved in exercising direct control (governance) over a public school, are:

- (a) the officials of the responsible provincial education department;
- (b) the school principal and educators; and
- (c) the school governing body.

He affirmed that all these role players do, at times, contribute to misalignment between the law and governance of schools. In Visser's (2006:360) opinion it is not possible to define the functions of the departments of education and of school principals (as their executive agents) with such legal precision as to avoid all future uncertainty or conflict. The complex system of co-responsibility and co-operation between the school principal and the governing body in regard to school management and school governance is capable of working properly provided that certain basic conditions are met. According to Visser (2006:362-364) the conditions for reform and improvement of the education system are:

- A need for a proper understanding of the legal powers in different spheres and levels of responsibility;
- Improving the competency (qualifications, knowledge, skill, objectivity and integrity) of all decision-makers;
- Inspiring confidence in others by establishing a track record of taking sound, objective and timeous decisions;
- The development of a culture and practice of legality and of healthy respect for the powers and rights of others;
- The creation of proper checks and balances to avoid any decision-maker becoming too powerful; and
- The implementation of mechanisms and systems to ensure accountability, visibility and transparency, as well as a credible audit of the exercise of all

powers and functions, whether relating to policy-making or the execution of policy.

In listing these conditions, Visser summarised the essential democratic principles that role-players in education should apply to improve the education system.

#### **4.12.2.Naidoo's suggests alternative school governance models.**

The study by Naidoo (2004:98) confirmed that many stakeholders in education questioned the suitability of the present model of school governance in terms of the South African Schools Act. Naidoo (2004:98) reported that a senior National Department of Education official admitted that:

The problem with our school governance model is that while it is important for democracy in principle, its effect in implementation is problematic. Wealthy schools are performing well under this model, and have gone beyond their powers.

Naidoo (2004:98) explained that the view of the National Department of Education at that stage was that school governing bodies had to be reined in. However, Naidoo (2004:98) was critical of the suggestion to limit school governing body powers and argued that all the gains in democratic decision-making and local participation across the system would be reversed. Subsequently, a report from the Review Committee of the National Department of Education advised that the powers of school governing bodies should not be reduced, but suggested that *“the exercising of powers in an unfettered and unchannelled manner has compromised the ability of school governing bodies to fulfil its mission of facilitating social transformation”* (DOE, 2004:133).

Naidoo (2004:113) found that despite uniformity in the education system, schools are developing distinctive patterns, given their unique contexts and the varying capacity of school governing body members. By applying the “theory-in-use” methodology, Naidoo (2004:75) categorised school governing bodies into four types as indicated in Table 4.3.

**TABLE 4.3 Naidoo's typology of school governing bodies by governance theory-in-use.**

<b>Accountable-Supportive</b>	<b>Advisory-Supportive</b>	<b>Supportive-Mediating</b>	<b>Supportive</b>
<b><i>Beach H/S – Quintile 5 &amp; well functioning SGB</i></b>	<b><i>Noord H/S - ex-model C &amp; not fully functional SGB</i></b>	<b><i>Eastern H/S – Quintile 3 &amp; not fully functional SGB</i></b>	<b><i>Zulu H/S – Quintile 1 (indigent) – poorly functioning SGB</i></b>
<ul style="list-style-type: none"> <li>▪ Overseeing school activities</li> <li>▪ Ensuring resources are used appropriately</li> <li>▪ Providing support to school (principal &amp; teachers)</li> <li>▪ Ensuring smooth efficient functioning of school</li> </ul>	<ul style="list-style-type: none"> <li>▪ Providing a forum for reporting school activities to stakeholders</li> <li>▪ Providing support to school (principal &amp; teachers) ensures smooth, efficient functioning of school</li> </ul>	<ul style="list-style-type: none"> <li>▪ Providing support to school (principal &amp; teachers) ensures smooth, efficient functioning of school</li> <li>▪ Expressing stakeholder interests promotes democracy and consensus</li> </ul>	<ul style="list-style-type: none"> <li>▪ Providing support to school(principal &amp; teachers) ensures smooth, efficient functioning of school</li> </ul>

(Source: Naidoo, 2004:75).

Although Naidoo (2004:77) admits that the Table 4.3 -typology is not exhaustive or a full reflection of all the nuances of school governance in South Africa, he affirms that the effectively and efficiency of school governing bodies are dependent on various factors such as the school governing body member skills and knowledge, level of constructive parental participation, level of maturity, responsibility and commitment of school governing body members, the availability of physical, financial and educational resources and teacher-pupil ratio. Naidoo (2004:123) suggests that alternative models of school governance should be developed in order to more accurately reflect and regulate the variation of governance in schools.

#### **4.13. SUMMARY OF CHAPTER 4.**

From the outset of this chapter, the inextricable link between democracy and the law was confirmed. In a constitutional democracy such as South Africa, the nature and conceptualisation of democracy is structured and specifically defined by the constitutional principles, values and rights. By analysing the Constitutional

text (par.4.5 to 4.9) and the texts of national education statutes (par. 4.10), it was demonstrated that democracy and the law co-exist, and are co-dependently intertwined. The South African legal and constitutional principles lay the foundation for the democratic edifice that is being developed by the South African society. By virtue of the close association between democracy and the law, it is essential for everyone concerned with the furtherance of democracy and the rightful improvement of education, to attain an appropriate and satisfactory level of knowledge of the law. Particularly, knowledge of constitutional rights and principles and of education law is essential for the improvement of education through democratisation of the system.

This chapter has also highlighted certain controversial bureaucratic practices that constrain the participatory, deliberative and liberal democracy in education. The findings of Naidoo confirm that governance reforms need to be linked to a paradigm shift in the way administrators decide and act, the way educational hierarchy operates, and the way that education is treated by political decision-makers. Naidoo suggested that in order to develop and improve democratic participation a more realistic model of democracy is required.

From this review of the literature, the following concerns about democratic principles and rights in education with regard to school governance are evident:

- The continuance of a bureaucratic or hierarchical education system does not inspire or develop democratic citizenship;
- Uncertainty exists whether the state or parents have the primary responsibility to educate children;
- The tendency and clear policy to centralise control over education has resulted in disagreements over the decentralised authority of school governing bodies to appoint educators and determine language and admission policies;
- Optimal stakeholder participation in school governance is constrained by restrictive democratic paradigms, political aims of social transformation and bureaucratic misapplication of democratic principles;

- Education administrators uphold certain policy decisions without due regard to the principles of legitimacy (or ‘the rule of law’), constitutionality, accountability, responsiveness and participation.

The underlying reasons for this phenomenon should be understood in the light of the political and social transformation that South Africa is undergoing. The stated political aim of the government is to ensure transformation of the workplace and other spheres of society in order to reflect the varied demography of the South African populace (Pandor, 1996:1). The courts play an essential role in controlling unjust and unlawful administrative actions that infringe the rights of schools such as the rights of governing bodies. However, the role of the courts to address the trend of misadministration and inept bureaucracy is limited to legal remedies and punitive cost awards on a case-to-case basis. Even so, these remedies have not acted as deterrents to unlawful bureaucratic action. It seems that the traditional methods of bureaucratic control (Meier & O’Toole, 2006: 21-93) such as political control, or management control by strict discretionary guidelines, supervision and disciplinary action, and judicial review have not addressed the undemocratic nature of the education system.

This chapter has thus established that in order to further democratisation of the education system it should be restructured according to an improved and practicable democratic model.

## **CHAPTER 5**

### **QUANTITATIVE EMPIRICAL RESEARCH**

#### **5.1. INTRODUCTION.**

The previous three chapters comprised a review of the literature on democracy, education and the law. Chapter 2 gave a synopsis of the key concepts of democracy and analysed various orientations to substantive democracy. The historical overview of democracy in the South Africa education system in chapter 3 explained that the education system had developed to become a highly centralised and bureaucratic system during the twentieth century, but it was transformed to afford a greater degree of parental participation through democratically elected school governing bodies after the attainment of full democracy in South Africa in 1994. Chapter 4 analysed democratic provisions in legislation and highlighted certain bureaucratic practices that constrain participatory democracy in education. The literature review confirmed that an improved model of democratic school governance is required to advance democracy in South African schools.

Accordingly, empirical research was undertaken to establish the level knowledge of respondents, assess their attitudes towards democracy in education and ascertain the democratic climate in schools. This chapter presents the rationale of the quantitative research design, tabulates the results of this study and, where necessary, discusses the findings.

#### **5.2. OBJECTIVES OF THIS CHAPTER: REPORT THE RESULTS OF THE QUANTITATIVE STUDY.**

The purpose of this chapter is to give an account of the quantitative findings. The quantitative research was designed to:

- Establish the level of knowledge of education legislation of the respondents;
- Ascertain the attitudes and opinions of the three groups of respondents with regard to democracy in education and school governance;
- Determine the democratic climate that prevails in schools;
- Adduce correlations, validity and reliability of sub-sets and factors;
- Determine the effect sizes between the answers of the three groups of respondents on individual questions;
- Determine effect sizes between the means of factors for the three sub-groups.

### **5.3. RESEARCH DESIGN.**

This quantitative study was designed as a non-experimental cross sectional study to determine the features of democratic school governance in the education system.

#### **5.3.1. Survey: A sample of stakeholders in public school governance.**

The research comprised a survey conducted among senior education officials in the North-West Department of Education, as well as school principals and school governing body chairpersons of public schools in the North-West Province. The purpose of the quantitative study was to obtain an overview of three sub-populations of stakeholders involved in public school governance. The researcher developed a questionnaire and designed it to compare the biographical data, knowledge levels, attitudes and opinions towards democracy in school education, as well as to determine the democratic climate in schools as it relates to the three sub-populations of respondents respectively.

##### **5.3.1.1. Population.**

The three target populations consisted of:

- all the senior education officials (n = 47) in the Education-Management-Governance-Development division of the North-West Province Department of Education;
- all the principals (n = 2165) in the North-West Province (DoE, 2006a);
- all the chairpersons of the school governing bodies of public schools (n = 2165) in the North-West Province (DoE, 2006a).

The target populations included principals and governing body chairpersons of primary, secondary, combined, special education and farm schools providing public education. The Education-Management-Governance-Development officials were responsible for administration of school governance and school management in the twenty school districts<sup>14</sup> of the North-West Province. The Education-Management-Governance-Development officials provide training, serve as expert consultants, determine policy, and perform supervisory and administrative functions over the schools in their districts. All independent schools were excluded from the population. This demarcation was necessary in order to focus on the aim of the study to research democracy at the meso level of public school education.

### **5.3.2. Development of the measuring instrument – A structured questionnaire.**

The researcher developed a structured questionnaire (see Appendix E) as the measuring instrument. The questions were based on the variables that were identified in the literature study and comprised the following four sections:

Section A – *Biographical and demographical particulars;*

Section B – *Questions on knowledge of education legislation;*

Section C – *Questions on attitudes towards democratic school governance;*

Section D – *Questions on the democratic climate in schools.*

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<sup>14</sup> The North-West Province is divided into the following administrative districts: 1 Brits 2 Temba 3 Mabopane 4 Moretele 5 Moses Kotane 6 Kgetleng River 7 Rustenburg 8 Kagisano Molopo 9 Gaseganyana 10 Greater Taung 11 Moshaweng 12 Taledi 13 Lichtenburg 14 Greater Delareyville 15 Zeerust 16 Setlakoobi 17 Matlosana/Klerksdorp 18 Maquassi Hills 19 Potchefstroom.

The following indicators were identified from the literature review:

- the level of parental participation at schools;
- the incidence of un/democratic practices in the education system;
- attitudes towards democratic principles and tenets;
- opinions and understanding of democratic citizenship;
- the prevalence of encumbrances to democratisation of education at public schools;
- acknowledgement or disregard of rights and functions of school governing bodies and/or parents and/or schools;
- the incidence of centralisation or decentralisation of authority in education;
- the incidence of bureaucratic versus democratic tensions in schools and/or the education system.

#### **5.3.2.1. Section A - Biographical and demographical particulars.**

A nominal scale was used to gather the biographical particulars of the respondents (see Items A 1-13, Appendix E) and provided following information:

- The age, gender and home language of the respondents;
- The position in school governance, management or administration;
- The career experience in education or school governance;
- Highest academic qualification and level of training received in Education Law.

The demographical particulars (see Items 11-13, Appendix B) provided the following information about the respondents:

- Type of school;
- Geographical situation of the school;
- Language of instruction at the school.

#### **5.3.2.2. Section B - Knowledge and understanding of education legislation and law.**

Sections B requested the respondents to indicate their answers by means of a Likert rating scale of 1 to 4, with number 1 signifying the lowest and 4 signifying the highest attitude or level (see Items B1-8, Appendix E). This section required of the respondents to assess their own knowledge and understanding of power-sharing, participatory democracy, the Bill of Rights, education legislation and certain educational policies. The respondents rated their answers on an interval scale ranging from poor to average, good or excellent.

### **5.3.2.3. Section C – Attitudes towards democracy and opinions of democracy in education.**

Sections C requested the respondents to indicate their answers by means of a Likert rating scale of 1 to 4, with number 1 signifying the lowest and 4 signifying the highest attitude. As is characteristic of an interval scale, Section C arbitrarily established the points of beginning and measured the responses in terms of equal intervals (Leedy & Ormrod, 2005:28).

The questions in this section tested the respondents' attitudes towards and opinions of parental participation, parental rights and duties, democracy in the education system, functions and authority of school governing bodies and democratic principles and tenets.

### **5.3.2.4. Section D – Democratic climate in public schools.**

Section D measured the democratic climate of the school and consisted of closed questions with multi-choice or alternative answers to the questions. The responses to the first twelve questions in Section D were measured occurrence in a Likert rating scale of four intervals, ranging from number 1 (signifying never) to number 4 (signifying always).

The questions in this section tested the participants' assessment of the democratic climate in schools and the education system as indicated by school

governing body functionality, undemocratic government action and incidence of parental participation.

In addition, two open-ended questions at the end of Sections C and D respectively, collected qualitative data on the opinions, perceptions and views of the respondents (see par. 6.10). The qualitative data from these questions was used in triangulation (see par. 7.3) to confirm or refute the validity of conclusions reached at the qualitative phenomenological study as set out in chapter 6 hereafter.

### **5.3.3. Pilot study.**

In order to improve the questionnaire, the researcher undertook a pilot study. Initial draft questionnaires were distributed to eight respondents who did not form part of the eventual sample. The selected participants of the pilot study consisted of three chairpersons of school governing bodies, three school principals and two education officials. The answers, queries and responses of the participants were analysed for ambiguity, misinterpretation and mistakes. Based on the queries and responses, the ambiguities in the wording of certain questions in sections C and D questionnaire were addressed.

In addition, the measuring instrument was reviewed by dr. S.M. Ellis of the Statistical Consultation Services of the North-West University for elements containing possible bias and ambiguity (Ellis, 2008). Once again, the comments and suggestions of the Statistical Services Department of North-West University were taken into account and the wording of certain questions in Sections C and D of the questionnaire were amended to remove possible bias and ambiguity. After completion of the pilot study, the format and content of the questionnaire was finalised.

#### **5.3.3.1. Sample.**

A list of the total population of public schools in the North-West Province was obtained from the head-offices of the North-West Department of Education and a sequentially numbered table was compiled (NW, 2006). A representative sample size was determined with the assistance of a statistical consultant from the North-West University Statistical Consultation Services, viz. dr. S.M. Ellis (2008).

For the purposes of this research, a sample with 95% significance was calculated according to the following formula:

$$n \geq 1 + \frac{10000}{d^2} = 401$$

n: the sample size

d: 5% inaccuracy

Based on these calculations, representative samples of principals and school governing body chairpersons amounted to 401 persons respectively. Thereafter 401 schools were systematically selected. Table 5.1 tabulates the number and type of schools that were randomly selected in the twenty districts of North-West province.

Table 5.1 indicates that the 401 randomly selected schools represented a sample of the broad spectrum of public schools ranging from suburban schools in towns such as Brits, Rustenburg, Lichtenburg, Potchefstroom and Mafekeng, to township and rural schools in the other districts. It was expected that the respondents would be representative of diverse segments and perspectives on the issue of democracy in education.

**TABLE 5.1 Number and type of public schools randomly selected.**

REGION	DISTRICT	TOTAL NO. OF SCHOOLS	NO. OF SCHOOLS SELECTED	PRIMARY	COMBINED	SECONDARY	SPEC ED
Bojanala East	Brits Mabopane Temba	424	83	17 27 20	2	10 4 2	1
Central	Lichtenburg Zeerust Mafekeng Atamelang	673	115	17 26 19 19	3 4 2	3 4 11 7	
Bophirima	(Vryburg & Greater Taung) (Mothibistad & & Kagisano & Molopo)	447	84	42 24	6	10 2	
Southern	(Potchefstroom & Fochville & Ventersdorp) (Klerksdorp & Maquassi Hills)	366	63	11 23	2 5	8 13	1
Bojanala West	(Rustenburg & M Kotane & Kgetleng River)	241	56	37	7	11	1
	TOTAL	2165	<b>401</b>	283	16	85	3

#### **5.4. DISTRIBUTION AND COLLECTION OF QUESTIONNAIRES.**

In order to collect sufficient quantitative data the questionnaires were distributed and collected by various methods, including post and by hand. Table 5.2 depicts the number and percentage of questionnaires collected by the various methods. The following systematic procedure was followed to distribute and collect the questionnaires from the respondents:

- *Distribution and collection by post:*

Envelopes containing a covering letter addressed to the school principal (see Appendix C) and two identical questionnaires (see Appendix E) were posted to the 401 randomly selected schools. The covering letters explained the procedure

and requested the principals and chairpersons to complete the questionnaires independently. The instructions accompanying the questionnaires emphasised the need for confidentiality and the essential requirement that answers should be the independent responses of the respondents themselves.

**TABLE 5.2 Method of distribution and number of questionnaires collected or returned.**

	SCHOOL PRINCIPALS			GOVERNING BODY CHAIRS			SENIOR EDUCATION OFFICIALS		
Method of distribution	School principals N	Collected from principals n	% of sample size (401)	Governing body chairs N	Collected from chairs n	% of sample size (401)	Senior officials N	Collect from officials n	% of sample size (47)
By post	401	92	22.9%	401	64	15.9%			
By hand / meeting	309	47	12.2%	337	47	11.7%	47	47	100%
Workshop 1	262	59	14.7%	290	39	9.7%			
Workshop 2	201	34	8.4%	244	25	6.2%			
Total collected per group		<b>234</b>			<b>175</b>			<b>47</b>	
Cumulative total collected	<b>456</b>								

The covering letter (see Appendix C) as well as the questionnaire (Appendix E) contained the assurance that the anonymity and confidentiality of all the respondents' would be guaranteed. Attached to each questionnaire was a self-addressed stamped envelope to be returned to the researcher with the completed questionnaire. In addition, the respondents were each requested to sign a consent form (see Appendix D) confirming their voluntary participation and understanding of the research project. In total, therefore, eight hundred and two (802) questionnaires were sent by post to 401 participating schools. However, as a result of the very low return rate (only 15.9% of the school governing body chairpersons) on the questionnaires sent by post as illustrated in Table 5.2, the researcher was obliged to adapt the method to distribute questionnaires and

collect additional data. Accordingly, a new strategy was devised and more data was collected by convenience sampling. By virtue of the convenience sampling methodology, the randomness of the survey could no longer be assured. Therefore, all the results will be regarded as for these sub-populations only and no generalizations of results will be made to the target population.

The additional questionnaires were collected by the following means:

- *Distribution and collection by student assistants:*

Seventy two (72) education students were enlisted to convey questionnaires by hand to the schools in the North-West Province where they were undergoing their practical training. The student assistants were appropriately briefed to advise the respondents that the research was strictly voluntary, confidential and anonymous. Envelopes containing two identical questionnaires were handed to respondents at the selected schools. A covering letter (see Appendix C), which accompanied the questionnaires, explained the procedure and requested the principals and chairpersons of governing bodies to complete the questionnaires independently. As a result of this method of distribution, 49 school principals and 47 school governing body chairpersons completed and returned the questionnaires.

- *Distribution and collection during the first workshop:*

The researcher obtained permission and the co-operation of the North-West Department of Education to conduct a workshop on school governance and Education Law. School principals and school governing body chairpersons of schools from North-West Province were invited by the researcher and the North-West Department of Education to attend a workshop at the Potchefstroom campus of the North-West University. During this workshop questionnaires were distributed to the delegates attending the workshop. Once again, it was emphasised that participation was voluntary and that the responses would be strictly confidential and anonymous. The nature of the research was explained to the respondents and their consent was obtained with the signing of the consent forms. The respondents were requested not to complete the questionnaire if they had already previously participated in the survey.

- *Distribution and collection during the second workshop:*

In order to increase the number of respondents, the researcher continued with the method of convenience sampling by distributing questionnaires during a second workshop. School principals and school governing body chairpersons of the North-West Province were invited to attend a second workshop hosted by the Federation of South African School Governing Bodies at the Potchefstroom campus of the North-West University. During this workshop the questionnaires were distributed to participants that had not previously participated in the survey.

- *Distribution to senior education officials and collection by hand:*

Gay and Airasian (2003:113) suggest that for small populations (with fewer than 100 units) the entire population should be surveyed. Accordingly, the researcher distributed questionnaires to all the senior education officials of the population (n=47) by hand. Meetings were arranged with the respective education officials telephonically, whereafter the researcher attended the various offices of the North-West Department of Education to have the questionnaires completed. It was also explained that participation was voluntary and that the responses were anonymous and confidential. Again, the nature and aims of the research was explained to the participants and they were requested to consent to the completion of the questionnaires in writing. All of the 47 senior education officials participated in the survey. The 100% response rate from education officials was obviously sufficient.

These methods of distribution of the questionnaires entailed repeated attempts to many of the same potential respondents in order to increase the data collected. Of course, as a result of the voluntary nature of the survey, some chose not to participate. In total 1282 questionnaires were distributed to the school principals and school governing body chairpersons by post, by hand and during the workshops and 456 responses were received.

Based on the recommendation of Ellis (2008) of the Statistical Consultation Services of North-West University, the responses can be regarded as sub-

populations of the original target population, but they are not necessarily representative of the target population. Therefore, all results will be regarded as for these sub-populations only and no generalisations will be made to the target population.

### **5.5. RESEARCH PROPOSITIONS.**

The researcher postulated that, with regard to the application and understanding the principles of democratic school governance, the study would:

- Demonstrate a lack of knowledge of Education Law;
- Demonstrate a lack of understanding of democratic principles and tenets;
- Demonstrate a significant incidence of undemocratic practices in school governance;
- Show that parental participation in school governance is poor;
- Demonstrate a prevalence of undemocratic attitudes towards mother tongue education and single medium language instruction;
- Demonstrate a prevalence of centralisation and bureaucracy in the education system.

### **5.6. DATA ANALYSIS.**

The responses were analysed with the assistance of the Statistical Consultation Services of the North-West University. The information from the questionnaire was coded into a computerized data base of the Statistical Consultation Services of the North-West University. The application of the widely used Statistical Analysis Software package, known by the acronym SAS (SAS Institute Inc., 2003) made it possible to do the required statistical analysis.

### **5.7. VALIDITY AND RELIABILITY.**

According to Leedy & Ormrod (2005:28) the validity of a measuring instrument is the extent to which the instrument measures what it is supposed to measure. However, McMillan (2008:50) asserted that the latest definition of validity was the extent to which inferences, claims, interpretations, uses, and conclusions are

reasonable and/or appropriate. According to McMillan's criterion, validity is not a characteristic of an instrument but depends on the nature of the evidence and its specific use (McMillan, 2008:50).

The researcher endeavoured to obtain face validity by relating all items in the instrument to the theme of democratic school governance. Content validity was established by determining the coherence between the theme of democratic school governance and the variables listed in sections B, C and D of the instrument. Construct validity was ascertained by factor analysis on the different sub-sections.

Reliability is the consistency with which a measuring instrument yields a certain result (Leedy & Ormrod, 2005:29). McMillan (2008:50) explained that reliability is reported as a correlation coefficient of the stability, equivalence, internal consistency and agreement evident from the measurement. Reliability takes the measurement error into account (McMillan, 2008:49). The Cronbach Alpha coefficient of the extracted factors was calculated in order to determine the reliability of the scale and showed the relationship between variables (McMillan, 2008:50). According to Field (2005:674) a Cronbach alpha value of 0.70-0.80 is an indication of good reliability, but that even lower values can be expected when dealing with diverse constructs. Ellis (2008) affirmed that a Cronbach Alpha value of more than 0.50 could be regarded as acceptable.

## **5.8. STATISTICAL TECHNIQUES.**

Use was made of descriptive as well as inferential statistics to unlock the desired information.

The following techniques were used to analyse the data:

- Determination of the frequencies and percentages of the biographical and demographical data of the sub-populations of respondents (i.e. education officials, principals and governing body members);

- Determination of averages and standard deviation of all the questions and sub-populations of respondents;
- Factor analysis;
- Determination of reliability of the appropriate sections of the questionnaire by means of the Cronbach alpha-value (Anatasi, 1988:124);
- Determination of the effect sizes between the three sub-populations of respondents' answers to individual questions by means of the Chi<sup>2</sup> test and the *phi*-coefficient test;
- One-way analysis of variance (ANOVA) and effect sizes between the means of the extracted factors for the three sub-populations of respondents.

### **5.9. RESULTS OF THE EMPIRICAL STUDY.**

The results of the empirical research are tabulated below (Tables 5.3 to 5.23).

The descriptive statistics are discussed in the following order:

- Objective of the section;
- Combined data;
- Comparison between the Senior Education Officials, School Principals and School Governing Body Chairpersons;
- Synopsis.

## **5.10. BIOGRAPHICAL AND DEMOGRAPHICAL DATA: SECTION A**

### **5.10.1. Objective of Section A.**

The aim of Section A was to obtain and compare biographical information (such as the age, gender, qualifications, experience and language) and demographical data about the three sub-populations of respondents.

### **5.10.2. Combined biographical data.**

Columns A of Table 5.3 and Table 5.4 contain a summary of the combined frequencies and percentages of biographical data of all the respondents. The following facts are evident from the combined data:

The number of respondents and their position of employment were (A1):

- Senior education officials - 47;
- School principals - 234;
- school governing chairpersons - 175.

Highest qualifications (A4) :

- In total 6.94% of the respondents had not attained a Grade 12 (secondary school) qualification, whereas 80.98% of the respondents attained a tertiary qualification (including national diplomas, degrees or post graduate qualifications, Table 5.3, Column A, Rows 20-24);
- 62.14% of the respondents were graduates (Table 5.3, Column A, Rows 21-24) of which 32.53% held post graduate qualifications (Table 5.3, Column A, Rows 22-24).

Qualification in law (A5):

- 88.51% of the respondents did not have any qualification in law (Row 25), whereas only 3.38% of the respondents had graduate qualifications in law (Rows 27-29).

**TABLE 5.3 Combined and comparative biographical data of the senior education officials, school principals and school governors.**

ITEMS	R o w s	VARIABLES	A: COMBINED DATA		B: OFFICIALS DATA		C: PRINCIPALS DATA		D: SGB CHAIRS DATA		E: PRACTICAL SIGNIFICANCE
			f	%	f	%	f	%	f	%	<i>Phi</i> coeff
<b>CAPACITY: A1</b>	1	Senior official	47	10.31	47	10.31	--	--			
	2	Principal	234	51.32	--	--	234	51.32			
	3	SGB Chair	175	38.38	--	--	--	--	175	38.38	
<b>YEARS EXPERIENCE: A2</b>	37	0 to 5 years	193	42.79	14	30.43	47	20.52	108	63.91	<b>0.44 medium significance</b>
	38	6 to 10 years	120	26.61	19	41.30	68	29.69	48	28.40	
	39	11 to 20 years	101	22.39	12	26.09	78	34.06	11	6.51	
	40	21 years >	37	8.20	1	2.17	36	15.72	2	1.18	
<b>CAREER EXPERIENCE: A3</b>	41	0 to 5 years	52	11.82	11.82	1	2.17	2	0.86	49	<b>0.59 large significance</b>
	42	6 to 10 years	31	7.05	2	4.35	7	3.00	22	14.01	
	43	11 to 20 years	148	33.64	34	73.91	71	30.47	42	26.75	
	44	21 years >	209	47.50	9	19.57	153	65.67	44	28.03	
<b>HIGHEST QUALIFICATION: A4</b>	18	< Matric	31	6.94	--	--	--	--	31	18.13	<b>0.68 large significance</b>
	19	Std.10/Gr.12	54	12.08	--	--	--	--	54	31.58	
	20	Diploma (tertiary)	84	18.79	2	4.35	43	18.94	38	22.22	
	21	Bachelor's degree	110	24.61	20	43.48	67	29.52	23	13.45	
	22	B. Ed (Honours)	130	29.03	18	39.13	92	40.53	18	10.53	
	23	Masters degree	29	6.49	2	4.35	22	9.69	5	2.92	
	24	Doctorate	9	2.01	4	8.70	3	1.32	2	1.17	
<b>QUALIFICATION IN LAW: A5</b>	25	None	393	88.51	41	91.11	196	85.9	154	92.22	<b>0.51 large significance</b>
	26	Diploma in Law	36	8.11	3	6.67	26	11.35	6	3.59	
	27	Bachelor in Law	5	1.13	1	2.22	2	0.87	2	1.20	
	28	Honours in Law -LLB	8	1.80	--	--	3	1.31	5	2.99	
	29	LLM, PhD, LLD	2	0.45	--	--	2	0.87	-	-	

#### Training in Education Law (A6):

- Most (49.1%) of the respondents had received no training in education Law (Table 5.4, Row1), whereas only 17.34% of the respondents had received some graduate training (including modules) in Education law (Table 5.4, Rows 4, 5 & 6).

The questionnaire included a section assessing the respondents' knowledge of Education Law and democratic principles (see par. 5.11, Section B results).

#### Gender (A8) and Age (A9):

- Approximately two thirds (66.52%) (Table 5.4, Column A, Row 9) of the combined respondent sub-populations were male and approximately one third (33.48%) was female (Row 10).
- Most (45.66%) of the respondents fell in the 41 to 50 years age category followed by 31.4% of the respondents in the 51 to 60 years age category. Therefore, approximately three quarters (77.06%) of the respondents were older than 40 years of age (Table 5.4, Column A, Rows 11, 12 & 13).

#### Home Language (A10):

- The largest language group represented by the respondents was Setswana (46.43%) followed by Afrikaans (33.43%).
- The combined percentage of the all the remaining language groups, including English, was 20.09%;
- Although the questionnaires were drafted in English, this language comprised the home language of only 2.59% of the respondents.

According to the 2001-Census results (Statssa, 2003:8) Setswana was the home language of 65.2%, Afrikaans was 7.5% and English the home language of 1.2% of the population of the North-West Province. The high percentage of the Afrikaans respondents can be attributed to the fact that the delegates that attended the second workshop were predominantly Afrikaans speaking, which explains the relatively higher percentage of this language group.

TABLE 5.4 Combined and comparative biographical data of the sub-populations.

ITEMS	R O W S	VARIABLES	A: COMBINED DATA		B: EDU OFFICIALS		C: PRINCIPALS		D: SGB CHAIRS		E: PRACTICAL SIGNIFICANCE
			f	%	f	%	f	%	f	%	<i>Phi</i> coeff
TRAINING COURSE IN EDUCATION LAW: A6	1	None	221	49.11	13	27.33	76	33.04	130	76.9	0.51 large significance
	2	Training course in Edu law	123	27.33	22	46.81	73	31.74	27	15.9	
	3	Teaching certificate in Edu law	28	6.22	--	--	21	9.13	6	3.5	
	4	B. Ed (Ed law module)	44	9.78	1	2.13	39	16.96	4	2.3	
	5	B. Ed (Hons) in Education Law	25	5.56	7	14.89	16	6.96	2	1.9	
	6	M. Ed /Ph. D in Education Law	9	2.00	4	8.51	5	2.17	--	--	
EXPERIENCE PRIOR TO APPOINTMENT A7	1	0 to 5 years	172	38.83	6	13.33	47	20.52	118	71.5	0.54 large significance
	2	6 to 10 years	107	24.15	17	37.78	68	29.69	22	13.3	
	3	11 to 20 years	114	25.73	20	44.44	78	34.06	14	8.5	
	4	21 years >	50	11.29	2	4.44	36	229	11	6.7	
GENDER A8	7	Male	302	66.52	29	61.70	166	71.55	104	60.8	0.11 small significance
	8	Female	152	33.48	18	38.30	66	28.45	67	39.2	
AGE A9	9	20 to 30 years	8	1.78	1	2.17	2	0.88	4	2.9	0.25 small practical significance
	10	31 to 40 years	80	17.82	8	17.39	28	13.02	43	24.7	
	11	41 to 50 years	205	45.66	26	56.52	97	42.54	80	46.7	
	12	50 to 60 years	141	31.40	8	17.39	93	40.49	39	22.8	
	13	61 years >	15	3.34	3	6.52	13	3.12	4	2.3	
HOME LANGUAGE A10	14	Setswana	208	46.43	24	54.55	102	44.93	79	45.66	0.21 small practical significance
	15	Afrikaans	150	33.48	13	29.55	82	36.12	55	31.79	
	16	English	12	2.68	1	2.27	4	1.76	7	4.05	
	17	Sepedi	14	3.13	5	11.36	5	2.20	4	2.31	
	18	siXhosa	20	4.46	--	--	9	3.96	11	6.36	
	19	isiZulu	3	0.67	--	--	1	0.44	2	1.16	
	20	Other	41	9.15	1	2.27	24	10.57	15	8.67	

### **5.10.3. Comparison between the biographical data of the senior education officials, school principals and the school governing body chairpersons.**

The frequencies and percentages of the biographical data of the respective sub-populations are contained in Column B (Senior Education Officials), Column C (School Principals and Column D (School Governing Body Chairpersons) in Table 5.3 and Table 5.4 respectively.

In comparing the three sub-populations, the following particulars and differences were noteworthy:

#### **5.10.3.1. Years experience in position (A2).**

It is significant that, in terms of years experience:

- 30.43% of the senior education officials, 20.52% of the principals and 63.91% of school governing body members (Row 37) had less than five years experience in their respective positions;
- 28.26% of the senior education officials (Column B; Rows 39-40) and 49.78% of the principals (Column C; Rows 39-40) had more than 10 years experience in the post, whereas only 7.69% of the school governing body members had more than 10 years experience in the position.

The *Phi*-coefficient of 0.44 statistically confirms that the differences in years of experience between the sub-populations is of **medium** practical significance.

#### **5.10.3.2. Career experience - total working years (A3).**

The data with regard to career experience confirmed that:

- 80.15% of the all the sub-populations of respondents had more than 10 years experience in their careers;
- 31.21% of the school governing body respondents had less than five years working experience;
- the vast majority of senior education officials, i.e. 73.9%, had between 11 and 20 years career experience;

- 96.14% of the principals and senior education officials had more than 10 years working experience, whereas only 54.78% of the school governing body chairpersons have more than 10 years working experience.

The *phi*-coefficient of 0.59 statistically confirms that the differences in career experience between the sub-populations is of **large** practical significance.

#### **5.10.3.3. Highest academic qualification (A4).**

From Table 5.3 it is apparent that:

- 18.13% of the respondents, all of which are school governing body chairpersons, did not have a matric as highest academic qualification;
- 31.54%% of the respondents, all of which were school governing body chairpersons, have a matric (Grade 12) as their highest academic qualification;
- All the senior education officials and school principals have tertiary qualifications, whereas only 50.29% of the school governing chairpersons (Column D; Rows 20-24) have tertiary qualifications. Although the South African Schools Act (SA, 1996a) does not require a minimum academic qualification for parents to serve on school governing bodies, it is significant that 49.71% (Column D, Rows 18-19) of the school governing chairpersons did not have tertiary qualifications;
- 62.19% of the respondents have graduate and post graduate qualifications;
- The most of the school principal-group (40.53%) have B.Ed Honours degrees, whereas most of the senior education officials (43.48%) have B.Ed-degrees as their highest academic qualification. Therefore, in general, most of the school principals have higher academic qualifications than the senior education officials and school governing body chairpersons;
- The percentage of school principals that have a masters degree as highest qualification (9.69%) is higher than the senior education official-group (4.35%), although the senior education officials have the largest number of respondents with doctorate degrees (8.7%);
- 80.98% (Table 5.3, Column A, Rows 20-24) of the respondents (including school governing body members) were appropriately qualified as educators (i.e. three year

diploma or higher) as required by the Personnel Administration Measures (section 2.2(a) of the Employment of Educators Act (SA, 1998).

The *Phi*-coefficient of 0.68 statistically confirms that the differences in highest academic qualification between the sub-populations is of **large** practical significance.

#### **5.10.3.4. Education Law knowledge (A5).**

The purpose of the question on knowledge of Education Law (Item A.5) was to determine the respondent's self assessed level of knowledge in Education Law in order to compare the results with other studies. This matter is discussed in par. 5.11.4 below. The following statistics were notable:

- Only 2.2% of the senior education officials, 3.05% of the school principals (Column C; Rows 27-29) and 4.19% of the school governing chairpersons held law degrees;
- 11.35% of the school principals, compared to 6.67% of the senior education officials and only 3.59% of the school governing chairpersons held a three year diploma in law;
- only 2.99% of the school governing chairpersons and 2.18% of the school principals held post graduate qualifications in Law, whereas none of the senior education officials have post graduate qualifications in Law;
- The vast majority of 88.56% of the respondents have no formal qualification in law. This means that, in total, only 11.44% of the respondents have formal qualifications in law.

The fact that most of the respondents admit to having no formal Education law qualifications, confirms informal nature of their knowledge and indicates the probable superficial level of knowledge of Education Law and democratic principles.

The *Phi*-coefficient of 0.51 statistically confirms that the differences between the sub-populations regarding qualification in education law is of **large** practical significance.

#### **5.10.3.5. Education Law training (A6).**

The purpose of questions on Education Law training received (Item A6) was to determine the respondent's level of training in Education Law. The responses to Item A6 confirmed that:

- 49.11% of all the respondents had no training in Education Law whatsoever;

- 27.33% of the senior education officials, 33.04% of the principals and 76.9% of the school governing body members had received no training in Education Law;
- 72.7% of the senior education officials, 66.96% of the principals and 23.08% of the school governing chairpersons (Rows 2-6) had received *some* training in Education Law;
- the largest group, viz. 46.81% of the senior education officials, followed by 31.74% of the school principals, underwent a training course in Education Law, whereas only 15.98% of school governing body respondents underwent a training course in Education Law.

From the results of Items A5 and A6 it is clear that, in general, senior education officials and school principals regard themselves as better qualified and trained in Education Law than school governing body chairpersons.

The *phi*-coefficient of 0.51 statistically confirms that the differences between the sub-populations with regard to training received in Education Law is of **large** practical significance.

#### **5.10.3.6. Gender (A8).**

About 60% of the school governing body chairpersons were male and approximately 40% were female. The gender distribution of school principals were approximately the same with about 61% male, whereas 66.52% of the senior education officials were male (Table 5.3, Rows 9-10).

The *Phi*-coefficient of 0.11 statistically confirms that the differences (effect sizes) between the sub-populations with regard to gender is of **small** practical significance.

#### **5.10.3.7. Age (A9).**

- 27.63% of the chairpersons (Column D) were under 40 years of age, whereas only 14% of school principals (Column C) and 19,56% of the senior education officials fell in this category;
- Most of the respondents fell within the 41 to 50 years age category (45.66% - Column A) and in particular 56.52% of the senior education officials (Column B); 42.54% of the school principals (Column C); and 46.76% of the school governing bodies chairpersons (Column D) were more than 40 years old;
- the largest group of the school principals (40.49%) fell in the 50 years age, whereas only 22.18 % of the school governing body chairpersons and 17.39% of the senior education officials were in this age group;

Generally, the school governing body chairpersons were younger than the school principals and senior education officials. The possible reasons for the age differences are firstly, that as parents of school-going children the chairpersons are naturally younger adults and, secondly, school governing body chairperson were elected whereas senior education officials and school principals were appointed by experience and competence.

However, The *Phi*-coefficient of 0.25 statistically confirms that the differences between the sub-populations with regard to age is of **small to medium** practical significance.

**TABLE 5.5 Combined demographical data to the respondents.**

ITEMS	VARIABLES	COMBINED DATA	
		f	%
<b>TYPE OF SCHOOL A11</b>	Primary	229	54.9
	Secondary	153	36.7
	Combined	30	7.2
	Other (Special Education)	3	0.7
<b>GEOGRAPHICAL SITUATION OF SCHOOL A12</b>	Urban (Inner city)	35	8.3
	Semi-urban (Suburb)	69	16.4
	Semi-urban (Township)	123	29.2
	Rural	159	37.8
	Rural (Farm School)	32	7.6
<b>LANGUAGE OF INSTRUCTION A13</b>	English	134	31.3
	Setswana & English	148	34.6
	English & Afrikaans	25	5.8
	Setswana	4	0.9
	Afrikaans	98	22.9
	Other	3	0.7

#### **5.10.4. Combined demographical data.**

The purpose of the final three questions of Section A was to obtain information about the demographic particulars of the respondents. Table 5.5 summarises the demographical data.

##### **5.10.4.1. Type of school (A11).**

The following was notable with regard to the type of schools:

- More than half (54.9%) of the respondents were from primary schools;
- 36.7% of the respondents were from high schools;
- 7.2% were combined schools (i.e. primary and secondary), and
- 3 (0.76%) special education schools participated in this survey.

##### **5.10.4.2. Geographical situation of the schools (A12).**

The geographical data (Table 5.5) of the sample reveal that:

- the combined total of the inner city, township, rural and farm schools amounted to 82.9% of the schools surveyed. Most of these schools represented previously disadvantaged schools;
- 16.4% of the respondents served at suburban schools.

#### **5.10.4.3. Language of instruction at the schools (A13).**

The following is evident from the language of instruction data (Table 5.5):

- The largest group of the sample, i.e. 148 (34.6%) schools, comprised schools that offered Setswana and English instruction in classes. This correlates with other studies by De Klerk (2002), Uys (2006) and Heugh (1999)<sup>15</sup> that confirm that most township and rural primary schools in South Africa offered an official African Language instruction (e.g. Setswana) during Foundation Phase (i.e. Grades 1-3) and then switched to English instruction during the intermediate phase of schooling;
- 31.3% of the schools offered English as language of instruction. With the exception of schools offering Afrikaans language instruction, most of the secondary schools preferred to offer English language instruction;
- 22.9% of the schools offered Afrikaans single medium language instruction
- Only 0.9% of the schools offered Setswana language instruction. Although Setswana is the home language of approximate 65.2% of the population in the North-West province, it is remarkable that only 0.9% of the schools offered Setswana instruction.

#### **5.10.4.4. Synopsis of biographical and geographical data.**

The data from Section A of the questionnaire reflects the expected cross-section of the biographical and demographical variances for the North-West Province. The salient particulars of the Section A data were:

- 77 % of the respondents were older than 40 years of age;
- approximately two thirds (66.52%) of the respondents were male;

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<sup>15</sup> De Klerk, V. 2002. Language issues in our schools: Whose voice counts? Part 1: The parents speak. *Perspectives in Education*. 20 -1. Uys, M. 2006. *Proposed model for training English medium of instruction teachers*. Potchefstroom. North-West University. Ph.D. thesis. Heugh, K. 1999. Languages, development and reconstructing education in South Africa. *International Journal of Educational Development*,19, 186.

- the largest language group was Setswana (46.43%) followed by Afrikaans (33.43%);
- more than half (55.08%) of the respondents were from primary schools and 36.04% of the respondents were from high schools;
- approximately 84.89% of the respondents served at previously disadvantaged schools;
- about a third of the school governing body chairpersons had matric as highest qualification, whereas all the school principals and senior education officials had tertiary qualifications;
- the majority of the school governing body members were relatively inexperienced (63.91% less than 5 years) in their positions, whereas the vast majority of senior education officials and school principals were very experienced (96.14% more than 10 years career experience)
- the school principals and senior education officials are academically better qualified than the school governing chairpersons;
- the school principals and senior education officials have received more training in Education law than the school governing chairpersons.

## **5.11. SECTION B: KNOWLEDGE OF EDUCATION LEGISLATION.**

### **5.11.1. Objective of the Section B.**

The purpose of Section B was to determine the respondents' level of knowledge of Education legislation and democratic principles. The secondary objective of collecting data on knowledge of Education legislation and democratic principles was to examine and compare the level of knowledge to the correctness of the answers to certain questions in Section C in order to verify the accuracy of participants' self-assessments.

### **5.11.2. Analysis of the combined data of Section B.**

Table 5.6 represents the combined frequencies and percentages of the respondents' level of knowledge of Education legislation and democratic principles. The following results are notable:

- 60% of the respondents regarded their knowledge of decentralisation, power-sharing and the Bill of Rights as good;
- the respondents' knowledge of the South African Schools Act was the best with 19.91% respondents indicating that they have excellent knowledge of this Act;
- knowledge of the Personnel Administration Measures was the lowest with the largest (39.76%) of the respondents indicating an average level of knowledge;
- About 50% or more of the respondents regarded their knowledge of all the education legislation, except for the Personnel Administration Measures, as good.

**TABLE 5.6 Combined data of the respondents' knowledge of education legislation.**

SECTION B ITEMS	COMBINED DATA OF RESPONDENTS' KNOWLEDGE OF EDUCATION LEGISLATION							
	Poor <i>f</i>	Poor %	Averag <i>f</i>	Averag %	Good <i>f</i>	Good %	Excel <i>f</i>	Excel %
How do you rate your knowledge and understanding of the democratic principles of ...								
1. ... decentralisation of authority to school governing bodies?	12	2.67	101	22.49	277	61.69	59	13.14
2. ... the Bill of Rights as embodied in the S A Constitution?	18	4.01	97	21.60	265	59.02	69	15.37
3. ... the South African Schools Act, 1996?	<b>13</b>	<b>2.92</b>	<b>95</b>	<b>21.35</b>	<b>249</b>	<b>55.96</b>	<b>88</b>	<b>19.78</b>
4. ... the Employment of Educators Act, 1998?	25	5.58	117	26.12	238	53.19	68	15.18
5. ... the National Education Policy Act, 1996?	29	6.59	151	34.32	216	48.80	44	10.0
6. ... the Norms and Standards for school funding?	18	4.04	146	32.81	214	48.09	67	15.06
7. ... the Personnel Administration Measures?	<b>54</b>	<b>12.16</b>	<b>175</b>	<b>39.41</b>	<b>175</b>	<b>39.41</b>	<b>40</b>	<b>9.0</b>
8. ... National Norms for Language Policy in public schools?	22	4.9	144	32.07	228	50.78	55	12.25

**TABLE 5.7 Comparison of the sub-populations' knowledge of education legislation.**

SECTION B ITEMS How do you rate your knowledge of the democratic principles of ...	EDU OFFICIALS				PRINCIPALS				SGB CHAIRS				Practical significance
	Poor %	Ave %	Good %	Excel %	Poor %	Ave %	Good %	Excel %	Poor %	Ave %	Good %	Excel %	<i>Phi</i> coeff
1. decentralisation of authority to SGB's	0	8.7	<b>76</b>	15.2	3	22.5	<b>61.5</b>	13	3	26.8	<b>57.7</b>	12.5	0.14 small
2. the Bill of Rights in the Constitution?	2.2	13	<b>63</b>	21.7	2.2	19.1	<b>62.2</b>	16.5	7.1	27.8	<b>53.3</b>	11.8	0.19 small
3. the South African Schools Act, 1996?	2.2	4.4	<b>52.2</b>	41.3	0.4	15.8	<b>64</b>	19.8	6.6	34.1	<b>46.1</b>	13.2	<b>0.35 medium</b>
4. the Employment of Educators Act, 1998?	2.2	10.9	<b>63</b>	23.9	0.9	20.8	<b>61.9</b>	16.5	13.1	38.1	<b>38.7</b>	10.1	<b>0.36 medium</b>
5. the National Education Policy Act,	2.2	34.8	<b>54.4</b>	8.7	14.7	44.8	<b>34.4</b>	6.1	14.7	<b>44.8</b>	34.4	6.1	<b>0.34 medium</b>
6. the norms for school funding?	2.2	8.7	<b>65.2</b>	23.9	3.5	28	<b>51.1</b>	17.5	5.4	<b>46.1</b>	40.1	8.4	0.28 small
7. the PAM?	4.4	28.3	<b>63</b>	4.4	6.1	37.4	<b>44.8</b>	11.7	23	<b>45.5</b>	25.5	6.1	<b>0.33 medium</b>
8. Norms for Language Policy	4.4	30.4	<b>58.7</b>	6.5	3	31.6	<b>52</b>	13.4	7.7	33.7	<b>46.8</b>	11.8	0.13 small

### **5.11.3. Comparison between the Senior Education Officials, School Principals and School Governing Body Chairpersons of the Education Legislation knowledge levels.**

The following notable differences between the respondent groups are apparent from Tables 5.7:

- 93.5% of the senior education officials followed by 83.8% of the school principals regard their knowledge of South African Schools Act as good or excellent, whereas only 59.3% of the school governing body chairpersons regard their knowledge of South African Schools Act as good or excellent. However, the Phi coefficient of 0.14 indicates that these differences are of small practical significance;
- The school governing body chairpersons regarded their knowledge of decentralisation of authority as the best (57.7%), whereas school principals (62.2%) and senior education officials (63%) regarded their knowledge of the South African Schools Act as the best.
- Both the senior education officials-group (37%) and the school principals (59.5) regarded their knowledge of the National Education Policy Act as the lowest (i.e. poor & average scores combined), whereas the 68.5% of school governing chairpersons regarded their knowledge of the Personnel Administration Measures to be the lowest.

Possible explanations for these differences in the levels of knowledge and understanding of Education Law can be ascribed to the functions and duties of senior education officials and school principals as administrators and human resource managers. It is not the function of school governing body members to manage and discipline educators. This explanation is confirmed by the fact that the greatest difference in knowledge between the school governing body chairpersons and the other two sub-populations was found to be their working knowledge of labour legislation and regulations such as the Employment of Educators Act and the Personnel Administration Measures.

Table 5.7 signifies that, generally, there are differences between the sub-populations with regard to their knowledge of Education Law. In general, the senior education officials consistently estimate their knowledge levels visibly higher than the school principals, who in turn rate their knowledge visibly higher than the school governing body chairpersons.

The *Phi*-coefficient of less than 0.3 for every item in section B confirms that the differences between the sub-populations regarding knowledge of Education law and democratic principles is of **small** practical significance. However, the comparison between the sub-populations revealed *phi*-coefficients of **medium** practical significance with regard to knowledge of the South African Schools Act (*phi* coeff: 0.36); the Employment of Educators Act (*phi* coeff: 0.37); the National Education Policy Act (*phi* coeff: 0.34) and the Personnel Administration Measures (*phi* coeff: 0.33).

#### 5.11.4. Testing the respondents knowledge of democratic principles.

In order to verify the accuracy of the self-assessments by the respondents, certain knowledge questions were included in Section C and Section D. The purpose of these questions was to test the correctness of the responses and to compare the results with the self-assessments. The questions tabulated in Table 5.8 were posed to test the respondents' knowledge of democratic principles. As explained in chapter 4, there is an unseverable relationship between democracy and the law is, and in particular between democratic principles and Education Law.

The responses of the respective sub-populations, as tabulated in Table 5.8, indicate that:

- Incorrect answers to Item C5 were given by **17%** of the senior education officials, **26%** of the school principals and **24%** of the school governing chairpersons;
- Incorrect answers to Item C8 (i.e. majority will should/should not always triumph) were given by **60%** of the senior education officials, **50%** of the school principals and **50%** of the school governing chairpersons. The high percentage of misunderstanding of this fundamental democratic principle provides a probable

TABLE 5.8 Knowledge of democratic principles: Correct answers to questions.

No.	ITEM	CORRECT ANSWER	DEMOCRATIC PRINCIPLE LEGAL PRINCIPLE
C5.	Every school, not the provincial education department, should be accountable for performance.	Democratic accountability lies with every specific school/institution, but the state (i.e. provincial education department) can be held legally accountable / liable for failure to provide basic education.	See par 3.4 above. Devolution of authority with responsibility. (Connors & McMorrow, 1990:75). The state's constitutional legal obligation and liability to provide basic education should not be confused with democratic accountability for performance.
C8.	In South African education, the majority's will should always triumph.	The majority's will is not absolute and should <b>not</b> always triumph.	See par. 2.3.13.Tocqueville's 3 <sup>rd</sup> supposition: The power of the majority is always limited by the prerequisite of the rule of law and the implicit requirements of legality and justice, (Cunningham, 2002:9).
C10.	Parents, not the state, are the primary educators of their children.	Parents are the primary educators of their children.	See par. 3.5 Parental authority and responsibility to decide on the nature and content of the education that a minor child should receive, arises <i>ex lege</i> by virtue of parentage (Spiro, 1985:43)
C13.	A culture based on bureaucratic relationships is appropriate to prepare learners for democratic citizenship.	An education system must function democratically to effectively transmit democratic values to learners.	See par. 3.6 above. Democratic values cannot be affirmed and transmitted to learners if an education system is bureaucratic or autocratic.(Giroux 1995:6)
C14.	In a multicultural society such as South Africa, bureaucratic control of education is appropriate to manage diversity.	Democratic tolerance, Participative and deliberative democracy is needed to administer/manage diversity.	See para. 2.4.9 §6, 7, 15, 16, 29(2), 30, 31 of Constitution protects diversity. International law- International treaties require the state to protect diversity.
C19.	In South African education, the majority's will may not impede minority rights.	Individual and community rights are constitutionally protected. These rights may only be limited in terms of § 36 of the Constitution.	See par. 4.6 Bill of Rights in the Constitution and International law.
D14.	All Afrikaans schools should be compelled to give English instruction.	School governing bodies have the right to determine language policy. Schools cannot be compelled to change their policy.	See the <i>Mikro</i> -case, the National language policy and §29 of the Constitution confirm school language rights.

explanation for the bureaucratic attitude of many of the senior education officials and the diffidence displayed by the school principals and school governing chairpersons towards bureaucratic action;

- Most of the respondents answered Item C10 correctly. Only **2%** of the senior education officials, **6%** of the school principals and **9%** of the school governing chairpersons answered **incorrectly** that the state is the primary educator of children;
- Incorrect answers to Item C13 were given by **48%** of the senior education officials, **55%** of the school principals and **59%** of the school governing chairpersons. This result confirms an inherent misunderstanding of the educational principle that democratic values, practices and attitudes must be applied and demonstrated in order to instil appropriate understanding of democracy with learners. Actions speak louder than words;
- Incorrect answers to Item C14 were given by **59%** of the senior education officials, **57%** of the school principals and **57%** of the school governing chairpersons. These statistics confirm that the majority of respondents were ignorant of the democratic principles of participatory and deliberative democracy as mechanisms to manage diversity and accommodate of multi-culturalism;
- Most of the respondents answered C19 correctly. However, **22%** of the senior education officials, **21%** of the school principals and **22%** of the school governing chairpersons, which represents a sizable percentage, answered that the majority will may impede minority rights. This statistic does not bode well for the protection of the minority rights of diverse communities;
- The percentage responses to Item D14 are indicated in Table 5.7. Incorrect answers about language policy and the provisions of the South African Schools Act were given by **60%** of the senior education officials, **45%** of the school principals and **55%** of the school governing chairpersons.

Perhaps the ignorance displayed by the majority of the senior education officials and school governing chairpersons explains why bureaucratic action to compel Afrikaans single medium schools to change their language policy remains such a burning and highly politicised issue.

### **5.11.5. Discussion of the knowledge levels of democratic principles of the respondents.**

The brief analysis of knowledge levels of the respective respondent sub-populations in par. 5.11.4 confirmed that the majority of respondents were ignorant or misunderstood a number of the democratic principles that relate to bureaucracy and education. In particular, principles with regard to participatory democracy, the protection of minority rights, tolerance and accommodation of multi-cultural diversity were misunderstood.

Previous research by Kriel (1993), De Wet (2002), Breed (2003), and Herselman (2006) have all confirmed the inadequacy of the levels of knowledge that school principals, educators, school governing body members and education officials have with regard to Education Law. Kriel (1993: 85) found that 40% of the educators provided incorrect answers to questions on professional ethics and the law.

De Wet (2002:117-121) studied school principals' knowledge of the Constitution and their attitudes towards religious-, cultural- and linguistic rights. She found that school principals had a reasonable knowledge of the Constitution and that the principals serving at previously advantaged schools had a higher level of knowledge of constitutional provisions (De Wet, 2002:122). De Wet (2002:120) also found that a significant negative correlational relationship existed between knowledge of Education Law and tolerance of diversity at schools. In other words, school principals that scored less than 60% in the knowledge test displayed greater intolerance towards cultural diversity than did other school principals with higher levels of knowledge.

Breed (2003:98-117) studied the relationship between knowledge of Education law and variables such as the level of qualification, years of experience and qualification in Education Law of school principals. Breed (2003:104) found a strong practical and statistical correlation between the school principals' level of knowledge of Education

Law matters and their years of experience, academic qualifications and the level of training in Education Law. He found that school principals with good knowledge of Education Law demonstrated significantly increased ability to manage schools correctly and appropriately, in comparison to school principals with inadequate knowledge of Education Law (Breed, 2003:110).

Herselman (2006:137) found that educators' level of knowledge of the legal principles of duty of care and delictual liability was on average only 50%. These studies all confirm that in general, the knowledge levels school principals and educators of Education Law were unsatisfactory and that an increased knowledge of Education Law led to improved management of schools and increased effectiveness in education.

As illustrated in Table 5.7, **91%** of the senior education officials assessed their own knowledge of democratic principles to be either good (76%) or excellent (15%). Similarly, **74%** of the school principals and **70%** of the school governing chairpersons indicated that their knowledge of democracy was excellent or good. However, as stated in par.5.10.3.4 above, the vast majority of 88.56% of the respondents had no formal qualification in law. Furthermore, only 23.4% of the senior education officials, 9.13% of principals had post graduate qualifications in Education Law. The training levels in Education Law were also quite low as was indicated in par.5.10.3.5 above. The respondents indicated that 27.3% of the senior education officials, 33.04% of the principals and 76.92% of the school governing body members had received no training in Education Law. These levels of qualification and training in Education Law point towards an insufficient understanding of democratic principles and the law.

The analysis in par.5.11.4 of the incorrect responses by respondents to questions of knowledge of law and democratic principles, confirms that the majority of respondents overestimated their own understanding and knowledge of democracy and the legal principles that apply to education. Therefore, based on the findings of

Kriel (1993), De Wet (2002), Breed (2003), and Herselman (2006), it follows that the effectiveness of school management, education administration and school governance is detrimentally affected by the inadequacy of knowledge of Education Law and democratic principles.

#### **5.11.6.Synopsis.**

To summarise, the results of Section B confirmed that:

- Senior education officials regarded their knowledge of Education legislation to be at a higher level than the school principals who, in turn, regard their knowledge levels higher than the school governing body chairpersons;
- Analysis of the respondent's answers to knowledge questions indicated that the majority of the respondents were ignorant of and misunderstood the democratic principles of that relate to bureaucracy, participatory democracy, the protection of minority rights, tolerance and accommodation of multi-cultural diversity;
- the difference between the lowest and the highest scores is more pronounced with school governing body members than with school principals and senior education officials. In other words there is greater variance in the knowledge of school governing body chairpersons;
- School principals and senior education officials estimate their knowledge of the Employment legislation and regulations to be higher than the school governing body chairpersons.

## **5.12. SECTION C: ATTITUDES TOWARDS PARTICIPATIVE DEMOCRACY IN SCHOOLS.**

### **5.12.1. Objective of Section C.**

The purpose of Section C was to determine the respondents' attitudes towards participative democracy and power sharing within the education system and their opinions of democracy with regard to school governance.

### **5.12.2. Analysis of the combined data of Section C.**

The following table (Table 5.9) represents the combined frequencies and percentages of the respondents' responses to the Section C questions on participative democracy and power sharing in schools. The following results are notable:

#### ***5.12.2.1. Strong agreement by the majority of all the respondents.***

The majority of all of the respondents agreed (Table 5.9; Column D) or strongly agreed (Table 9; Column E) with the following statements:

- Cumulatively, **96.91%** of all the respondents strongly agreed (69.98%) and agreed (26.93%) that **parental participation improves the effectiveness** of a school;
- **91.77%** of all the respondents strongly agreed (57.33%) and/or agreed (34.44%) that without **monetary and other contributions by parents**, the education system in state-aided schools will not function adequately (Item C6);
- **94.47%** of all the respondents strongly agreed (69.91%) and/or agreed (24.56%) that **parents, not the state, are the primary educators** of their children (Item C10);

**TABLE 5.9 Combined data of respondents' attitudes towards participation and opinions of democratic school governance.**

ITEMS: SECTION C ATTITUDES TOWARDS PARTICIPATORY DEMOCRACY:	B Strong No		C No		D Yes		E Strong Yes	
	f	%	f	%	f	%	f	%
	1. Parental participation improves the effectiveness of a school.	4	0.88	10	2.21	122	26.93	317
2. Our school/district/ province cannot operate democratically because of time constraints.	80	18.14	174	<b>39.46</b>	151	34.24	36	8.16
3. Every school should have an advisory parent's council in addition to a SGB, to advise the school on matters that concern the parents with regard to education.	51	11.28	96	21.24	154	<b>34.07</b>	151	33.41
4. Every school, not the provincial education department, should decide on the admission of learners to the school.	76	16.93	71	15.81	125	27.84	177	<b>39.42</b>
5. Every school, not the provincial education department, should be accountable for performance (e.g. academic achievement).	44	9.78	69	15.33	162	36.00	175	<b>38.89</b>
6. Without monetary and other contributions by parents, the education system in state-aided schools will not function adequately.	12	2.67	25	5.56	155	34.44	258	<b>57.33</b>
7. The provincial education department, not the school, should have the final say on the appointment of educators.	187	<b>41.65</b>	107	23.83	83	18.49	72	16.04
8. In South African education, the majority's will should always triumph.	76	17.59	134	31.02	148	<b>34.26</b>	74	17.13
9. Inclusion of mildly disabled learners into main stream schools should be compulsory for public schools in order to promote democracy.	102	22.67	118	26.22	145	<b>32.22</b>	85	18.89
10. Parents, not the state, are the primary educators of their children.	9	1.99	16	3.54	111	24.56	316	<b>69.91</b>
11. At our school, the provincial department does not enable parents to participate adequately.	169	38.24	187	<b>42.31</b>	65	14.71	21	4.75
12. The SGB's function of determining language policy of a school should be centralised to the education department.	146	<b>32.3</b>	127	28.1	116	25.66	63	13.94
13. An education culture based on bureaucratic relationships is appropriate to prepare learners for democratic citizenship.	70	15.8	136	<b>30.7</b>	176	39.73	61	13.77
14. In a multicultural society such as South Africa, bureaucratic control of education is appropriate to manage diversity.	66	14.83	122	27.42	197	<b>44.27</b>	60	13.48
15. The provincial education department functions democratically by enabling adequate parental participation.	13	2.92	84	18.88	234	<b>52.58</b>	114	25.62
16. SGB's should be replaced by more centralised and elected Boards of Education in every district.	184	<b>41.07</b>	116	25.89	89	19.87	59	13.17
17. Provincial education departments should appoint educators to schools without recommendation by SGB.	257	<b>56.98</b>	122	27.05	42	9.31	30	6.65
18. Parents should be allowed to prevent the teaching of contentious learning material.	68	15.6	98	22.48	152	<b>34.86</b>	118	27.06
19. In South African education, the majority's will may not impede minority rights.	33	7.64	57	13.19	189	<b>43.75</b>	153	35.42
20. One of the important purposes of an education system is to develop active democratic citizens.	9	2.02	15	3.36	179	40.13	243	<b>54.48</b>

- **Surprisingly, 78.2%** indicated that the provincial education **department does function** democratically (Item C15). In particular, 52.58% of the respondents agreed and 25.62% strongly agreed that the provincial education department **does** function democratically by enabling adequate parental participation;
- Cumulatively, 79.17% of all the respondents strongly agreed (35.24%) and agreed 43.75% that in South African education, the **majority's will may not impede minority rights** (Item C19);
- **94.61%** of all the respondents strongly agreed (54.48%) and/or agreed (40.13%) that one of the **important purposes of an education system is to develop active democratic citizens** (Item C20).

Therefore, these strong attitudes and opinions confirms the very strong support by the majority of the respondents for parental participation, parental responsibility, protection of minority rights and continued parental involvement in education at schools.

#### ***5.12.2.2. Strong disagreement with the statements: largest groups of all the respondents.***

The majority of all of the respondents strongly disagreed (Column B) or disagreed (Column C) with the following statements:

- The majority of all of the respondents, 39.46% disagreed (Column C) and 18.14% strongly disagreed (Column B) with the statement that the schools or the province could not operate democratically because of time constraints (Item C2). In other words, the majority (57.6%) feel that schools and the province should not use insufficient time as an excuse to be undemocratic;
- 40.65% indicated strong disagreement with the statement that the provincial education department, not the school, should have the final say on the appointment of educators. To put it another way, 40.65% strongly indicated that the school, and not the provincial education department, should have the final say in the appointment of educators. The combined opinion against the

statement that the provincial education department should have the final say in the appointment of educators is 65.48% (Columns B & C, Item C7);

- 38.24% strongly disagreed that the provincial department does not enable parents to participate adequately (Item C11). To put it differently, this is a strong acknowledgement that the provincial department *does* enable parents to participate adequately. The cumulative total of respondents strongly disagreeing and disagreeing with the statement is 80.55% (Columns B & C; Item C11);
- 41.07% strongly disagreed with the statement that school governing bodies should be replaced by more centralised and elected Boards of Education in every district (Item C16). In other words, there was strong disagreement and disagreement (combined opinion against: 66.96%) with the statement that school governing bodies should be replaced by centralised Boards of Education for every district;
- 56.98% strongly disagreed with the statement that the provincial education departments should appoint educators to schools without recommendation by school governing bodies (item C17). This is the **strongest opinion** expressed by the majority of the respondents (combined: **84.03%**) **against a statement**. In other words, the vast majority of the respondents, which includes the senior education officials, are of the opinion that school governing bodies should recommend the appointment of educators.

These deep-rooted opinions against the suggestion to centralise education or to act undemocratically are a confirmation of the well-established attitude by the majority of the respondents in favour of parental participation and democracy in the education system and at schools.

### ***5.12.2.3. Ambivalent attitudes of the respondents.***

The combined responses of the respondents (Table 5.9) revealed ambivalence with regard to the following statements:

- 48% of all the respondents indicated that in South African education, the majority's will should always triumph. Conversely, 52% said that the majority's will should not always triumph in South African education;
- 47% of all the respondents disagreed that inclusion of mildly disabled learners into main stream schools should be compulsory for public schools in order to promote democracy. Conversely, 53% indicated that it should be compulsory for public schools to include mildly disabled learners into main stream schools in order to promote democracy ;
- 46% of all the respondents disagreed that an education culture based on bureaucratic relationships is appropriate to prepare learners for democratic citizenship. Conversely, 54% responded that it is appropriate to prepare learners for democratic citizenship by basing the education culture on bureaucratic relationships;
- 60.38% of the respondents disagreed with the statement that the school governing body's function of determining language policy of a school should be centralised to the education department. Conversely, 40% of the respondents were of the opinion that the education department should determine the language policy of a school and not the school governing bodies;
- Surprisingly, **53.5%** agreed (39.73) or strongly agreed (13.94) that bureaucratic control of education **is appropriate** to manage diversity in a multicultural society such as South Africa.

The last finding was not anticipated by the researcher as it was expected that the majority of the respondents would display an attitude averse to bureaucracy. It is somewhat perplexing because it indicates an attitude in favour of bureaucracy. A possible explanation of this result is perhaps that there is an acknowledgement by the majority of respondents that it is difficult to manage diversity and sometimes requires bureaucratic decision making in order to ensure harmony and tolerance. However, it is interesting that the majority of respondents of all the sub-populations regard bureaucracy compatible with the development of democratic citizenship.

Nevertheless, as explained in Table 5.8 (Item C13), bureaucratic practices and relationships are not appropriate to instil a democratic culture in schools.

These ambivalent results on issues such as majority will, inclusive education, bureaucratic practices and language policy confirm the contentious nature of these issues. In addition, these issues emphasise the problematic areas where different understandings and interpretations of the meaning and nature of democracy may cause dissention and disagreement between various stakeholders in education.

**5.12.2.4. Comparison of the attitudes of the senior education officials, school principals and school governing chairpersons towards participative democracy.**

The following table (Table 5.10) represents a comparison between the senior education officials, school principals and school governing body chairpersons with regard to their attitudes and opinions of participatory democracy, power sharing and school based governance. The *phi*-coefficient of less than 0.3 for all the items in section C (Table 5.10 – final column) indicates that the differences between the sub-populations with regard to participatory democracy and school governance is not of practical significance.

**5.12.3. Strong agreement between the sub-populations.**

There was strong agreement between the sub-populations on the following matters:

- 100% of the senior education officials, 97.4% of the school principals and 95.5% of the school governing body chairpersons were of the opinion that parental participation improves the effectiveness of a school (Item C1);
- 91.1% of the senior education officials, 94.8% of the school principals and 88.2% of the school governing body chairpersons were of the opinion that the education system in state-aided schools will not function adequately without monetary and other contributions by parents (Item C6) ;

**TABLE 5.10 Comparison of the respective sub-population's attitudes towards participatory democracy and school based governance.**

SECTION C ITEMS: COMPARISON OF ATTITUDES TOWARDS PARTICIPATORY DEMOCRACY:	EDU OFFICIALS		PRINCIPAL		SGB CHAIRS		<i>Phi-coeff</i> Practical signific
	% No	% Yes	% No	% Yes	% No	% Yes	
1. Parental participation improves the effectiveness of a school.	0%	<b>100%</b>	2.6%	<b>97.4%</b>	4.5%	<b>95.5%</b>	0.14 small
2. Our school cannot operate democratically because of time constraints.	60%	40%	55.2%	44.8%	61.7%	38.3%	0.10 small
3. Every school should have an advisory parent's council in addition to a SGB, to advise the school on matters that concern the parents with regard to education	47.8%	52.2%	31.5%	68.5%	30.6%	69.4%	0.17 small
4. Every school, not the provincial education department, should decide on the admission of learners.	48.9%	<b>51.1%</b>	35.5%	<b>64.5%</b>	24.6%	<b>75.4%</b>	<b>0.20</b> small/med
5. Every school, not the provincial education department, should be accountable for performance (e.g. academic achievement) .	17%	83%	27.4%	72.6%	23%	77%	0.10 small
6. Without monetary and other contributions by parents, the education system in state-aided schools will not function adequately.	8.9%	<b>91.1%</b>	5.2%	<b>94.8%</b>	11.8%	<b>88.2%</b>	0.17 small
7. The provincial education department, not the school, should have the final say on the appointment of educators.	36.2%	<b>63.8%</b>	<b>69.6%</b>	30.4%	<b>69%</b>	31%	<b>0.25</b> small/med
8. In South African education, the will of the majority should always triumph.	40%	<b>60%</b>	<b>50.9%</b>	49.1%	48.1%	<b>51.8%</b>	0.11 small
9. Inclusion of mildly disabled learners into main stream schools should be compulsory for public schools in order to promote democracy.	<b>51.1%</b>	48.9%	50.9%	<b>49.1%</b>	46.1%	<b>53.9%</b>	0.10 small
10. Parents, not the state, are the primary educators of their children.	2.2%	<b>97.8%</b>	3.9%	<b>96.1%</b>	8.8%	<b>91.2%</b>	0.15 small
11. At our school, the provincial department does not enable parents to participate adequately.	87%	13%	78.4%	21.6%	82.4%	17.6%	0.08 small
12. The SGB's function of determining language policy should be centralised to the education department.	51.1%	<b>48.9%</b>	<b>62.3%</b>	37.7%	<b>60.6%</b>	39.4%	0.19 small
13. An education culture based on bureaucratic relationships is appropriate to prepare learners for democratic citizenship.	<b>52.2%</b>	47.8%	49.6%	<b>50.4%</b>	41.2%	<b>58.8%</b>	0.14 small
14. In a multicultural society such as South Africa, bureaucratic control of education is appropriate to manage diversity.	41.3%	58.7%	41.7%	58.3%	43%	57%	0.10 small
15. The provincial education department functions democratically by enabling adequate parental participation.	14.9%	85.1%	23.4%	76.6%	22.1%	77.9%	0.10 small
16. SGB's should be replaced by more centralised and elected Boards of Education in every district.	47.7%	<b>52.3%</b>	<b>67.7%</b>	32.3%	<b>70.2%</b>	29.8%	<b>0.24</b> small/med
17. Provincial education departments should appoint educators without recommendation by SGBs.	<b>72.3%</b>	27.7%	<b>82.3%</b>	17.7%	<b>89.4%</b>	10.6%	<b>0.21</b> small/med
18. Parents should be allowed to prevent the teaching of contentious learning material.	21.7%	78.3%	39%	61%	39.9%	60.1%	0.18 small
19. In South African education, the will of the majority may not impede minority rights.	21.3%	78.7%	19.6%	80.4%	22.2%	77.8%	0.12 small
20. One of the important purposes of an education system is to develop active democratic citizens.	2.1%	<b>97.9%</b>	3.5%	<b>96.5%</b>	8.9%	<b>91.1%</b>	0.13 small

- 72.3% of the senior education officials, 86.3% of the school principals and 89.4% of the school governing body chairpersons were of the opinion that provincial education departments should not appoint educators to schools without recommendation by school governing bodies (Item C17);
- 97.9% of the senior education officials, 96.5% of the school principals and 91.1% of the school governing body chairpersons were in agreement that an important purpose of the education system is to develop active democratic citizens (Item C20).

The *phi* coefficients for all of the abovementioned items were less than 0.3 indicating that the minor differences were of small significance. In other words, the absence of significant differences affirms the strong agreement of opinions between the sub-populations and confirms the importance of parental participation, monetary contribution, involvement by parents and the underlying foundational value of developing an active democratic citizenry.

#### ***5.12.3.1. Significant differences between the sub-populations.***

As revealed in Table 5.10, there was strong disagreement between the sub-populations on the following matters:

- 51.1% of the senior education officials were of the opinion that the provincial department should decide on the admission of learners, whereas 64.5% of the school principals and 75.4% of the school governing body chairpersons thought that schools, **not** the education department, should decide on the admission of learners (Item C4). Although these differences seem pronounced at first glance, the *phi* coefficient of 0.2 indicates that the differences are of **small to medium** practical significance.

A possible reason for the less resolute stance by principals might be the fact that they are very aware of the constitutional prohibitions against unfair discrimination and the legal provisions regulating admission policies. Nevertheless, it is significant that the school governing body members feel more strongly about the

function to determine admission of learners and its democratic implications for school governance.

- 63.8% of the senior education officials were of the opinion that the provincial education department, not the school, should have the final say on the appointment of educators, whereas 69.6% of the school principals and 69% of the school governing body chairpersons held that the schools, not the provincial education department, should have the final say on the appointment of educators (Item C7). However, the *phi* coefficient of 0.25 indicates that the differences are of **small to medium** significance;
- 60% of the senior education officials were of the opinion that the majority's will should always triumph in education, whereas 50.9% of the school principals and 48.1% of the school governing body chairpersons held that the majority's will should not always triumph (Item C8). Once again, the *phi* coefficient of 0.11 indicates that the differences are of small significance;
- 48.9% of the senior education officials were of the opinion that the school governing body's function of determining language policy of a school should be centralised to the education department, whereas 62.3% of the school principals and 60.6% of the school governing body chairpersons held that the school governing body's function of determining language policy should not be centralised to the education department (Item C12). However, the *phi* coefficient of 0.19 indicates that the noticeable differences are not significant;
- 52.3% of the senior education officials were of the opinion that school governing bodies should be replaced by more centralised and elected Boards of Education in every district, whereas 67.7% of the school principals and 70.2% of the school governing body chairpersons held that school governing bodies should *not* be replaced by more centralised Boards of Education (Item C16). The *phi* coefficient of 0.24 indicates that the differences are of **small to medium** significance.

A possible reason for the more circumspect attitude of principals towards bureaucracy might be that, as managers and leaders, they probably experience the effects of bureaucratic relationships more readily in education practice and thus tend to be cautious in this regard.

### ***5.12.3.2. Synopsis of the descriptive statistics of Section C.***

To summarise, the results of Section C confirm that there is much agreement between the respondents with regard to the necessity for parental participation and involvement in education and school governance. However, there were significant differences between the sub-populations on issues such as admission of learners, appointment of educators, the determination of a school's language policy, and the establishment of a Board of Education per district to replace a school's school governing body.

## **5.13. SECTION D: DEMOCRATIC CLIMATE IN SCHOOLS AND THE EDUCATION SYSTEM.**

### **5.13.1. Objective of the Section D.**

The purpose of Section D is to determine the respondents' opinions of the democratic climate prevailing in schools and the province, and indications of factors constraining democratisation of schools and the education system.

### **5.13.2. Analysis of the combined data of Section D.**

As indicated by Table 5.11, the majority of all of the respondents provided strong confirmation of an underlying democratic climate in the education system providing positive opinions of the following matters:

- 45.01% of all the respondents agreed that by improving democracy in schools it would *always* be an effective strategy towards improving education. In addition, a further 43.16 % of all the respondents indicated that by improving democracy in schools it would *often* be an effective strategy towards improving education. Therefore, the cumulative total of **88.17%** of the respondents regarded the improvement of democracy as an effective strategy to improve education (Item D1);
- The largest group of the respondents 36.16% indicated that parents *always* have the freedom to determine the manner of religious observances in the schools and a further 32.27% indicated that parents *often* have the freedom to determine the manner of religious observances in the schools (Item D10). The combined positive response is **68.43%** in agreement with the statement;
- 59.4% of the respondents indicated that the principals *always* enabled parents to participate in school governance and, in addition, 30.96% of the respondents indicated that the principals *often* enabled parents to participate in school

**TABLE 5.11 Combined data of the respondents' opinions of the democratic climate in the education system.**

SECTION D: ITEMS	B Never		C Seldom		D Often		E Always	
	<i>f</i>	%	<i>f</i>	%	<i>f</i>	%	<i>f</i>	%
<b>DEMOCRATIC CLIMATE IN THE EDUCATION SYSTEM.</b>								
1. An effective strategy to improve education would be to improve democracy in schools.	6	1.39	45	10.44	186	43.16	194	<b>45.01</b>
2. The members of the SGB at our school have been properly trained to perform their functions.	43	9.77	140	31.82	179	<b>40.68</b>	78	17.73
3. At our school, the teacher's unions unlawfully interfere with the SGB to recommend appointment of educators.	222	<b>50.11</b>	115	25.96	64	14.45	42	9.48
4. The provincial education department appoints educators to schools without regard to the SGB's recommendations.	217	<b>48.87</b>	137	30.86	67	15.09	23	5.18
5. In my opinion, there is adequate participation by parents with the national department over curriculum content.	169	38.32	173	<b>39.23</b>	74	16.78	25	5.67
6. The provincial education department makes information about the performance indicators (such as successes or failures of the education system) available to parents.	152	<b>34.78</b>	148	<b>33.87</b>	73	16.7	64	14.65
7. There is a tension between democratic rights of schools and bureaucratic actions of the education authorities.	46	10.7	124	28.84	183	<b>42.56</b>	77	17.91
8. The SGB at my school functions effectively.	21	4.77	89	20.23	171	<b>38.86</b>	159	36.14
9. At our school, parental participation is poor (inadequate).	50	11.52	123	28.34	179	<b>41.24</b>	82	18.89
10. At our school, parents have the freedom to determine the manner of religious observances (e.g. prayer, scripture reading, singing, worship etc.) in the school.	74	16.93	64	14.65	141	32.27	158	<b>36.16</b>
11. At our school, the principal adequately enables parents to participate in school governance.	16	3.67	26	5.96	135	30.96	259	<b>59.40</b>
12. At our school, home language instruction is in the best interest of the learners.	23	5.34	40	9.28	105	24.36	263	<b>61.02</b>

governance. The combined positive response is **90.36%** in agreement with the statement; education system.

- 61.02% of all the respondents were of the opinion that home language instruction is *always* in the best interest of the learners and, in addition, 24.36% indicated that home language instruction is *often* in the best interest of the learners. In total, **85.38%** of the respondents were positive towards the notion that home language instruction is in the learner's best interest (Item D12). This result is unexpected, because, as indicated in par. 5.10.4.3 (Table 5.5) most of the schools (68.14) offered English instead of Setswana as medium of instruction in primary and secondary schools in the North-West province. It is anomalous that 85.38% of the respondent affirm the value of home language instruction, but that the vast majority of the schools do not offer home language instruction. Perhaps this finding is an indication of an undemocratic feature underlying the education system. An in depth investigation into the underlying reasons for this finding is reported in Chapter 6 of this study (see paragraph 6.11.6.5 hereafter);
- 50.11% of all the respondents indicated that the teacher's unions *never* interfere unlawfully with the school governing bodies to recommend the appointment of educators. Also, 30.86% of the respondents indicated that the teacher's unions unlawfully *seldom* interfere with school governing bodies to recommend appointment of educators. In total, **80.97%** of the respondents indicated that unions do not interfere with school governing bodies (Item C3). Conversely, however, 19.03% of the respondents indicated that there is often or always interference by teacher's unions with the appointment of educators;
- 48.87% of all the respondents indicated that the provincial education department *never* and, 30.86% of all the respondents indicated that the provincial education department *seldom* appoints educators to schools without regard to the school governing bodies' recommendations. Therefore, **79.73%** of the respondents indicated that the provincial education department does appoint educators with the school governing body's recommendation. Again, conversely, this reveals that 20.27% of the respondents indicated that the provincial education

department *often* (15.09%) or *always* (5.18%) appoints educators to schools without regard to the school governing bodies' recommendations.

**5.13.2.1. Strong indication by the majority of respondents of undemocratic features in the education system or at schools.**

The majority of all of the respondents confirmed the following undemocratic features:

- 39.23% of the respondents indicated that there *seldom* is adequate participation by parents with the national department of education over curriculum content. This non-participatory feature of the education system was confirmed by 38.32% of the respondents (combined percentage: **77.55%**) that indicated that there is *never* adequate participation by parents with the national department of education over curriculum content.
- 33.87% of the respondents indicated that the provincial education department *seldom* makes information about the performance indicators (such as successes or failures of the education system) available to parents. In addition, 34.78% of the respondents confirmed that the provincial education department *never* makes information about the performance indicators available to parents. This absence of transparency was emphasised by the combined percentage of **68.65%** of the respondents.
- 42.56% of all the respondents indicated that there *often* was tension between democratic rights of schools and bureaucratic actions of the education authorities. In addition, 17.91% of the respondents indicated that there was *always* tension between democratic rights of schools and bureaucratic actions of the education authorities. The combined percentage of **60.47%** confirms the tension between democracy and bureaucracy in the education system.
- 41.24% of the respondents indicated that parental participation was *often* poor or inadequate and 18.89% of the respondents indicated that it was *always* poor or inadequate. Thus, cumulatively, **60.13%** of the respondents were of the opinion that parental participation was poor.

### **5.13.2.2. Synopsis of the combined data in Section D.**

Most of the data confirmed that the majority opinions of the respondents were strongly in favour of democratisation of schools, and that the underlying climate at schools is democratic thereby enabling participation by parents. The vast majority also acknowledged the value of home language education for the learners. There were however, four instances that confirmed the presence of certain undemocratic features, which include inadequate parental participation at national level, poor parental participation at schools, non-transparency with regard to information sharing of performance indicators by the provincial department of education and the existence of an underlying tension between democracy and bureaucracy in the comparison between respondents in Section D. The following table (Table 5.12) illustrates the comparison of the responses between senior education officials, school principals and school governing body chairpersons respectively with regard to the democratic climate in schools.

### **5.13.2.3. Comparing differences between the sub-populations with regard to their opinions of the democratic climate.**

Although the respondents agreed on almost all the responses to a large extent, certain differences, as tabulated in Table 5.12, are noteworthy:

- 73.9% of the senior education officials stated that the members of the school governing bodies at the schools have been properly trained, whereas 47.8% of the school principals and 37% of the school governing body chairpersons indicated that the school governing bodies were seldom or never properly trained to perform their functions (Item D2). A possible explanation for this is that the senior education officials regard the training that they have given as sufficient, whereas the other sub-populations do not feel adequately trained or sufficiently empowered. The *phi* coefficient of 0.23 indicates that the differences of opinion with regard to training of school governing bodies has **small to medium** significance;

**TABLE 5.12 Comparative opinions of senior education officials, school principals and school governing chairpersons on the democratic climate in education.**

A	B	C	D	E
SECTION D: ITEMS	EDU OFFICIALS	SCHOOL PRINCIPALS	SGB CHAIRS	PRACTICAL SIGNIFICANCE
DEMOCRATIC CLIMATE IN THE EDUCATION SYSTEM.	%	%	%	<i>Phi</i> coeff
1. An effective strategy to improve education would be to improve democracy in schools.	Often ≥ 91.3%	Often ≥ 86.5%	Often ≥ 89.2%	0.14 small
2. The members of the SGB at our school have been properly trained to perform their functions.	<b>Often ≥ 73.9%</b>	<b>Seldom ≤ 47.8%</b>	<b>Seldom ≤ 37%</b>	<b>0.23 small to medium</b>
3. At our school, the teacher's unions unlawfully interfere with the SGB to recommend appointment of educators.	<b>Seldom ≤ 63%</b>	<b>Seldom ≤ 75.9%</b>	<b>Seldom ≤ 80%</b>	<b>0.30 medium</b>
4. The provincial education department appoints educators to schools without regard to the SGB's recommendations.	Seldom ≤ 76.6%	Seldom ≤ 81.1%	Seldom ≤ 78.8%	0.17 small
5. In my opinion, there is adequate participation by parents with the national department over curriculum content.	Seldom ≤ 80.4%	Seldom ≤ 79.8%	Seldom ≤ 73%	0.15 small
6. The provincial education department makes information about the performance indicators (such as successes or failures of the education system) available to parents.	Seldom ≤ 76.6%	Seldom ≤ 68%	Seldom ≤ 67.1%	0.14 small
7. There is a tension between democratic rights of schools and bureaucratic actions of the education authorities.	Often ≥ 78.7%	Often ≥ 60.6%	Often ≥ 55.7%	0.21 small
8. The SGB at my school functions effectively.	<b>Seldom ≤ 60%</b>	<b>Often ≥ 73.9%</b>	<b>Often ≥ 86.7%</b>	<b>0.37 medium</b>
9. At our school, parental participation is poor (inadequate).	<b>Often ≥ 86.7%</b>	<b>Often ≥ 62.2%</b>	<b>Often ≥ 51.2%</b>	<b>0.26 small to medium</b>
10. At our school, parents have the freedom to determine the manner of religious observances (e.g. prayer, scripture reading, singing, worship etc.) in the school.	Often ≥ 71.1%	Often ≥ 68%	Often ≥ 69.9%	0.19 small
11. At our school, the principal adequately enables parents to participate in school governance.	<b>Often ≥ 84.5%</b>	<b>Often ≥ 94.2%</b>	<b>Often ≥ 87.7%</b>	<b>0.35 medium</b>
12. At our school, home language instruction is in the best interest of the learners.	<b>Often ≥ 82.2%</b>	<b>Often ≥ 86.9%</b>	<b>Often ≥ 83.8%</b>	<b>0.29 medium</b>

- 63% of the senior education officials indicated that the teacher's unions seldom interfere unlawfully with the school governing bodies during the appointment of educators, whereas 75% of the school principals and 80% of the school governing chairpersons were of this opinion (Item D3). This finding reveals that a larger percentage of the senior education officials are aware of unlawful interference by the teacher's unions. A possible reason for this phenomenon might be that the interference by the teacher's unions takes place at the administrative level of the Department of Education. A qualitative investigation into the underlying reasons for this phenomenon was undertaken and has been reported in paragraph 6.11.6.2 hereafter. The *phi* coefficient of 0.3 confirms that this difference has **medium** significance;
- 78.7% of the senior education officials, 60.6% of the school principals and 55.7% of the school governing body chairpersons indicated that there is a tension between democratic rights of schools and bureaucratic actions of the education authorities (Item D7). These differences can perhaps be attributed to fact that senior education officials, are more aware or exposed to the tensions that exist between democracy and bureaucracy, by virtue of the fact that they are part of the bureaucracy that have to administer the system as democratically as possible. The *phi* coefficient of 0.21 confirms that this difference has **small to medium** significance;
- 60% of the senior education officials were of the opinion that school governing bodies seldom or never functioned effectively, whereas 73.9% of the school principals and 86.7% of the school governing body chairpersons indicated that the school governing bodies function effectively (Item D8). The *phi* coefficient of 0.37 indicates that these differences of opinion have **medium** practical significance;
- 86.7% of the senior education officials and 62.2% of the school principals were of the opinion that parental participation is inadequate (Item D9). On the other hand, only 51.2% of the school governing chairpersons were of this opinion. A possible explanation for this is that senior education officials require or expect parental participation at higher standards than the other respondent sub-populations. The *phi* coefficient of 0.26 indicates that this difference is of **small to medium** significance;

- 84.5% of the senior education officials, 94.2% of the school principals and 87.7% of the school governing chairpersons were of the opinion that the principal at the school adequately enables parental participation (Item D11). The higher opinion the school principals have is marked. A possible explanation for this difference is that the self-assessment by school principals tends to be more subjective and favourable (the so-called "halo-effect") than the objective views of the other sub-populations. The *phi* coefficient of 0.35 confirms that this difference has **medium** significance;
- The issue of language of instruction revealed that 82.2% of the senior education officials, 86.9% of the school principals and 83.8% of the school governing chairpersons were of the opinion that home language instruction is in the best interest of the learner. Although the differences in these percentages do not seem significant, the *phi* coefficient of 0.29 confirms that this difference is of **medium** significance (Item D12).

In most of these comparative responses, the senior education officials' responses were antithetical to the opinions of school principals and school governing body chairpersons. Another reason might be that the senior education officials' have higher expectations, requirements and standards for the effective functioning of the education system than the other sub-populations, hence the opposite results.

#### **5.13.2.4. Substantial agreement between the sub-populations.**

The respondents agreed on almost all the responses to a large extent. All the items where the *phi* coefficient indicates a small significance in actual fact confirms that the sub-populations do not differ significantly. On the other hand, the absence of significant differences could affirm the presence of some undemocratic features. Consequently, the following noteworthy acknowledgement by all the sub-populations indicates an undemocratic feature in the education system or schools:

- 76% of the senior education officials, 68% of the school principals and 67% of the school governing body chairpersons revealed that the provincial education department seldom or never made information about the performance

indicators (such as successes or failures of the education system) available to parents. The *phi* coefficient of 0.14 indicates that the difference has **small** significance and, accordingly, all the sub-populations affirm the statement.

However, as explained in par. 5.11.2.2, the unavailability of information regarding performance indicators in the education system, is an important indicator of undemocratic practices. Any indication of non-transparency and non-accountability by the provincial education department points toward an absence of a substantial democratic climate.

#### **5.13.2.5. Confirmation of undemocratic features in schools.**

In addition to the general items (D1 to D12) on democratic climate in schools, Table 5.13 sets out key items (D13 to D17) that reveal pertinent responses about the democratic climate in schools and the education system. However, it should be noted at the outset that the statistical determination of the *phi*-coefficient for all the items tabulated in Table 5.13 indicated that the differences between the sub-populations are of **small** practical significance ( $\leq 0.3$ ).

**TABLE 5.13 Democratic climate in schools: A comparison of the responses.**

SECTION D: ITEMS	Yes/ No	EDU OFFICIALS	PRINCIPALS	SGB CHAIRS	<i>Phi coeff</i>
13. At our school/province, the teacher's unions interfere with the SGB recommendations to appoint educators.	Yes	50%	25%	20%	0.20 small practical significance
	No	50%	75%	80%	
14. All Afrikaans single medium schools should be compelled to give English instruction.	Yes	64%	45%	50%	0.12 small practical significance
	No	36%	55%	50%	
15. At our school, it is workable to adequately include mildly impaired learners in mainstream classes.	Yes	49%	43%	57%	0.13 small practical significance
	No	51%	57%	43%	
16. At our school, the principal controls the functioning of the SGB.	Yes	55%	29%	33%	0.16 small practical significance
	No	45%	71%	67%	
17. At our school, the involvement of the provincial education department improves the effectiveness of education.	Yes	87%	70%	72%	0.11 small practical significance
	No	13%	30%	28%	

The data reported in Table 5.12 as well as Table 5.13 elicited the following indications of a non-democratic climate in schools and the education system:

- 50% of the senior education officials, 25% of the school principals and 20% of the school governing body chairpersons indicated that teacher's unions, at times, interfere with school governing bodies when educators are recommended for appointment (D13). The questionnaire posed two substantially similar items (D3 and D13) about the interference by teacher's unions at two separate sub-sections of Section D. These questions were expressly repeated in order to compare and verify the responses. The responses of the school principals and school governing body chairpersons were identical in both questions.

However, the responses of the senior education officials differed to some extent. In response to Item D3 only 37% of the senior education officials indicated that teachers unions *unlawfully* interfered with recommendations, whereas the response to Item D13 was that 50% of the senior education officials thought that teacher's unions interfered.

A possible explanation for this discrepancy is that the senior education officials might not regard all the disputes over school governing body recommendations as "unlawful". Item D3 specifically queries the *unlawful* interference by unions, whereas Item D13 refers to all forms (lawful and unlawful) interference. Nevertheless, the acknowledgement by senior education officials in Item D13 that in 50% of the instances there is some interference by teacher's unions with the recommendations by school governing bodies, confirms that this undemocratic feature is present in the system and is perhaps more pronounced than meets the eye.

- 82.2% of the senior education officials, 86.9% of the principals and 83.8% of the school governing body chairpersons were of the opinion that home language instruction is in the best interest of the school (Table 5.4; Item D12). However, despite the acknowledgment by the vast majority of respondents, i.e. **85.38%** (Table 5.4; Item D12) that home language instruction is in the best interest of the learners, the responses to D14 affirm that 55% of the school

governing body chairpersons and 49,7% of the principals are of the view that Afrikaans single medium schools should be compelled to give English medium instruction.

The responses of D12 and D14 are anomalous because the results seem to contradict the principle that home language instruction is the best. The responses of D14 indicate that although most principals and school governing body chairpersons see the value of home language education, about 50% of them nevertheless favour the imposition of a language (English) that is not the home language of the majority of learners in Afrikaans schools. This is an indication of an undemocratic intolerance of diversity of languages and a disrespect for the human dignity and culture of Afrikaans speaking learners;

- Question about inclusive education (see Item C9 and D15) were purposely repeated in the questionnaire to verify the authenticity of the responses. The responses to Item C9 (Table 5.10) revealed that 51.1% of the senior education officials and 50.9% of the school principals indicated that it is not workable to include mildly impaired learners in mainstream classes of public schools, whereas 51.8% of the school governing body chairpersons held the contrary opinion. The results of Item D15 revealed similar responses in terms whereof 51% of senior education officials, 57% of the school principals and 43% of the school governing body chairperson indicated that inclusive education was unworkable. The ambivalent attitudes displayed by the sub-populations towards inclusion of mildly impaired learners in their responses to Items C9 and D15, confirm that the democratic or undemocratic consequences of exclusion have not yet been fully deliberated and resolved by all of the stakeholders in education.

#### ***5.13.2.6. Respondent's overall impression of the level of democratisation of the education system.***

The two final Items in Section D measured the respondent's overall impressions of the level of control by school governing bodies and the level of democratisation of the education system. Table 5.14 provides a summary of these opinions.

**TABLE 5.14 Democratic climate in schools: School governance and administration style.**

SECTION D: ITEMS	VARIABLES	EDUC. OFFICIALS	SCHOOL PRINCIPALS	SCHOOL GOVERNING BODY CHAIRS	<i>Phi</i> coeff
18. At our school / in the NW province, the locus of control vests mostly in:	School principals	46.7%	58%	35.8%	<b>0.30 medium practical significance</b>
	School governing body	28.9%	18%	44.4%	
	Teacher's Unions	6.7%	1.5%	1.3%	
	Education Dept.	17.7%	22.5%	18.5%	
19. I estimate that the level of democratisation of the South African education system is:	Bureaucratic	8.9%	12.5%	8.5%	0.21 small practical significance
	Centralised	8.9%	11.1%	9.2%	
	Mixed (both centralised & democratic)	73.3%	59.7%	50.7%	
	Democratic	8.9%	16.7%	<b>31.6%</b>	

The comparison of the responses on school control and administration style in the education system, as set out in Table 5.14, revealed the following:

- 58% of the school principals were of the opinion that they controlled the functioning of the schools, whereas 44,4% of the school governing body chairpersons thought that the control vests in them (Item D18). It is interesting that both these sub-populations self-assessed their own roles to be greater than the objective assessment by the other sub-populations;
- the largest group of the senior education officials (73.3%) and of the school principals (59.7%), as well as 50.7% of the school governing body chairpersons regarded the education system as mixed, i.e. both centralised and democratic (Item D19). Only 31.6% of the school governing body chairpersons, 16. 7% of the school principals and 8.9% of the senior education officials regarded the education system as democratic. This confirms that democratisation of the education system has not yet been achieved.
- 23,5% of the principals regarded the education system to be either bureaucratic or centralised.

These responses suggest that the underlying tenor of the education system is democratic, but that certain undemocratic features such as centralisation of authority and bureaucracy constrain the democratisation of the system.

### **5.13.3.Synopsis of the results of Section D.**

To summarise, the results of Section D confirm that:

- the respondents were strongly in favour of democratisation of schools;
- the underlying climate at schools is democratic and enables participation by parents;
- the results revealed undemocratic features such as:
  - ♦ inadequate parental participation;
  - ♦ non-transparency of the education department;
  - ♦ some interference by teachers unions with recommendations by school governing bodies;
  - ♦ an intolerance towards Afrikaans single medium schools;
  - ♦ an ambivalent attitude by senior education officials and school principals towards the inclusion of mildly impaired learners to main stream schools, and
  - ♦ at times, tension between school principals and school governing bodies for control of the schools.
- The majority of respondents confirmed that a tension exists between democracy and bureaucracy in the education system;
- the vast majority of respondents indicated that, despite some bureaucracy, on the whole the involvement of the provincial education department improves the effectiveness of education;
- A large majority of respondents acknowledged that the education system is not entirely democratic and that it is both centralised and democratic.

The following section will give an account of grouped variables by means of comparative statistical analysis of the data.

## **5.14. COMPARATIVE STATISTICAL ANALYSIS.**

### **5.14.1. General remarks.**

The descriptive statistics of section 5.11 confirmed general democratic climate and certain undemocratic indicators in school governance and the education system in the North-West province. However, in order to identify specific trends between sub-populations and sub-groups or particular areas constraining democracy in schools and the education system, factors underlying these items were analysed statistically.

### **5.14.2. Research propositions.**

The research propositions were that:

- the respective respondent sub-populations have significantly different levels of knowledge of Education Law and democratic principles;
- significant differences exist between the three respondent sub-populations with regard to the identified factors and other sub-sets in the questionnaire.

Furthermore, comparative statistical analysis was applied to determine associations between variables in this research. The results of the alternative statistical methods to determine associations are discussed below.

### **5.14.3. FACTOR ANALYSIS.**

Factor analysis with Oblimin or Varimax rotations were carried out on the Knowledge of Education Law (Section B), Attitudes towards democracy and school governance (Section C), and democratic climate in the education system (Section D). The purpose of conducting factor analysis was to reduce the number of variables by ascertain whether the items (independent variables) of the particular sections were functioning separately or whether there was commonality that would allow a reduction of items. However, it is inevitable that information would be lost by reducing the number of variables. Nevertheless, the factor

analysis indicates whether the commonality between variables is sufficient to avert the loss in the predictive or differentiating ability of the instrument. The factor analyses of Sections B, C and D gave the researcher an indication of which items were being perceived in contexts other than that which the researcher had in mind when originally designing the sub-scales. The factors that were identified necessitated the researcher to interpret Sections C and D differently. It enhanced the calibration of the measuring instrument.

#### **5.14.4. Factor analysis of Section B: Knowledge of Education Law.**

As a first step, the research data was submitted to rotation factor analysis and thereafter Cronbach alpha coefficients were determined for each extracted factor. The Cronbach alpha coefficient is an indication of the degree of reliability of the factors.

The items in Section B required of the respondents to assess their own knowledge and understanding of power-sharing, participatory democracy, the Bill of Rights, education legislation and educational policies. The eight Items of Section B were submitted for factor analysis in order to determine their relatedness. The factor analysis of Section B extracted only one component, termed the Knowledge of Education Law-factor. In essence, this means that all the responses to Section B were so interrelated that it could be regarded as one single factor, explaining 0.59% of the total variance.

The factor of Section B, i.e. Knowledge of Education Law, was analysed for reliability by determining the Cronbach alpha-coefficient. The results of the factor analysis and the Cronbach-alpha analysis are indicated in Table 5.15.

**TABLE 5.15 Factor matrix for Section B items.**

<b>SECTION B KNOWLEDGE OF:</b>	<b>LOADING: FACTOR 1</b>	<b>COMMUNALITIES:</b>
B5. National Education Policy Act	0.86	0.73
B4. Employment of Educators Act	0.83	0.69
B3. South African Schools Act	0.80	0.64
B7. Personnel Administration measures	0.80	0.64
B8. Language policy norms	0.80	0.64
B6. Norms for school funding	0.78	0.60
B2. Bill of Rights	0.77	0.59
B1. Decentralisation of authority	0.58	0.34
<b>Cronbach alpha coefficient</b>	<b>0.91 High reliability</b>	

The Cronbach Alpha coefficient of between 0.70-0.90 is an indication of high reliability and between 0.50-0.70 might indicate acceptable reliability if the constructs being measured are diverse (Field, 2005). The Cronbach alpha coefficient of the Knowledge of Education Law – factor (the Section B factor) was 0.91, which confirmed the high reliability of these responses. In other words, because of its high reliability, the Section B measurements will consistently yield the same results if the same respondents were questioned.

#### **5.14.5. Factor analysis of Section C: Attitudes and opinions of centralisation, enabling parental participation, and bureaucracy.**

The questions in Section C required of the respondents to express opinions of statements about centralisation versus power-sharing, enabling participatory democracy, and indications of bureaucracy in the education system. Section C consisted of twenty Items measuring attitudes towards democracy and school governance. In order to compare trends and grouped opinions about similar issues, the responses were submitted to factor analysis. However, not all twenty Items were suitable for factor analysis.

As will be explained in paragraph 5.14.2.1.1 hereafter, certain items (questions) were excluded from factor analysis because they had insufficient variation in the responses. The purpose of analysing the data for factors is firstly, to reduce the items into clusters of items (factors) with adequate commonality without a loss in predictive or differentiating ability, and secondly, to determine the reliability and relatedness of the factors.

*5.14.5.1.1. Section C: Items with little variation in responses not analysed for factors.*

Factor analysis should only be performed on data that contains sufficient variation (Ellis, 2008). As a result, items that resulted in too little variation of responses were excluded from factor analysis. The following Section C items led to responses with insufficient variation:

- *Item C1*: 96.91% of all the respondents agreed or strongly agreed that parental participation improves the effectiveness of a school;
- *Item C6*: 91.77% of the respondents agreed or strongly agreed that the education system in state-aided schools will not function adequately without monetary and other contributions by parents;
- *Item C10*: 94.47% of the respondents agreed or strongly agreed that parents, not the state, are the primary educators of their children;
- *Item C20*: 94.61% of the respondents agreed or strongly agreed that one of the important purposes of an education system is to develop active democratic citizens.

Accordingly, all the abovementioned items were excluded from factor analysis.

*5.14.5.1.2. Section C: Ambiguous items with uncertain responses were not analysed for factors.*

A further reason for having to exclude data of items from factor analysis is that items might contain some ambiguity or multiple questions within the statement. As a result of the ambiguity, such items should be excluded from the factor analysis. Accordingly, the following items were excluded from factor analysis:

- *Item C5. Every school, not the provincial education department, should be accountable for performance (e.g. academic achievement).*

This item is ambiguous because the statement contains a dichotomous proposition, i.e. must the respondents comment on the truth of **every** schools or on the second phrase, i.e. academic achievement. The respondents had to make sense of the multiple phrases of the question and interpreted it ambiguously. As a result, the responses to this question did not yield to factor analysis.

- *Item C9. Inclusion of mildly disabled learners into mainstream schools should be compulsory for public schools in order to promote democracy.*

This item contained multiple statements that may have been ambiguous for the respondents. The first statement "*Inclusion of mildly disabled learners into mainstream schools should be compulsory for public schools*" was followed by the second statement, i.e. "*in order to promote democracy.*" If the second phrase were omitted from this question, the respondents, in all likelihood, would have responded differently. As a result of the multiple statements, the responses to this item did not yield to factor analysis.

The remaining fifteen items were analysed for factors in order to determine their relatedness and reliability. The principal component analysis with Oblimin rotation was performed (SAS Institute Inc., 2003). Four factors were extracted according to Kaiser's criterion explaining 39% of the variance. The results of the factor analysis confirmed the validity of the instrument and revealed three related factors as tabulated in Table 5.15. This table confirms that the Cronbach alpha coefficients of the three of the four factors in Section C are acceptable and also confirms the reliability of this section of the measuring instrument.

The fourth factor initially contained Items C18, C19 and C5 (see Table 5.16). The Cronbach alpha coefficient (0.44) of these three items was unacceptable. However, item C5 also resorted under the first factor, i.e. the Bureaucracy-factor. The Cronbach alpha coefficient (0.58) for the Bureaucracy-factor yielded sufficient reliability. Accordingly, Item C5 was included with the Bureaucracy-factor. The remaining two items (C18 and C19) yielded a Cronbach alpha coefficient of 0.34, which indicates unacceptable reliability.

**TABLE 5.16 Oblimin rotated pattern matrix with Kaiser Normalisation for Section C: Attitudes towards democratic school governance.**

VARIABLE:	FACTOR A Opinion of Bureaucracy	FACTOR B Centralisation attitude	FACTOR C Enabling Participation	FACTOR D Minority Rights	COMMON- ALITIES
C13 Education culture based on bureaucracy	0.75				0.59
C14 Bureaucratic control to manage diversity	0.73				0.58
C9 Inclusion of mildly disabled	0.64				0.38
C8 Majority's will always triumphs	0.56				0.60
C2 Time constraints & democracy		0.66			0.45
C11 Prov dept not enable parental participation		0.65			0.43
C3 Parental advisory board		0.55			0.60
C17 Only prov dept should appoint educators			0.74		0.37
C4 Learner admission		0.38	-0.61	0.30	0.59
C7 Prov Dept to appoint educators	0.31		0.55		0,45
C16 Central Board of Education		0.41	0.52		0.52
C12 Language policy	0.32		0.43	-0.30	0.61
C19 Majority may impede minority rights.				0.66	0.49
C18 Parents may prevent contentious material				0.66	0.51
C5 Schools should be accountable	0.32			0.54	0.43
Cronbach alpha coefficient	<b>0.58</b>	<b>0.53</b>	<b>0.58</b>	<b>0.34</b>	

The remaining twelve items were reduced to three factors with sufficient commonality, viz. Bureaucracy, Enabling participation and Centralisation. The factor analysis revealed that certain items (variables) such as C7, C12 and C4 were interrelated with the items from other factors as well (see Table 5.16). A selection of the most appropriate relation in terms of interpretability determined the placement of each particular item. Accordingly, items C7 and C4 were placed under the Factor B (Centralisation) instead of any other factor and C12 was grouped with Factor C (Enabling Participation). The Cronbach alpha coefficients for Factors A, B and C are above 0.5 and are therefore acceptable. The reliability of the factors

means that these sub-sets will possibly yield the same results if the same or similar respondents were questioned.

The Cronbach alpha coefficients for the factors are (Table 5.15):

- › Factor A (Bureaucracy): 0.58;
- › Factor B (Centralisation): 0.53;
- › Factor C (Participation): 0.58;
- › Factor D (Minority rights): 0.44

However, the Cronbach alpha coefficient for the Minority Rights-factor is 0.34 and is not acceptable. Accordingly, the two items of the Minority rights factor, i.e. items C18 and C19 have been discussed individually.

#### 5.14.5.1.3. *Commonalities.*

The commonalities in the last column of Table 5.17 indicate the percentage variance of every item that was explained by the isolated or removed factors (Hair *et al.*, 1998). In other words, the commonalities indicate how much information is retained from every item as a result of the factor analysis. According to Hair *et al.* (1998) the commonalities should be at least 0.3 to be acceptable. As indicated in Table 5.16, all the items yielded commonalities of more than 0.3.

#### **5.14.6. Factor analysis of Section D: Democratic climate in schools and the education system.**

Twelve items in section D required of the respondents to indicate the frequency of occurrences that determine a democratic or undemocratic climate in schools and the education system. Item D1 was excluded from factor analysis because the 87% of all the respondents agreed that an effective strategy to improve education would be to improve democracy in schools. As explained in par.5.14.2.1.1., items resulting in little or no variance of responses have to be excluded from factor analysis.

**TABLE 5.17 Varimax rotated matrix of Section D: democratic climate.**

<b>SECTION D VARIABLES</b>	<b>FACTOR A Participatio n climate</b>	<b>FACTOR B Bureaucrat ic climate</b>	<b>FACTOR C Enabling climate</b>	<b>COMMON- ALITIES</b>
D12 Home language is best	<b>0.68</b>			0.47
D8 SGB functions effectively	<b>0.68</b>			0.50
D10 Parents are the primary educators	<b>0.55</b>			0.31
D2 SGB has been properly trained	<b>0.45</b>		0.42	0.39
D9 Parental participation is inadequate	<b>-0.42</b>			0.27
D3 Teacher's unions unlawfully interfere		<b>0.70</b>		0.54
D7 Democracy vs. bureaucracy tension		<b>0.69</b>		0.53
D4 Prov. Dept. appoints educators		<b>0.67</b>		0.48
D6 Prov. Dept. provides performance info			<b>0.81</b>	0.66
D5 Parental participation & national curriculum			<b>0.76</b>	0.58
Cronbach alpha coefficient	<b>0.52</b>	<b>0.50</b>	<b>0.51</b>	

The next eleven items (D2-D12) were submitted to factor analysis in order to determine their relatedness and reliability. The Varimax rotation method with Kaiser normalisation was applied as the statistical method of extraction for principal component analysis (SAS Institute Inc., 2003). Three factors, with reliable commonality, were extracted by the factor analysis of the twelve items of Section D (Table 5.17).

The factor analysis revealed that Item D2 was interrelated with the items from two factors (see Table 5.16). A selection of the most appropriate relation in terms of interpretability determined the placement of Item D2. Accordingly, Item D2 was placed under the Factor A (Participation Climate) instead of Factor C (Enabling climate).

The Cronbach Alpha coefficient of more than 0.5 for every factor, confirms that the factors, as tabulated in Table 5.17, have acceptable reliability. The Cronbach alpha coefficients for Section D-factors are:

- › Factor A (Participation climate): 0.52;
- › Factor B (Bureaucratic climate): 0.50;
- › Factor C (Enabling climate): 0.51.

This means that the factors of Section D might yield the same results if the same or similar respondents were questioned. Furthermore, as these Section D factors have acceptable reliability, each factor can be regarded as a unit and can therefore be compared to other variables or factors.

#### *5.14.6.1.1. Commonalities.*

The commonalities in the last column of Table 5.17 indicate the percentage variance of every item that was explained by the isolated or removed factors (Hair *et al.*, 1998). In other words, the commonalities indicate how much information is retained from every item as a result of the factor analysis. According to Hair *et al.* (1998), the commonalities should be at least 0.3 to be acceptable. As indicated in Table 5.17, all the items indicated commonalities of more than 0.3. This means that the amount of information retained by the items after factor analysis is acceptable for factor analysis.

### **5.15. ONE WAY INDEPENDENT ANALYSIS OF VARIANCE (ANOVA).**

The analysis of variance, often abbreviated to ANOVA, is a technique designed to test for the significance of the difference between more than two sample means (Field, 2005:309). In this research, the sub-populations were senior education officials, school principals, and school governing body chairpersons. The technique assumes a null hypothesis, viz. that there is no significant difference between the means of the three sub-populations. It computes the ratio (**F**) of two different estimates of the variance of the overall population. These are the variance among the three sample means and the variance within the samples themselves. If the null hypothesis is true, the ratio should be very small. If the ratio is considerably larger than unity, then the null hypothesis is not true and would need to be rejected. Rejection of the null hypothesis would therefore imply that there is significant difference between the means of the three sub-populations.

Analysis of variance will not, however, specify which of the three sub-population's means differ significantly from each other. Should the **F** value indicate significant differences between means, it will be necessary to use a post hoc **t** test to determine which of the means differ from each other.

The effect size measures practical significance by using the standardised difference between the means of two populations, i.e. the difference between the two means divided by the estimate for standard deviation (Ellis & Steyn, 2003:52).

The following statistical formula was used to determine the effect sizes (Ellis & Steyn, 2003:52):

$$d = \frac{|\bar{x}_1 - \bar{x}_2|}{s_{\max}}$$

Where:

$|\bar{x}_1 - \bar{x}_2|$  is the difference between  $\bar{x}_1$  and  $\bar{x}_2$  without taking the sign into consideration and  $s_{\max}$  is the maximum of the two standard deviations.

When no control group exists, as is the case with this study, the division by  $s_{\max}$  in the formula gives rise to a conservative effect size in the sense that a practically significant result will not be concluded too easily (Ellis & Steyn, 2003:52).

#### **5.15.1.1. Guidelines for the interpretation of the effect size.**

The effect size represents an objective and standardised magnitudes of these differences in means (Field, 2005:32). According to Cohen's  $d$  values (Field, 2005:32) the following constitutes large or small effects:

- $d= 0.2$ (small effect);
- $d= 0.5$  (medium effect);
- $d=0.8$  (large effect).

#### **5.15.2. Factorial ANOVA test between subject effects and significance in variance.**

Table 5.18 tabulates the ANOVA for the factors. The results of the factorial ANOVA as displayed in Table 5.18 demonstrate that:

- the ANOVA  $p$ -value between the sub-populations was statistically significant in the factors of participation climate, bureaucracy climate, attitudes towards centralisation, and knowledge of law;
- the remaining factors indicated no significant differences between the sub-populations.

In other words, these results confirm that there were significant differences between the senior education officials, school principals and school governing chairpersons in respect of issues such as the effectiveness and functionality of school governing bodies.

### **5.15.3. Tukey's *post hoc* test for the ANOVA for homogenous sub-sets.**

Tukey's *post hoc* test was performed to the ANOVA-results to compare all sub-populations of participants with each other (Field, 2005:354). The term "*post hoc*" is Latin meaning *after that* and is synonymous for "follow-up" test. Table 5.18 shows the results of Tukey's test. Table 5.18 displays the mean of homogenous sub-populations, ( $\alpha = 0.05$ ) the standard deviation of the sub-populations and effect sizes.

The findings of Tukey's test, as tabulated in Table 5.18, are interesting because they confirm the following results between the sub-populations:

- *Participation climate*: The senior education officials varied in their estimation of the participation climate at schools as they thought that school governing bodies *seldom* function effectively and parental participation is *often* inadequate (column 1; M:2.6); whereas the school governing body chairperson thought that it the school governing bodies *often* function effectively and that parental participation is seldom inadequate (column 3).

**TABLE 5.18 Tukey's *post hoc* test for Analysis of Variance (ANOVA)  
for homogenous subsets for alpha = 0.05.**

FACTORS	Sub-populations	N	ANOVA p-value	MEANS ± STD. DEVIATION FOR HOMOGENOUS SUBSET			EFFECT SIZES Comparing sub-populations with each other		
				1	2	3	Officials	Principals	SGB chairs
Participation climate	Officials	46	<b>0.000</b> significant	2.6 ± 0.38			X	0.38 small	<b>0.71 large</b>
	Principals	228			2.8 ± 0.52		0.38 small	X	0.36 small
	SGB chairs	166				3.0 ± 0.57	<b>0.71 large</b>	0.36 small	X
Bureaucracy climate	Officials	47	<b>0.001</b> significant		2.4 ± 0.57		X	<b>0.5 medium</b>	<b>0.6 medium</b>
	Principals	228		2.1 ± 0.66			<b>0.5 medium</b>	X	0.11 small
	SGB chairs	166		2.0 ± 0.66			<b>0.6 medium</b>	0.11 small	X
Enabling climate	Officials	47	0.868	2.0 ± 0.64			X	0.07 small	0.09 small
	Principals	228		2.0 ± 0.81			0.07 small	X	0.02 small
	SGB chairs	163		2.0 ± 0.82			0.09 small	0.02 small	X
Opinion of bureaucracy	Officials	47	0.706	2.6 ± 0.49			X	0.07 small	0.02 small
	Principals	232		2.6 ± 0.61			0.07small	X	0.08 small
	SGB chairs	170		2.6 ± 0.67			0.02 small	0.08 small	X
Attitudes towards centralisation	Officials	47	<b>0.000</b> significant		2.5 ± 0.79		X	<b>0.63 medium</b>	<b>0.68 medium</b>
	Principals	232		2.0 ± 0.67			<b>0.63 medium</b>	X	0.06 small
	SGB chairs	171		1.9 ± 0.68			<b>0.68 medium</b>	0.06 small	X
Attitudes towards enabling participation	Officials	47	0.574		2.2 ± 0.56		X	0.14 small	0.05 small
	Principals	232		2.3 ± 0.61			0.14 small	X	0.08 small
	SGB chairs	171		2.2 ± 0.63			0.05 small	0.08 small	X
Knowledge of Education Law	Officials	46	<b>0.000</b> significant		3.0 ± 0.46		X	0.22 small	<b>0,73 large</b>
	Principals	231			2.8 ± 0.53		0.22 small	X	<b>0.54 medium</b>
	SGB chairs	171		2.5 ± 0.60			<b>0,73 large</b>	<b>0.54 medium</b>	X
C18 Parents should be allowed to prevent the contentious material.	Officials	46	0.497	2.9 ± 0.78			X	0.18 small	0.18 small
	Principals	223		2.7 ± 1.03			0,18 small	X	0.01 small
	SGB chairs	163		2.7 ± 1.08			0.18 small	0.01 small	X
C19 In SA the majority's will may not impede minority rights	Officials	47	0.842	3.0 ± 0.79			X	0.04 small	0.08 small
	Principals	219		3.1 ± 0.88			0.04small	X	0.04 small
	SGB chairs	162		3.1 ± 0.91			0.08 small	0.04 small	X

Tukey's *post hoc* test for the ANOVA revealed that effect of the difference between the senior education officials and the school governing chairpersons was **large** (Effect size: 0.71);

- *Bureaucracy climate*: The school principals and school governing chairpersons (column 1) agreed displayed similar estimations of the bureaucratic climate, whereas the senior education officials differed from the other two sub-populations (column 2). In essence the senior education officials indicated that there was *seldom to often* ( $M: 2.4$ ) bureaucratic tension in the system, teacher's unions *seldom to often* interfere and the provincial department *seldom to often* does not appoint educators; whereas the school principals and the school governing body chairpersons indicated that there is *seldom* ( $M: 2.0$ ) tension in the system, the provincial department *seldom* appoints educators and the teacher's unions *seldom* interfere. Tukey's *post hoc* test for the ANOVA revealed that effect of the difference between the sub-populations has medium significance (Effect sizes: 0.68 & 0.63);
- *Attitudes towards centralisation*: The *post hoc* test revealed that the senior education officials (column 2) were circumspect about time constraints in schools, ambivalent about parental participation and displayed a lukewarm attitude towards the idea of a parental advisory board. These attitudes of the senior education officials tend *more* towards centralisation of authority. On the other hand, the school principals and school governing body chairperson displayed attitudes that were *less* in favour of centralisation. In particular, these sub-populations (column 1) were in favour of parent advisory boards, regarded time constraints with less circumspection and estimated parental participation more favourably. The effect of the differences between the senior education officials and the other sub-populations was **medium** (Effect sizes: 0.6);
- *Knowledge of Law*: There was small difference between the senior education officials and school principals (column 2). However, the differences between these two sub-populations and the school governing chairpersons were more pronounced. The effect of the difference between the knowledge of law of senior education officials and school governing chairpersons was **large** (Effect sizes:

0.7), and the difference in knowledge of Education Law between the school principals and the school governing body chairperson was **medium** (Effect size: 0.5);

- No significant differences were found between the three sub-populations with regard to the enabling climate, the opinion of bureaucracy, Item C 18 (that parents should be allowed to prevent contentious material) and Item C19 (majority should not impede minority rights).

In essence, Tukey's *post hoc* test confirmed that there are significant differences between the senior education officials-sub-population on the one hand and the school principals and school governing chairpersons on the other. The results of Tukey's *post hoc* test correspond with the findings reported in paragraphs 5.12.3.1 and 5.13.2.2 that indicate that senior education officials viewed bureaucracy and centralisation in a slightly more favourable light and regard parental participation to be inadequate, whereas the other two sub-populations displayed a greater aversion towards bureaucracy and centralisation.

#### **5.15.4.Synopsis.**

To summarise, the ANOVA effect sizes revealed the differences in attitudes and responses between senior education officials, on the one hand, and the school principals and school governing body chairpersons on the other. There were **medium to large differences** between these two groupings with regard to the participation climate, the bureaucratic climate and the centralisation subset. In essence the ANOVA results confirm that the senior education officials tended to favour centralisation, but downplayed the existence of bureaucracy in the system. The ANOVA results also revealed that school governing chairpersons were more subjective in a favourable estimation of the adequacy of parental participation in school governance, whereas the school principals and senior education officials did not agree that parental participation is adequate.

In addition, the ANOVA effect sizes confirmed that **medium to large differences** in knowledge of education law existed between the senior education officials and school principals, on the one hand, and the knowledge of Education Law of the school governing body chairperson on the other. The results revealed that the school governing body chairpersons' knowledge of Education Law was less than that of the other two sub-populations.

#### **5.16. EFFECT SIZES: COMPARISON BETWEEN SUB-GROUPS.**

Although comparisons among the sub-populations, as reported in the foregoing paragraphs, yielded noteworthy results, some uncertainties remained with regard to some undemocratic phenomena in the education system. The origin or essence of the differences about appointment of educators, language policy and learner admission policy was still unaccounted for. In order to establish the underlying reason for these uncertainties, the researcher postulated that significant differences would be found between the Setswana *et al.*-sub-group and the Afrikaans sub-group with regard to all the items in the questionnaire.

The Setswana *et al.*- sub-group was clustered by identifying all the respondents that indicated in Item A10 that their home languages were either Setswana, Sepedi, siXhosa, isiZulu or other African languages. These respondents were grouped together. The other sub-group consisted of all the respondents that indicated in item A10 that their home language was Afrikaans. This sub-group was clustered together as the Afrikaans sub-group. The results of the effect sizes (*phi* coefficient) between the Setswana *et al.*-group were compared to the Afrikaans language-groups in order to test the statistical proposition.

However, the previous analyses revealed that only ten items indicated practically significant differences. Consequently, these ten items were analysed, seven from Section C and three from Section D. The items that revealed practical significance dealt with the following issues:

- knowledge of Education Law and democratic principles;
- the appointment of educators;
- the inclusion of mildly impaired learners into mainstream schools;
- teacher union interference in the appointment of educators;
- majority will vs. minority rights;
- the language policy and language of instruction at schools.

The *Chi*-square ( $\chi^2$ ) test was conducted to determine how the respondent language group frequencies matched expected frequencies of variables (Leedy & Ormrod, 2005:274). The *Chi*-square test determines statistically significant effects and relationships between respondent sub-groups and the variables (Leedy & Ormrod, 2005:274). According to Field (2005) a measurements of  $<0.05$  of the *Chi*-square ( $\chi^2$ ) value indicates statistical significance of the effect sizes.

In order to determine practically significant effects and relationships between respondent language groups and specific variables, the *phi*-coefficient test was performed (Leedy & Ormrod, 2005:266). The formulae of the effect size is given by:

$$w = \sqrt{\frac{\chi^2}{n}}$$

Where:

$w$  is the effect size

$\chi^2$  is the usual *Chi*-square statistic for the contingency table, and

$n$  is the sample size.

Ellis & Steyn (2003:52) give the following guidelines for the interpretation of effect size:

- ♦ 0.1 indicates that the effect is of small practical significance;
- ♦ 0.3 indicates that the effect is of medium practical significance; and
- ♦ 0.5 indicates that the effect is of great practical significance.

The results of the analysis were summarised in Tables 5.19 to 5.22.

**TABLE 5.19 Effect sizes of respondent language groups' knowledge of Education Law and democratic principles.**

ITEMS	LANGUAGE GROUPS	A EDU OFFICIALS						B PRINCIPALS						C SGB CHAIRS					
		Phi coef	Chi <sup>2</sup> (X <sup>2</sup> )	1 %	2 %	3 %	4 %	Phi coef	Chi <sup>2</sup> (X <sup>2</sup> )	1 %	2 %	3 %	4 %	Phi coef	Chi <sup>2</sup> (X <sup>2</sup> )	1 %	2 %	3 %	4 %
C4. Schools should decide on admission of learners, not the provincial dept.	Afrikaans	<b>0.53</b>	<b>0.007</b>	30,8	15.3	7.7	46.2	0.28	0.0004	7.3	12.2	25.6	54.8	0.35	0.0002	0.0	9.2	27.8	63.0
	Setswana <i>et al.</i>			23.3	23.3	46.7	6.7			25.9	20.1	22.3	31.7			17.0	16.0	35.9	31.1
C8. Majority's will should always triumph.	Afrikaans	<b>0.49</b>	<b>0.017</b>	30.8	46.1	15.4	7.7	<b>0.41</b>	<b>0.0001</b>	32.5	43.8	20.0	3.7	<b>0.49</b>	<b>0.0001</b>	39.6	43.4	15.1	1.9
	Setswana <i>et al.</i>			7.1	17.9	57.1	17.9			9.6	27.2	42.6	20.6			6.1	21.2	42.2	30.3
C10. Parents are the primary educators.	Afrikaans	0.37	0.56	7.7	0.0	7.7	84.6	0.4	0.11	0.0	2.4	20.7	76.9	0.17	0.18	29.6	37.0	29.6	3.7
	Setswana <i>et al.</i>			0.0	0.0	37.9	62.1			2.8	2.1	24.3	70.8			17.9	19.8	31.2	31.1
C14. Bureaucracy is appropriate to manage diversity.	Afrikaans	0.20	0.608	23.0	30.8	30.8	15.4	0.34	0.0001	21.2	42.5	32.5	3.8	<b>0.48</b>	<b>0.0001</b>	33.9	41.5	20.7	3.7
	Setswana <i>et al.</i>			10.3	24.1	48.3	17.3			7.9	22.1	54.3	15.7			8.7	17.3	52.8	21.2
C19. The will of the majority may not impede minority rights.	Afrikaans	<b>0.45</b>	<b>0.031</b>	0.0	0.0	46.2	53.8	0.19	0.042	6.4	7.7	39.7	46.2	0.32	0.0011	1.8	9.3	29.6	59.3
	Setswana <i>et al.</i>			6.7	26.7	50.0	16.6			9.1	13.6	50.0	27.3			11.0	18.0	43.0	28.0

TABLE 5.20 Effect sizes of the respondent language groups' attitudes on the appointment of educators.

ITEMS	LANGUAGE GROUPS	A EDU OFFICIALS				B PRINCIPALS				C SGB CHAIRS										
		Phi coef	Chi 2 (X <sup>2</sup> )	1 %	2 %	3 %	4 %	Phi coef	Chi 2 (X <sup>2</sup> )	1 %	2 %	3 %	4 %	Phi coef	Chi 2 (X <sup>2</sup> )	1 %	2 %	3 %	4 %	
1	C7 Provincial Education Dept., not the school, should have the final say on appointment of educators.	Afrikaans	<b>0.57</b>	<b>0.002</b>	38.5	7.7	38.4	15.4	0.38	0.0001	<b>68.3</b>	23.2	3.7	4.8	<b>0.49</b>	<b>0.0001</b>	74.0	24.0	1.9	0.0
	Setswana <i>et al.</i>	0.0			33.3	43.3	23.3	<b>34.1</b>			23.9	21.8	20.3	28.3			25.5	26.4	19.8	
2	C17 Provincial Education Dept. should appoint educators without recommendation from the SGB.	Afrikaans	0.33	0.17	53.8	30.7	7.7	7.7	0.23	0.006	<b>69.5</b>	23.2	4.9	2.4	<b>0.23</b>	0.035	75.9	20.3	<b>3.7</b>	0.0
	Setswana <i>et al.</i>	20			50	16.7	13.3	<b>48.9</b>			26.6	15.1	9.3	55.1			29.9	<b>7.5</b>	7.5	
3	D3 Teachers' unions unlawfully interfere with the SGB function to recommend appointment of educators.	Afrikaans	<b>0.41</b>	<b>0.06</b>	23.0	15.4	53.9	7.69	0.18	0.06	59.3	22.2	13.6	4.9	0.26	0.01	51.9	37.0	9.3	1.8
	Setswana <i>et al.</i>	10.3			58.6	24.1	6.9	50.4			21.2	10.9	17.5	60.2			15.5	15.5	8.8	
4	D4 Provincial Education Dept. appoints educators without regard to the SGB's recommendation.	Afrikaans	0.19	0.65	38.5	38.5	23.0	0.0	0.19	0.04	44.4	38.3	14.8	2.5	0.23	0.03	47.2	35.8	16.9	0.0
	Setswana <i>et al.</i>	23.3			53.3	20.0	3.4	58.4			21.9	13.9	5.8	51.5			24.3	12.6	11.6	
5	D13 Teacher's unions interfere with the SGB recommendations to appoint educators	Afrikaans	0.08	0.5	--	No 46.1	Yes 53.9	--	0.05	0.43	--	No <b>87.7</b>	Yes 12.3	--	0.05	0.51	--	No 83.3	Yes 16.7	--
	Setswana <i>et al.</i>	--			No 55.2	Yes 44.8	--	--			No 36.8	Yes <b>63.2</b>	--	--			No 79.0	Yes 21.0	--	

TABLE 5.21 Effect sizes of the respondents' attitudes towards inclusion of mildly disabled learners in mainstream schools.

ITEMS	LANGUAGE GROUPS	EDU OFFICIALS				PRINCIPALS				SGB CHAIRS										
		Phi coef	Chi <sub>2</sub> (X <sup>2</sup> )	1 %	2 %	3 %	4 %	Phi coef	Chi <sub>2</sub> (X <sup>2</sup> )	1 %	2 %	3 %	4 %	Phi coef	Chi <sub>2</sub> (X <sup>2</sup> )	1 %	2 %	3 %	4 %	
1	C9. Inclusion of mildly disabled learners into mainstream schools should be compulsory for public schools.	Afrikaans	0.4	0.06	38.5	46.1	15.4	0.0	0.33	0.0001	34.2	34.2	26.8	4.8	0.34	0.0001	29.6	37.0	29.6	3.7
	Setswana <i>et al.</i>	13.3			30.0	43.3	13.4	17.1			20.7	34.3	27.9	17.9			19.8	31.1	31.2	
2	D15. It is workable adequately to include mildly impaired learners into mainstream classes at our school/province	Afrikaans	0.09	0.55	--	No 58.3	Yes 41.7	--	0.01	0.82	--	No 55.7	Yes 44.3	--	0.09	0.25	--	No 49.1	Yes 50.9	--
	Setswana <i>et al.</i>	--			No 48.3	Yes 51.7	--	--			No 57.3	Yes 42.7	--	--			No 41.1	Yes 58.9	--	

TABLE 5.22 Effect sizes of the respondent language groups' attitudes towards language policy in schools.

3	B8. Knowledge of the democratic principles of National Norms for Language Policy in public schools.	Afrikaans	0.27	0.38	7.7	15.4	76.9	0.0	0.11	0.38	2.4	37.8	51.2	8.6	0.24	0.16	6.0	22.0	56.0	16.0
	Setswana <i>et al.</i>	3.5			34.5	55.1	6.9	2.8			29.8	51.8	15.6	10.5			33.3	40.4	15.8	
4	C12. The SGB's function of determining language policy of a school should be centralised to the education dept.	Afrikaans	0.54	0.005	53.9	15.4	23.1	7.6	0.5	0.0001	60.5	29.6	8.6	1.3	0.7	0.0001	81.4	13.0	1.9	3.7
	Setswana <i>et al.</i>	6.7			40.0	30.0	23.3	15.7			32.1	40.0	12.2	10.3			31.8	29.9	28.0	
5	D12. In our province/school home language education is in the best interest of the learners	Afrikaans	0.45	0.03	0.0	0.0	46.1	53.9	0.17	0.1	1.3	6.4	20.5	71.8	0.3	0.004	0.0	1.9	18.5	79.6
	Setswana <i>et al.</i>	6.7			26.7	50.0	16.6	5.6			10.5	26.9	56.7	11.2			13.3	14.3	61.2	
6	D14. All Afrikaans single medium schools must be compelled to give English instruction.	Afrikaans	0.44	0.004	--	No 69.2	Yes 30.8	--	0.49	0.0001	--	No 77.8	Yes 22.2	--	0.6	0.0001	--	No 92.4	Yes 7.6	--
	Setswana	--			No 23.3	Yes 76.7	--	--			No 73.0	Yes 27.0	--	--			No 28.7	Yes 71.3	--	

The effect sizes of the following variables were determined between the sub-groups:

- respondent sub-groups' knowledge of Education Law and democratic principles (Table 5.19);
- respondent sub-groups' attitude towards the appointment of educators (Table 5.20);
- respondent sub-groups' attitudes towards inclusion of mildly disabled learners in mainstream schools (Table 5.21);
- respondent sub-groups' attitudes towards language policy at schools (Table 5.22).

#### **5.16.1.1. Effect sizes with large practical significance and/or statistical significance.**

The effect sizes and percentages of the sub-groups are tabulated in Columns A, B and C of Tables 5.20 to 5.23. The most significant effect sizes have been highlighted in **bold** for easy reference. The following differences between the senior education officials' sub-groups, the school principals' sub-groups and the school governing body chairpersons' sub-groups confirmed the great practical and/or statistical significance of the effect sizes:

##### *5.16.1.1.1. Participatory democracy principle: Should the function to admit learners to schools be decentralised to school governing? (Item C4).*

No significant effect was found between the sub-groups of the school principals and school governing body chairpersons. However, the effect of the difference between the Setswana *et al.*-group and the Afrikaans-group of the senior education officials in respect of the **admission of learners** to schools and the final decision by the provincial education department (Item C4) is of **large practical significance** (*phi* coefficient: 0.52) **and statistical significance** (Chi<sup>2</sup> value: 0,007). Most of the Afrikaans senior education officials-group held the strong opinion that schools must decide on the learners admission, whereas the Setswana *et al.*-group held ambivalent views on the role of the provincial education department (Table 5.20, Column A, Row 1).

This significant effect confirms the pattern that exists within the administrative echelons of the North-West Department of Education that the senior education officials of the majority Setswana *et al.*-group differ markedly with the Afrikaans minority sub-group on policy issues such as the school governing body's right to determine an admission policy for the school. The results of the effect size analysis confirms that almost half (46.6%) of the Setswana *et al.*-senior education officials sub-population would prefer to centralise the admission policy of schools.

5.16.1.1.2. *Participatory democracy principle: Final say in the appointment of educators.*(Table 5.20; Items C7, C17 and D4).

The issue whether the provincial education department should have the **final say in the appointment of educators** (Item C7), revealed large practical significance (*phi* coefficient: 0.57) and statistical significance ( $Chi^2$  value: 0.0027) in the effect size between the language sub-groups of the senior education officials (Table 5.20, Row 1, Columns A) as well as the school governing body chairpersons (*phi* coefficient: 0.49; Column C). Most of the Afrikaans-group of school governing body chairpersons (74%) and many of the senior education officials disagreed strongly with the statement that the provincial education department should have the final say, whereas 76.6% of the Setswana *et al.*-senior education officials sub-group agreed with the statement that the provincial education department should have the final say in appointing educators.

The effect is also clearly apparent with the school governing body chairperson sub-groups. The Afrikaans school governing body chairpersons were almost unanimously (98%) *against* the statement that the provincial education department should have the final say in appointing educators, whereas 46.2% of the Setswana *et al.*-group of school governing body chairpersons were *in favour* of the suggestion that the provincial education department should have the final say in appointing educators. This significant effect confirms the existing pattern that the majority Setswana *et al.*-groups differ markedly with the Afrikaans minority sub-groups on centralisation policy and school governance issues.

5.16.1.1.3. *Democratic principle – Should the will of majority always triumph?* (Table 5.19; Item C8).

There was **large practical significance** (*phi* coefficients: 0.49; 0.41; 0.49) and statistical significance (Chi<sup>2</sup>-value: 0.0001) in the effect size of the differences between all the sub-groups (Table 5.22, Row 2, Columns A, B & C) on the question **whether the will of majority should always triumph**. Many of the Afrikaans-groups held strong opinions that the will of the majority should not always triumph, whereas most of the Setswana *et al.*-groups of senior education officials, school principals and school governing body chairpersons held the view to the contrary.

This effect reminds of Tocqueville's second supposition (par.2.3.13.2 above) that the unbridled majority rule may become an oppressive "tyranny of the majority." Tocqueville's second supposition, which was formulated in the nineteenth century, clearly affirmed that a majority's will is not absolute and is limited by the minority rights. The opinions of the senior education officials of the Setswana *et al.*-sub-group on the issue of majority will, reveal an officious disregard for the issue of minority rights, and this seems ignorant of Tocqueville's fundamental tenets of democracy.

5.16.1.1.4. *Democratic principle: May the will of the majority may impede minority rights?* (Table 5.19; Item C19).

On the issue **whether the will of the majority may impede minority rights**, there was **large practical significance** (*phi* coefficient: 0.45) and statistical significance (Chi<sup>2</sup>-value: 0.03) in the effect size. The Setswana *et al.*-group were ambivalent on the issue, whereas the Afrikaans-group of the senior education officials felt strongly that minority rights may not be impeded by majority will. There was no or little significance in the effect sizes of the school principals and the school governing body chairpersons on this issue. Tocqueville's third supposition of democracy entails that the rule of law and the prerequisite of legality is essential for a stable democracy (par.2.3.13.3 above).

Tocqueville's third suppositions clearly affirmed that a majority's will is not absolute and is limited by the rule of law. In the South African multicultural and

multilingual context, the rule of law unquestionably entails the protection of minority rights against possible tyranny of the majority. Once again, it seems clear that the ambivalence of the Setswana *et al.*-sub-group of the senior education officials indicates an officious disregard for the issue of minority rights, and seems ignorant of Tocqueville's fundamental tenets of democracy.

*5.16.1.1.5. Constitutional principle: Best interest of the child is of paramount importance; and Democratic principle: Tolerance of diversity and language rights.* (Table 5.22; Items C12, D12 and D14).

Although all the sub-groups of the senior education officials, school principals, and school governing body chairpersons respectively held the opinion that **mother tongue instruction is in the best interest of the learner**, the effect size was practically of **large significance** (*phi* coefficient: 0.53). because the greater majority of the Afrikaans-groups strongly agreed with the value of mother tongue instruction, whereas the Setswana *et al.*-groups did not hold such strong opinions.

*5.16.1.1.6. Democratic principles: Tolerance of diversity and language rights v equality.* (Table 5.22; Item C12).

The issue of **centralisation of language policy for schools** elicited the effect sizes of **large practical** significance (Phi coefficients: 0.54; 0.5; 0.71) and statistical significance (Chi<sup>2</sup> values: 0.0054) between all the sub-groups of the senior education officials; school principals and school governing body chairpersons (Table 5.22, Row 4, Columns A, B & C). The **largest phi** coefficient (0.71) was calculated on the effect size of the school governing body chairpersons of the Afrikaans-group and the Setswana *et al.*-group.

Most of the Afrikaans-groups (81.5%) held strong views against centralisation of school language policy, whereas the majority of the Setswana *et al.*-group were in favour of centralisation of language policies by the provincial education department;

5.16.1.1.7. *Democratic principles: Tolerance of diversity and language rights v equality.* (Table 5.22; Item D14).

Understandably, there was **large practical significance** (*phi* coefficients: 0.44; 0.49; 0.6) and statistical significance (Chi<sup>2</sup> value: 0.0042) in the effect sizes of the differences between the senior education officials, school principals and the school governing body chairpersons (Table 5.22; Row 6; Columns A, B & C) of the Setswana *et al.*-groups and the Afrikaans-groups on the issue **whether all Afrikaans single medium public schools should be compelled to give English instruction** (Item D14). This difference is noticeably confirmed by the percentages of the Setswana *et al.*-group of senior education officials (76.7%) that were in favour of compelling all Afrikaans schools to give English instruction, whereas 92.5% school governing body chairpersons of the Afrikaans-group were against such a suggestion.

The large practical and statistical significance of the effect sizes on issues such as language policy, learner admission policy, appointment of educators and majority will confirms the divergent views of the sub-groups of the respondent sub-populations. The results of the effect sizes for school principal and school governing body chairperson sub-groups confirm the findings of effects of large practical significance on issues such as language policy and the will of the majority. However, the effect size on the issue of centralisation of school language policy was more pronounced between the school governing body chairperson sub-groups.

The effect sizes have confirmed a significant prevalence of opinions by the Setswana *et al.*-group that is more in favour of the centralisation of learner admission policy, school language policy and final appointment of educators by the provincial education department. Although these issues go to the heart of the principles of participatory democracy and power-sharing with school governors, a possible explanation for the divergent opinions of the senior education officials is that the policy decisions to transform schools to reflect a non-racial egalitarian schema override the strict adherence to democracy in education.

**5.16.1.2. Effect sizes of medium significance.**

The effect sizes of **medium** significance between the sub-groups were revealed in the following items:

*5.16.1.2.1. Inclusion of mildly disabled learners into mainstream schools should be compulsory for public schools, (Table 5.21, Item C9).*

The *phi* coefficients of the senior education officials, school principals and school governing chairpersons of the language sub-groups were 0.4; 0.33 and 0.34 respectively (Table 5.21, Row 1). This indicates that the difference between the senior education officials, school principals and school governing chairpersons of the Afrikaans-language group and the Setswana *et al.*-group has a **medium** practical significance. The Afrikaans-groups indicated that inclusion should never or seldom be compulsory, whereas the Setswana *et al.*-group of senior officials, school principals and school governing chairpersons were more accommodating and indicated that inclusion of mildly disabled learners in mainstream schools should *often* be compulsory.

*5.16.1.2.2. Parents are the primary educators (Table 5.19, Item C10).*

The *phi* coefficients for the respective language groups of the sub-populations were 0.37 (officials); 0.4 (principals) and 0.17 (School governing chairpersons). This indicates that the difference between the senior education officials and the school principals of the language sub-groups has **medium** practical significance. The vast majority of the Afrikaans-subgroups were certain that parents are the primary educators, whereas the Setswana *et al.*-group were more uncertain about this statement.

*5.16.1.2.3. Bureaucracy is appropriate to manage diversity (Item C14). (Table 5.19, Row 4).*

The *phi* coefficients for the sub-groups were 0.2 (officials); 0.34 (principals) and 0.48 (school governing chairpersons). This indicates that the differences between the school principals and the school governing chairpersons of the language sub-groups has a **medium to large** practical effect. More of the Afrikaans-sub group indicated that bureaucracy is never or seldom appropriate to manage diversity, whereas more of the Setswana *et al.*-groups indicated that bureaucracy is often appropriate to manage diversity.

### 5.16.2. Synopsis and discussion of effect sizes.

The effect sizes indicating little or no practical significance indicate that there are no differences in opinion or attitude between the respective sub-groups on matters such as:

- the recommendation for appointment of educators;
- interference by teacher's unions; and
- inclusion of mildly impaired learners and knowledge of education legislation.

All the items of the questionnaire, most of which revealed small effect sizes, were not indicated in the discussion on effect sizes. However, the absence of significant effect sizes does not indicate the non-importance of these issues. These effect sizes indicate that there is in practice not a difference on the contentious nature of these matters.

Significant effect sizes were identified that confirmed the following bureaucratic trends and incidences of undemocratic constraints:

- attitudes or opinions of the Setswana *et al.*-groups in favour of the centralisation of the appointment of educators;
- bureaucratic attitudes or opinions of the Setswana *et al.*-senior education officials in favour of the centralisation of the admission policy of learners at schools;
- attitudes or opinions by the Setswana *et al.*-groups in favour of compelling all Afrikaans single mediums schools to give English medium instruction;
- attitudes or opinions of the Setswana-group that the will of the majority should always triumph.

### 5.17. SYNOPSIS OF QUANTITATIVE RESULTS AND FINDINGS.

The results of the quantitative study have been discussed in chapter 5. The statistical techniques established the high to acceptable reliability of the measuring instrument and the findings. The equivalence of the results of the descriptive percentages and frequencies in comparison with the factor analysis,

analysis of variance and the effect sizes confirmed the strong internal validity of these results.

The results provided quantifiable evidence of the following main findings:

- About a third of the school governing body chairpersons had matric as highest qualification, whereas all the School Principals and Senior Education Officials had tertiary qualifications;
- The majority of the school governing body members were relatively inexperienced (63.91% less than 5 years) in their positions, whereas the vast majority of senior education officials and school principals were very experienced (96.14% more than 10 years career experience).
- There was statistically significant variance in the knowledge levels of the three sub-populations. The senior education officials regarded their knowledge of Education Law to be at a higher level than the school principals who, in turn, regarded their knowledge levels higher than the school governing body chairpersons;
- The majority of respondents had a poor understanding of democratic principles and Education law matters;
- The vast majority of all of the respondents were strongly in favour of parental participation, parental responsibility, protection of minority rights and the continued parental involvement in education at schools;
- The attitude of the majority of all the respondents was strongly against increased centralisation, disagreed with suggestions to reduce parental participation, and disagreed with the statement that the provincial education department should appoint educators;
- In an unexpected result, a strong majority (**78.2%**) of all of the respondents agreed that the provincial education department does function democratically;
- Oddly enough, **57.75%** of the respondents indicated that bureaucratic control of education is appropriate to manage diversity in South Africa;
- The descriptive statistics of the combined results of the respondents indicated an ambivalence of attitudes with regard to issues such as majority will, inclusive education, bureaucratic practices and language policy;

- The respective respondent sub-populations disagreed on issues such as admission of learners, appointment of educators, the determination of a school's language policy, and the establishment of a Board of Education per district to replace a school's school governing body;
- All the respondent sub-populations indicated that the underlying climate at schools is democratic and enables participation by parents;
- The descriptive statistics results revealed undemocratic features such as inadequate parental participation, non-transparency of the education department, interference by teachers' unions with recommendations by school governing bodies; an intolerance towards Afrikaans single medium schools and that a tension exists between democracy and bureaucracy in the education system;
- The ANOVA confirmed significant variance among the sub-populations and indicated significant effects with regard to the participation climate, bureaucracy climate, attitudes towards centralisation, and knowledge of law;
- By means of  $Chi^2$  and  $Phi$  coefficient analysis, significant effect sizes between sub-groups were identified, which indicated that the Setswana *et al.*-group favoured bureaucratic action such as the centralisation of the appointment of educators, the centralisation of the admission policy of learners at schools, and the compelling all Afrikaans single mediums schools to give English medium instruction.

In essence, therefore, the statistical analysis of the quantitative results have confirmed the following research propositions:

- The significant incidence of undemocratic practices was demonstrated by the statistical analysis. In particular such as attitudes and climates favouring increased centralisation, bureaucratic appointment of educators, bureaucratic determinations of admission policies of schools were identified ;
- The senior education officials-group and school principals-group regarded parental participation in school governance as poor;
- The analyses of effect sizes between sub-groups of the senior education officials revealed a prevalence of undemocratic attitudes by the Setswana *et al.*-group towards Afrikaans single medium language instruction at schools;

However, the research propositions that there is a lack of knowledge of democratic principles was not established by the statistical analysis of the quantitative results. The senior education officials and school principals regarded their own knowledge of Education legislation as good;

The research proposition, that there are undemocratic practices in administration of the education system, was not confirmed in its entirety. The majority of the respondents indicated that the underlying climate in the provincial education system was democratic. However, they regarded the system as both centralised and decentralised, and indicated that certain undemocratic practices occurred from time to time.

## **CHAPTER 6**

### **QUALITATIVE STUDY**

#### **6.1. INTRODUCTION.**

The previous chapter reported the results of the quantitative results of this research. This chapter presents the rationale of the qualitative research design and discusses the results and finding of this study. Data collection strategies, validity and reliability of the research, sampling techniques, and data analysis are also discussed in this chapter.

#### **6.2. RESEARCH APPROACH.**

This research followed the explanatory mixed methods approach in terms whereof both the quantitative and qualitative approaches were combined into a mutual study (Leedy & Ormrod, 2001:97; Maree *et al.* 2007:264). The purpose of the explanatory mixed method design is to use qualitative findings to help clarify the quantitative results (Maree *et al.*, 2007:264). The rationale is that the quantitative results provide a general picture of the research problem while the qualitative results, refine, explain or extend the general picture (Maree *et al.*, 2007:264). In the explanatory design, the researcher collected the data in two separate phases. First, the quantitative data was collected, analysed and reported in chapter 5. Thereafter the qualitative data was collected, analysed and reported in this chapter.

Babbie and Mouton (2006:53) define the purpose of qualitative research as the description and understanding instead of the prediction and explanation of human behaviour. Fouché and Delport (2005:74) assert that the qualitative approach in its broadest sense refers to research that elicits participant accounts of meaning, experience or perceptions. Fortune and Reid (in Fouché & Delport, 2005:74) explain that as knowledge is accumulated, the research focus may shift

and data collection may be adapted accordingly. According to Gall, Borg and Gall (1996:767) qualitative research is an enquiry that is grounded in the assumption that individuals construct social reality in the form of meanings and interpretations, and that these constructions tend to be transitory and situational. Accordingly, the dominant methodology in qualitative research is to discover these meanings and interpretations by studying cases intensively in natural settings and by subjecting the resulting data to analytical induction (Gall, Borg & Gall, 1996:767).

The researcher based the qualitative element of this research on the definitions as stated by Babbie and Mouton (2006:53) and Fouché and Delport (2005:74) and the methodology explained by (Gall, Borg and Gall, 1996:767).

### **6.3. OBJECTIVES OF THE QUALITATIVE STUDY.**

A qualitative study was undertaken in order to:

- verify, confirm or question findings of the quantitative study;
- determine and describe the participants' conceptualisation and understanding of democracy;
- examine the participants' perspectives of democracy in education;
- explore and interpret certain bureaucratic phenomena, practices and perceptions in the education system of the North-West Province;
- ascertain and explain the underlying inherent reasons and motives for these phenomena.

### **6.4. RESEARCH DESIGN.**

The qualitative component of this research was designed as a phenomenological study, but included elements of grounded theory design. According to Merriam (2008: 6) a researcher can combine types of qualitative studies depending on the objectives of the research, the research questions and the research strategy to be followed.

A phenomenological study is a study that attempts to understand people's perceptions, perspectives, and understandings of a particular situation (Leedy & Ormrod, 2005:139). Phenomenology is both a school of philosophy and a type of qualitative research methodology (Merriam, 2008:112). Leedy & Ormrod (2005:138) suggest that in the broadest sense most qualitative studies contain elements of phenomenological studies.

The major purpose of a grounded theory approach is to begin with the data and use them to develop a theory (Leedy & Ormrod, 2005:140). Grounded theory approaches are especially helpful when current theories about phenomena are inadequate or nonexistent (Leedy & Ormrod, 2005:140). A grounded theory study focuses on a process (including people's actions and interactions) related to a particular topic (Leedy & Ormrod, 2005:140). The aim of a grounded theory study is to develop a theory or model from the interrelationships of factors emerging from the data that have been collected (Leedy & Ormrod, 2005:140). The researcher developed models from the interrelationship of factors determining democracy in education and schools (see Figure 7.2 & Figure 7.3).

The researcher followed an empirical approach to the phenomenological study, which entailed that the senior education officials, school principals and school governing body chairpersons were requested to respond to open-ended questions in writing, and in-depth interviews were conducted with purposively selected senior education officials to discover the essential, invariant structures of the central meaning of their experience of democratic school governance in the North-West province (Creswell, 1998:150). Central to the phenomenological approach is the suspension of judgment and preconceived ideas (sometimes called *epoche*' or *bracketing*) in order to understand the phenomenon from the perspective of the participant (Leedy & Ormrod, 2005:139). The researcher suspended any preconceived notions or personal experiences prior to the interviews, and throughout the data collection process (Leedy & Ormrod, 2005:139).

## **6.5. DATA COLLECTION.**

Kumar (1999:104) explains that qualitative data can be collected from primary sources by means of questionnaires, interviews or observations. The study collected primary data from the participants by means of open-ended questions and semi-structured interviews.

### **6.5.1. Questionnaires: open-ended questions.**

All the senior education officials, school principals and school governing body chairpersons (n=456) that participated in the completion of the quantitative questionnaire (see Table 5.3) were requested to give written comments on two open-ended questions included at the end of Sections C and D of the questionnaires (see the attached questionnaire marked Appendix E). The open-ended questions posed in the questionnaire were:

- What are your thoughts or views on democratisation of the education system? Is it desirable or necessary? Has the education system been fully democratised? Please motivate. (If this space is insufficient, kindly answer on additional pages and attach it hereto).
- What are your views on the democratic climate at your school? Please motivate. (If this space is insufficient, kindly answer on additional pages and attach it hereto).

The answers to these questions were collated and the texts were analysed in accordance with the methodology described in paragraph 6.7.

### **6.5.2. Interviews: semi-structured.**

The second part of this qualitative study entailed the conducting of semi-structured interviews with purposely selected participants from the senior official group (see the interview schedule marked Appendix F). According to Merriam (2008:72) semi-structured interviews should be conducted within the framework of an interview guide (see the attached Interview guide marked Appendix G). The participants' views, perceptions and understanding of the following variables were investigated during the interview process:

- conceptualisation of democracy, democratic principles; democratic citizenship;
- the level of parental participation at schools;
- the incidence of un/democratic practices in the education system;
- encumbrances to democratisation of education at public schools;
- rights and functions of school governing bodies and/or parents and/or schools;
- the phenomenon of centralisation or decentralisation of authority in education;
- the incidence of bureaucratic versus democratic tensions in schools and the education system
- suggested models for the improvement of democratic school governance.

## **6.6. SAMPLE SELECTION: NON-RANDOM AND PURPOSIVE.**

For the purpose of this study, the researcher accepted Babbie and Mouton's definition of a population. As described previously (see chapter 1, par.1.6.1.3.2) the population of the quantitative study consisted of all the school principals and school governing body chairpersons in the North-West province (n=2165) and all the senior education officials (n=47) concerned with the administration of school governance and school management in the North-West province (see also chapter 5, par. 5.3.1.2).

A non-random and purposive sample can be used in qualitative research according to the researcher's judgment and the availability of knowledgeable participants (Babbie and Mouton (2006:166). Cohen *et al.* (2001:103) explain that in purposive sampling, a researcher handpicks the cases or participants to be included on the basis of their judgment of their typicality. In this way they build up a sample that is satisfactory to their specific purpose.

The sample in this study was non-random and purposive. Accordingly, the researcher purposely selected expert participants from the senior education officials most likely to have administration experience, actual knowledge of

school governance and the phenomenon of democracy in the education system in the North-West province. Leedy & Ormrod (2005:144) suggest purposeful sampling of between 5 and 25 individuals in a phenomenological and/or grounded theory study. The researcher conducted interviews with seven participants until a level of saturation was achieved. The saturation effect was reached when little or no new information of substantive value was gained from conducting further interviews (Leedy & Ormrod, 2005: 145).

Although in depth interviews with either school principals or school governing body chairpersons would certainly have broadened the depth and perspective gained, the researcher decided against such action for the following reasons:

- The greatest depth and variance was expected from senior education officials and therefore efforts were focussed on this group;
- It was expected that in-depth answers and reasons for bureaucratic actions and attitudes would be obtained from senior education officials and not so much from school principals or school governing body chairpersons;
- Logistical and time constraints prohibited the in-depth purposive sampling of willing individuals in the school principal and school governing body chairperson cadres.

Therefore, due to the satisfactory quality of the data collected from school principals and school governing body chairpersons by means of the responses to open-ended questions as described in paragraph 6.5.1, it was decided not to conduct any qualitative interviews with samples of these sub-population groups.

## **6.7. DATA ANALYSIS.**

Babbie and Mouton (2006:490) suggest that there is no single approach to qualitative data analysis that is conclusively correct. The requirement for scientific research is that the data analyst or researcher must monitor and report the procedure of data analysis (De Vos, 2005:334).

The researcher applied the widely used approach as proposed by Leedy & Ormrod (2005:141) that entailed the open coding, axial coding, selective coding and development of a theory.

### **6.7.1. Open coding**

The data were divided into segments and then scrutinised for commonalities that reflect categories or themes. After the data had been categorised, they were further examined for properties or specific attributes that characterize each category. Open coding is a process of reducing the data to a small set of themes or codes that appear to describe the phenomenon under investigation (Leedy & Ormrod, 2005:141).

### **6.7.2. Axial coding.**

Interconnections were made between categories and subcategories by constantly comparing within the transcript, between the codes to inductively come up with new findings.

### **6.7.3. Selective coding.**

The categories and their interrelationships were combined to form a story line that described what happened in the phenomenon (Leedy & Ormrod, 2005: 141). In this regard, the researcher acknowledges that, in accordance with qualitative methodology, the analysis was subjective and context bound (Leedy & Ormrod, 2005:96).

## **6.8. VALIDITY AND RELIABILITY.**

### **6.8.1. Validity.**

Sowell (2000:5) states that the validity of research refers to the degree to which outcomes are accurate and grounded in data. Valid outcomes result from the selection and application of procedures that produce truthful answers to research questions. Cohen *et al.* (2000:105) add that a qualitative study may be deemed

valid if it addresses the richness, scope, depth and honesty of the captured data. The extent to which the researcher was able to remain objective, as well as the participants who had been approached, contributed to the overall validity of the study (Cohen *et al.*, 2000:105).

Qualitative researchers use a *combination* of any of ten strategies to enhance validity: prolonged fieldwork, multi-method strategies, participant language and verbatim accounts, low-inference descriptors, multiple researchers, mechanically recorded data, participant researcher, member checking, participant review, and negative cases (McMillan and Schumacher, 2001:408). This is illustrated in Table 6.1 below.

**TABLE 6.1 Strategies to enhance design validity.**

STRATEGY	DESCRIPTION
Prolonged and persistent field work	Allows interim data analysis and corroboration to ensure the match between findings and participant reality.
Multi-method strategy	Allow triangulation in data collection and data analysis.
Participant language and verbatim accounts	Obtain literal statements of participants and quotations from documents.
Low-inference descriptors	Record precise, almost literal, and detailed descriptions of people and situations.
Multiple researchers	Agreement on descriptive data collected by a research team.
Mechanically recorded data	Use of tape recorders, digital recorders, photographs, and videotapes.
Participant researcher	Use of participant recorded perceptions in dairies or anecdotal records for corroboration.
Member checking	Check informally with participants for accuracy during data collection; frequently done in participant observation studies.
Participant review	Ask each participant to review researcher's synthesis of all interviews with the person for accuracy of representation; frequently done in interview studies.
Negative cases	Actively search for, record, analyse, and report negative cases or discrepant data that are an exception to patterns or that modify patterns found in the data.

(Source: McMillan & Schumacher, 2001:408)

### 6.8.2. Reliability.

According to Gay and Airasian (2000:169) the term reliability means dependability or trustworthiness. Sowell (2000:5) further explains that reliability refers to the consistency of the measuring of a concept, and that *stability, internal reliability and inter-observer consistency* are the prominent factors of reliability.

### 6.8.3. Strategies used to enhance internal validity and reliability.

During the present investigation the following methods were used to enhance internal validity and reliability: multi-method strategies, participant language verbatim accounts, mechanically recorded data, and participant reviews. Interviews were conducted in a language that the participants use daily. Digital recorders were used to record all the interviews, and the recordings were later

transcribed verbatim. The transcripts were reviewed by each participant and inaccuracies or errors were amended. The interview transcripts and the written comments on the questionnaires were studied and described as literally as possible. The validity of the study was also enhanced with the selection of a purposeful sample that was rich in information in the topic under investigation.

#### **6.8.4. Triangulation.**

The triangulation technique of data collection was used in this study and the comparison of the results of the included in-depth interviews and the analysis and coding of the written answers to questionnaires (documents). Furthermore, the researcher addressed individual bias by comparing the data collected during the qualitative study with the findings of the quantitative study as reported in chapter 5 above.

### **6.9. RESULTS OF THE QUALITATIVE STUDY.**

The results of the qualitative study will be discussed in two parts. In Part 1 the perceptions and comments of the senior education officials, school principals and school governing body chairpersons as expressed in the written answers to open-ended questions asked in conjunction with the quantitative research, were analysed and coded. The qualitative data of the school principals and the school governing body chairpersons were thus contained in the questionnaires.

In Part 2 the results of the in-depth interviews with purposely selected senior education officials were analysed. The researcher decided to collect qualitative data by means of interviews from senior education officials only, because the quantitative results indicated that certain attitudes, opinions and practices differed between the senior education official-sub-population on the one hand and the school principals and school governing body chairpersons on the other hand (see para 5.13.2.4; 5.13.2.5 & 5.13.2.7). In other words, it was decided not to collect qualitative data by means of interviews from school principals and school governing body chairpersons because the quantitative data of these two sub-populations were largely in agreement, whereas the quantitative data from

the senior education official- sub-population indicated significant divergence. The purpose of these interviews was to gain in-depth knowledge of particular aspects and to explain the apparent differences between the senior education official-sub-population and the other sub-populations (viz. the school principals and school governing body chairpersons).

#### **6.10. PART 1: RESULTS OF THE ANALYSIS OF THE WRITTEN QUALITATIVE DATA – RESPONSES TO OPEN-ENDED QUESTIONS.**

All the participants, viz. the senior education officials, the school principals and school governing body chairpersons were requested to answer open-ended questions in writing on questionnaires, and to give their perceptions of democratisation of the education system and the schools in the North-West province. No names are referred to in this study by virtue of the fact that the questionnaires were completed anonymously and in confidentiality. The respondents were prompted with open-ended questions and were accordingly allowed the freedom to respond with whatever they thought appropriate. In other words, none of the responses were manipulated or constructed by the researcher because, the researcher was not present when these questions were answered by the participants.

After applying the methods of open coding, axial coding and selective coding, the following six categories were identified from the participants' responses:

- advantages of a good democratic climate in schools;
- democratisation is a long process;
- bureaucratic administrative practice in the education system;
- poor parental participation;
- ignorance and misunderstanding of democracy; and
- tensions in the system.

The significance of the responses will be discussed according to these categories.

### 6.10.1. Advantages of a good democratic climate.

Although the system was perceived as **not** fully democratised, the vast majority of participants were in agreement that democracy is advantageous for the education system. This correlates with the results of the quantitative study in terms whereof 88,735 of the respondents regarded the improvement of democracy as an effective strategy to improve education (see par. 5.11.2.1). The following written response of a school principal illustrates the desirability of democracy in schools:

Democracy is desirable. It allows shared decision-making, rights are secured and we feel safe, the smooth running of teaching and learning is improved and parental involvement helps the functioning of the school.

A school governing body chairperson responded that their school was functioning democratically because there was transparency, information, consultation and feedback. This statement confirms the value and advantage of openness<sup>16</sup> and transparency in the system. Another school governing body chairperson confirmed the value of openness and stated that the democratic climate at their school was excellent because:

All stakeholders are always involved in school activities. Financial statements are revealed to all stakeholders for perusal. Nothing is hidden. No stakeholder infringes on any other stakeholder's right.

A school principal mentioned that the education system has been democratised by giving the parents and community members a say in the education of their children and allowing them full participation in the activities of the school. One school principal participant wrote that there was:

... too much democracy because the authority of the principal and educators had been eroded.

This last comment indicates that the democratisation of school governance has created tensions with school management and that some school principals and educators struggle to maintain sufficient authority.

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<sup>16</sup> See par. 4.4.4.1 above. The term '*open*' society has gained the accepted meaning of societies that are democratic, liberal, accountable, transparent and responsive, in the sense that it must be possible to remove rulers or officials from office who fail to respond to justified criticism (Scott & Marshall, 2005).

From the aggregated responses it was clear that the participants viewed joint decision-making, participation in activities, and transparency as the most important indicators of a democratic climate. However, it was notable that none of these participants referred to *responsiveness* and *accountability* as indications of a positive democratic climate. Also, it was interesting that none of these participants referred to the nature of the interrelationship between the schools and the department of education. The reason for this might be that the climate at the meso-level of the education system might not be entirely democratic.

### **6.10.2. Democratisation – a long process.**

In answer to the questions on the questionnaires, a number of participants acknowledged that although partial democracy has been achieved, they expected democratisation of the system to be a long process. A response of a school governing body chairperson was that:

Tactically there are no quick fixes to democratisation of the education system.

A school principal explained, in answer to the open-ended question, that only partial democracy had been achieved and that:

the road to democratic governance would require more collective engagement, collective action and continued consultation.

Another school governing body chairperson added that:

democratisation is a life long process and it will take a long time to reach the ideal situation due to the imbalances of the past, both materially and attitudinally.

The recognition by participants that democratisation is a long process shows a mature understanding of democracy and the patience to remain committed to democracy in education.

### **6.10.3. Bureaucratic administrative practice.**

Several participants indicated in their written responses that the education system is administered in a bureaucratic manner. This confirms the results of the quantitative study. Table 5.11 indicates that 58.41% of the respondents were of the opinion that there is often or always a tension between the democratic rights of schools and bureaucratic actions of the education authorities. Table 5.14 also shows that on average 73% of the senior education officials regarded the education system to be simultaneously centralised and decentralised. An example of a school governing body chairperson's opinion is the statement that "the system is top to bottom. Grassroots are ignored." A school principal said that "the curriculum requires too much paperwork" and "too many constricting policies are forced down upon school management." She added that "many of the official policies are impractical." Another school principal stated that "the government is always taking decisions on our behalf without consulting school managers or the school governing body.

The study found a number of participants that indicated that bureaucratic interference from departmental officials in matters such as appointment of educators and school language policies were undemocratic. The following excerpt from a school principal's written response confirms the nature and extent of bureaucratic actions:

Demokrasie in die skole word bedreig. Die departement neem outokratiese besluite deur dubbelmedium taalbeleid op talle skole af te forseer. Die Grondwet bepaal tog uitdruklik dat elkeen die reg het op onderrig in 'n amptelike taal van sy eie keuse. (*Translation: Democracy at the schools is threatened. The department makes autocratic decisions by forcing a double medium language policy on many schools. After all, the Constitution expressly provides that everyone has the right to education in an official language of his own choice*).

A school governing body chairperson described the nature of the bureaucracy in a similar vein:

Ek steun die demokratisering van die stelsel heelhartig. Ongelukkig is daar tans geen demokratiese toepassing in die onderwys nie. Sake word van bo-af beheer en bestuur en afgedwing. Mense op grondvlak het geen sê of kommunikasie kanaal nie. (*Translation: I support the*

*democratisation of education wholeheartedly. Unfortunately, at present there is no application of democracy in education. Matters are governed and managed and enforced from the top. People at grassroots level have no say and no communication canal).*

A school governing body chairperson explained that “the school governing body’s powers are curtailed by the interference during appointment of educators.” It was clear from several responses that the educator recruitment-appointment-provision process is unsatisfactory and upsets orderly education. A disheartened school principal described the bureaucracy of the department as follows:

The bureaucratic manner in which the promotion policy and post provisioning model is applied stifles the effective functioning of schools. The post provisioning system should be revisited. There is no continuity and vacancies are not filled. The less interference from politicians and unions the better it will be for everyone.

Political motives and policies to promote transformation are also applied in a bureaucratic manner. It seems that, at times, bureaucratic decisions have no regard for the traditions and culture of a particular school. Changes and decisions are sometimes enforced unilaterally. The results of the quantitative study confirm this observation. Table 5.11 confirms that 20.48% of the respondents indicated that the provincial education department often or always appoints educators to schools without regard to school governing body recommendations. The following answer to the second question by a school governing body chairperson confirms this. He wrote:

Departemente moet vereistes vir personeelaanstellings stel, maar dan moet die ouers/beheerliggaam self besluit. Dit het by ons skool gebeur dat die departement die aanstelling van ‘n onbekwame onderwyser op grond van transformasie vereistes afgedwing het. Die ouers betaal baie ekstra en ken die behoeftes. Die beheerliggaam moet toegelaat word om die kultuur en tradisies uit te dra. (*Translation: Departments must set the requirements for the appointment of personnel but then the school governing body must decide. At our school the department forced the appointment of an incapable educator onto the school for transformation reasons. The parents pay a lot of extra money and know the needs The governing body should be allowed to nurture and develop the culture and traditions.*)

Although the extent of the bureaucracy does not seem to override the everyday democratic practices in the education system, it is clear that these instances of bureaucratic interference and practice have a substantial effect on a number of schools. A school principal declared that certain of the administrative practices, such as “die taal- en toelatingsbeleid” (*language- and admissions policy*) were applied undemocratically. A school governing body chairperson contended that:

Demokrasie is nodig, maar die onderwysstelsel is nie voldoende gedemokratiseer nie. Met inmenging in o.a. die taalbeleid van skole en aanstellings van personeel word demokrasie beslis bedreig. (*Translation: Democracy is necessary but the education system has not been democratised satisfactorily. The interference with inter alia the language policy of schools and the appointment of personnel is a certain threat to democracy*).

It seems clear from several comments by schools offering Afrikaans medium instruction that the school governing bodies and school principal of these schools are experiencing bureaucratic pressure particularly with regard to their decisions on language policy and the appointment of educators. The results of the quantitative study confirm this observation. Table 5.13 indicates that 64% of the senior education officials responded that all Afrikaans medium schools should be compelled to give English medium instruction. Clearly, the absence of formal mechanisms or deliberative processes to address these frustrations contributes to the dissatisfaction experienced by many of the stakeholders.

#### **6.10.4. Poor parental participation.**

The aggregated qualitative responses confirmed that parental participation is essential but some participants indicated that the level of parental participation is inadequate. This confirms the findings of the quantitative study. As demonstrated in par. 5.12.2 above, 96% of the respondents agreed that parental participation improves education. But, at the same time, Table 5.11 (row 9) confirms that 60.25% of the respondents thought that parental participation was poor or inadequate. In this study a school principal expressed the following opinion:

Participation by the parents and community is vital. Democracy has not been fully attained because most parents are not capacitated about their role and parenting (*sic*). School governing body members are not fully workshopped to can (*sic*) execute their functions effectively.

Training school governing body members to participate and co-operate is also essential. In par. 5.12.2.2 it was reported that 66% of the respondents were of the opinion that the provincial education department adequately enabled participation. However, the statement of the principal corroborates the quantitative finding that 41,34% of the respondents indicated that school governing body members had not been properly trained. One school governing body chairperson requested that:

... training of school governing body's should be done in our own language.

One school principal complained that:

We do allow joint decision-making but the educators and parents (SGB) manipulate the system and do as they wish.

This complaint reveals that, at times, there are tensions between the school management, the school governing body members, and educators. It seems that co-operative participation by all stakeholders, including the management and administration, is not always forthcoming. Another school principal commented that :

The democratic climate is good and improves the involvement of parents at their own schools, although some parents are still ignorant and not interested in being involved in school matters.

This confirms that democracy requires commitment by participants and the willingness to become educated and suitably informed. It was notable that not a single participant offered a solution for the predicament of poor participation. It seems, from the gist of the comments, that the participants implicitly suggest that the solution to the problem would be for the parents to somehow become more motivated and change their attitudes about participation.

#### **6.10.5. Misunderstanding and ignorance of democracy.**

The misunderstanding of democratic principles and uncertainty of democratic principles were clearly evident from responses by participants in this study. Many participants admitted to this fact. A written response by a school governing body chairperson clearly alludes to this fact:

Some of us know the word democracy but they do not understand it clear (*sic*).

Interestingly, a school principal admitted that:

We don't know what is really needed to implement democracy.

The words of a school governing body chairperson emphasize the difficulty experienced by many participants. She responded that:

People need to understand the word *democracy*. Some people do not understand. It means every wrong thing you want it to mean. If you think it is right for you, you take it for yourself (*sic*).

The level of education of many of the school governing body members contributes to the poor understanding of democratic principles. This was confirmed by the following written comments by school governing body chairpersons:

Democratic climate is healthy but most of the adults are not well educated but it is satisfactory (*sic*).

Some of us know the word democracy but they do not understand it clear (*sic*). They need to be motivated on how to apply it correctly in schools and outside the schools.

Educators are not sure what is democracy in education or not (*sic*). They are leaving wrong things to happen, behaving that that is in the name of democracy (*sic*).

A school principal admitted to the shallow understanding of democracy by writing that:

Most South Africans have a shallow understanding of democracy. Not much education has taken place. A concerted effort should be made to ensure that nothing is taken for granted.

The misconceptions of democracy were also evident from some of the statements of the participants. For instance, a school principal wrote that:

The democratisation of education brought freedom to education. There are no more inspectors. Educators are working without any fear. Workshops are being conducted to put educators on par with the new system of education. Thought (*sic*) it will take some time for them to grasp.

This statement demonstrates that some school principals and educators erroneously associate professional ability and competence with democracy. The absence of inspectors or a monitoring system, is somehow also equated with democracy. This confirms that there is definite ignorance or misunderstanding of the democratic requirements of accountability and responsibility.

#### **6.10.6. Tensions due to conflicting rights.**

From the study it became clear that conflict and underlying tensions are present at certain schools and between stakeholders. For instance, the following statement by a school principal confirms the presence of tensions:

Democratisation has created a lot of tension between all stakeholders especially learners against educators. The learners' rights cause most of the disturbances and discipline problems. Interference of unions in appointment of educators is not acceptable.

Several participants indicated that the educator unions cause a great deal of tension and contribute to the disorder in schools. The following statement by a school principal confirms this:

Democratisation is not at a desirable level. Confusion tends to prevail due to the expectations of the employer versus the educator union position.

One of the sources of tension is the real or perceived inequality between previously advantaged and previously disadvantaged schools. This underlying tension is evident from the following statements by school governing body chairpersons in this study:

The education system has not been fully democratised because the poor remain poorer and previous advantaged schools remain richer (*sic*).

The education system is democratised, but their schools are renovated and not ours.

The prevalence of racism, either perceived or real, is another source of tension. A school governing body chairperson expressed his opinion as follows:

Education in our country is not democratic in the sense that there are still schools that are resistant to change. Some of the former Model C schools still denies (*sic*) our fellow African (*sic*) a chance to learn at institutions. Medium of instructions (*sic*) is also a problem to most of our schools in the sense that former Model C schools especially Afrikaans still dominate (*sic*).

This last example confirms a clear intolerance by some African parents towards Afrikaans as a medium of instruction. It is apparent from the abovementioned written comment that the continued use of Afrikaans as a medium of instruction is equated with racism.

The following interesting assertion by a school principal expresses an attitude in favour of complete assimilation of all cultures:

It is necessary to democratise institutions in order to learn different cultures, norms and values etc. of other nations and to conglomerate them into one thing common.

The underlying conflict evident from this assertion is the tension between diversity of cultures on the one hand and amalgamation into a common uniform culture on the other. As explained in par. 4.6 above, the Constitution promotes and protects multicultural diversity in South Africa. In particular, section 29(2) of the Constitution provides that everyone has the right to receive education in the official language or languages of their choice in public educational institutions, where reasonably practicable. The International Law with regard to diversity and minority rights was discussed in paragraph 4.7 above. As discussed previously in paragraph 4.7.2 above, De Wet (2002:9-66) cogently demonstrated that differentiation in education (i.e. accommodation of diversity) does not result in inequality, but in fact enhances equality. Promoting diversity in education does not necessarily result in unfair discrimination. However, unfair discrimination may result if diversity in language, culture and religion is abused to harm a learner's dignity. Equality and the absence of unfair discrimination in education do not imply identical uniformity, but actually require differentiated treatment in order to

acknowledge individuality and promote diversity (De Wet, 2002:66). According to Dlamini (1994:575), South Africa must therefore promote diversity in education in order to comply with International Law but should at the same time leave room for the development of a uniform culture.

As a result of many of the tensions and frustrations that African parents and educators experience with regard to inequality, racism, and language of instruction, they exert strong influence on administrators and politicians to adopt transformational policies and enforce it by bureaucratic action. This phenomenon was described in par. 6.9.1.3 above.

### **6.10.7. Summary.**

This section provided qualitative data of the perceptions of school principals and school governing body chairpersons of the prevailing democratic climate in schools, the incidence of bureaucracy in the education system, inadequacy of parental participation, ignorance of democracy, and tensions in the system. This analysis substantiated findings of the quantitative study and verified the incidence of bureaucratic appointment of educators, undemocratic enforcement of language policies on Afrikaans schools, and tensions between teacher unions and stakeholders in education. The next section gives a qualitative analysis of the perceptions and opinions of senior education officials.

## **6.11. PART 2: RESULTS OF THE ANALYSIS OF QUALITATIVE DATA OBTAINED FROM THE INTERVIEWS OF SENIOR EDUCATION OFFICIALS.**

### **6.11.1. Semi-structured interviews of senior education officials: A purposive survey.**

The researcher conducted semi-structured, long, informal, open-ended interviews with purposely selected senior education officials (see Appendix G) during the months of August, September and October 2008. Based on the indicators identified in the quantitative study, as well as the literature review, the researcher compiled an interview guide with a list of questions and issues that were explored (see Appendix F). As is the nature of a semi-structured interview, the researcher used all the questions flexibly with no predetermined wording or order (Merriam, 2008:72). The participants were asked to describe their knowledge, understanding, experiences and perceptions of phenomena that relate to democracy in education with particular reference to school governance.

After recording the interviews on digital tape-recorders, the researcher transcribed all the discussions verbatim. Data analysis proceeded simultaneously with data collection as is recommended in qualitative research designs (Merriam, 2008:33). The researcher augmented the interviews with self-reflections, which included field notes about non-verbal communications and other observations (Merriam, 2008:113). In order to ensure the veracity of the transcribed versions of the interviews, the researcher sent the initial draft transcription of every interview to each participant for comment and affirmation. After the suggestions of the respective participants were received, the transcriptions of the interviews were finalised by incorporating the comments or correcting any errors.

Thereafter, the texts of the transcribed interviews were analysed in accordance with the methodology described in paragraph 6.7.

After applying the methods of open coding, axial coding and selective coding, the following six categories were identified from the participants' responses:

- Purpose of education;
- Understanding of democracy;
- Democratic climate;
- Parental participation;
- Tensions and challenges;
- Best practices and suggestions for school governance.

The responses will be discussed according to these categories.

### **6.11.2. Purpose of education.**

The researcher started all the interviews by focusing on issues concerning democracy and school governance, democratic climate and tensions in the system. It was during the Interview No. 6 that Participant F posed the fundamentally important question, viz. *What is the purpose of the education that we give?* In other words, what do we aim to achieve with the education of our country's learners? The logical place to start any investigation or study of the education system is by addressing this issue. The Participant F (Top Official) articulated the discussion as follows:

We need to be saying what kind of a citizen do we want ... that is where you start. Unless you define the kind of citizen we want, we cannot even begin to conceptualise what kind of a learner we want to produce. Now, once you know what kind of a learner we want to produce, then we can go about preparing them. Now, issues of discipline eventually then come in. But until you articulate that, whether we want to produce Julius Malemas, you know, that can say anything about the State President ... and it's like its "cool," "its fine." You can have anybody just ranting and raving. Now what kind of a leader did we develop? You know, that Malema emerges from a student leadership ... Now what kind of a leader did we develop who at this time doesn't even know how to address the Head of State? (Interview 6, Ln: 522-540, Appendix H).

Although the issue of the purpose of education was not discussed by other participants, it was implicitly evident from their comments in support of democracy that the purpose of a democratised education system aims to produce learners that are active democratic citizens that serve their country well.

As stated in paragraph 3.4 above, the purpose of education in a democracy is assumed should be to gain knowledge useful for real life and for building moral character and growth of the whole person: intellectually, personally, socially, and professionally, as was stated by Dewey (1934:3).

### 6.11.3. Understanding of democracy.

All the participants had a basic idea of certain features of democracy such as political rights, enforcement by law, and participative decision-making. When prompted to explain democracy, one senior education official gave the following response:

**Participant C, Interview 3:** Ons sê vir die ouers dat ons nou 'n demokrasie is, dat daar 'n Grondwet is en dat daar demokratiese beginsels is en dat hulle die reg het dat hul kinders onderwys sal ontvang. Ons lei hulle op deur leermateriaal te oorhandig op 'n stadium dat die demokratiese beginsels aan die ouers verduidelik word, terwyl hulle reeds baie kennis daarvan het. Die hele ding van 'n nasionale verkiesing, 'n provinsiale verkiesing en hulle op die beheerliggaam. So, daardie deel van die kies en verkies is baie bekend by hulle en hulle is baie gretig om daardie regte van hulle uit te oefen (Ln:136-143). (*Translation: We tell the parents that we now have a democracy, that there is a Constitution, that there are democratic principles, and that their children have the right to receive education. We train them by giving them learning material while explaining these democratic principles to the parents, although they already have a lot of knowledge of this. The whole thing about a national election, a provincial election and the governing body election. They are very well aware of the election process and they are keen to exercise their rights*).

This response illustrates that the Education-Management-Governance Department (EMGD-division) of the North-West Department of Education concentrates on the aspects of political democracy when training the school governing body members. No mention was made of the participatory principles or the deliberative ideals of modern democracy. This suggests ignorance on the side of the senior officials and an inadequacy of the training material, because essential principles and tenets of participatory and deliberative democracy are not dealt with.

Some participants emphasised the participatory nature of democracy, the values of equality and respect, as well as the prerequisite of law. The following excerpts typify these aspects:

**Participant F, Interview 6, Appendix H:**

Democracy for me is about participation and involvement of people who are affected by any decision of any state organ or individual in an official capacity or within an organisation (Ln:11-13).

**Participant B, Interview 2:**

In my view, democracy means that people have access to housing, education and all public services, equally so. That does not mean that there should not be law. People can participate and express their views and opinions, but that does not mean that they can use vulgar or abusive language or show disrespect. If I differ from you, I must still have respect (Ln:8-11).

One participant (Participant A, Interview 1) said that:

Democracy means that we must agree on issues and how to go about it. There must be discussion, informed consent; we must give information and get buy-in from the stakeholders.(Ln:1-3).

This response confirmed the consensual nature of democracy and touched on the ideas of a “social contract.” He also emphasised enforcement if parties to the agreement do not keep to the rules. The participants had a good perception of the prerequisite of the rule of law as it applies to democracy in schools. The issue of poor learner discipline was raised and one participant lucidly explained the precondition of law and order in democratic system. He stated that:

**Participant C, Interview 3:**

Die demokratiese beginsels wat jy gebruik is maar deel van die groot opvoedingsbeginsels wat toegepas moet word. As jy dan vir 'n kind sê – goed, kom ons stem in die klas oor die klasreëls. Dan is dit reg, dan het die kinders mos 'n demokratiese inset wat hulle kan maak daar. Maar die groot opvoedingsbeginsels, wat ek as opvoeder toepas staan. Die kinders kan nie stem of hulle die klas kan vloek of nie. Die beginsels staan. Hulle kan miskien

'n inset maak oor hoe die straf gaan lyk as een van hulle sou vloek. Maar dat hy gestraf of gedissiplineer gaan word as hy vloek, is daar. So daardie demokratiese reg wat hy het is eintlik baie beperk, omdat ons vanaf die groot beginsels werk waaroor hy nie 'n sê het nie. (Ln: 438-446) (*Translation: The democratic principles that you use is part of the greater educational principles. If you say to a child – Okay, let's vote in the class about the class rules. Then it is right, the child can give a democratic input. But the greater educational principles that I, as an educator must apply, still stand. The children can't vote in class whether they can swear or not. They can perhaps decide on the appropriate punishment for swearing, but they will be disciplined. So the democratic right is actually very limited because there are greater educational principles at play*).

Inadvertently, the aforementioned statement by Participant C affirms that democratic principles, such as the rule of law, apply in classrooms as well. Learners should not be allowed to behave in an ill-disciplined manner in the name of democracy.

Incidentally, only one of the senior official participants received further education in Education Law. His insight into the importance of the Constitution and knowledge of Education legislation was clear from the following answer:

**Participant B, Interview 2:**

The way I understand democracy in education ... I would align myself with the supreme law of the country, the Constitution. If you look at the Constitution, section 28, if I am not mistaken subsection 2, it says that whatever is being done, it should be in the best interest of the learner, I mean the child. In the context of education, it says children must have access to education. When I come to the South African Schools Act and the hierarchy in the education system from the Member of the Executive Committee for provincial Education, who is the political head, to the Director-General and the Head of Department, who are the administrators, to the regions and districts and to school level, I would say that there is democracy. Because if you look at the Department of Education, they will cascade information down to the district, the district would then have to cascade the information to the schools and school governing bodies. And why I say there is democracy is because parents are involved in terms of the meetings to air their

view and to deliberate. Educators are involved because they are being met by the officials so that they can air out their views. In the end we have parental bodies, we have educators, and we have the officials. These people they interact with one another. Also, before there is an Act, there is a Bill. Then the Minister requests the public to respond, to participate before the Bill goes to parliament. Now to me, I think that is democracy. (Ln:18-32).

As postulated, very few of the participants showed an enlightened understanding of democracy. In particular, most of the participants were ignorant of the theories and principles of participatory democracy and were very uninformed in respect of deliberative democracy. This is evident from a telling admission by a Participant F (top official) when questioned about participatory democracy vis-à-vis political democracy. He said:

Yes, I would say there is that problem of distinguishing between the two. Although, **I don't know the distinct features of the two**, but essentially, education is largely politically driven. The other matters are always translated into the broader political agenda. (Interview 6; Appendix H, Ln: 22-25).

It is evident that the senior officials think about democracy from a political frame of mind. As a result, many essential issues and features of democracy such as natural inequality vis-à-vis social and political equality (par. 2.4.2); tensions between liberty and equality (par. 2.4.3); accountability, responsiveness and openness (par. 2.4.5); deliberation (par. 2.4.9); and the impact of bureaucracy on instilling democratic values such as tolerance and rationality in learners, was given no attention by the participants. This corroborates the finding discussed in paragraph 5.11.5 above, that the senior education officials misunderstand or lack knowledge in respect of democratic principles pertaining to tolerance and diversity, minority rights, as well as participatory democracy.

In Table 5.7 the quantitative results indicated that **91.2%** of the senior education officials estimated their knowledge of democratic principles to be good or excellent. It seems that the officials do not know the extent of their own lack of knowledge when it comes to democracy in education.

#### **6.11.4. Democratic climate.**

Given the insufficient knowledge of democracy that the senior education officials, school principal and school governing body chairperson demonstrated and the overemphasis placed on political rights, it could be predicted that the schools would display a similar emphasis on political rights.

Accordingly, the researcher questioned the senior education officials on the democratic climate or political climate that prevailed in the schools. The following excerpts confirmed the expectation:

##### **Participant F, Interview 6, Appendix H:**

... but essentially, education is largely politically driven. The other matters are always translated into the broader political agenda. My view is that in our context, maybe we have gone to the other extreme in the sense of somewhat over-politicising everything. ...to the extent that, I think it has an impact on the quality of education. We all aspire to have an effective and democratic education system, but the level of political activism that is being experienced is unacceptably high. So, yes, there is over-politicisation of education; there is somewhat over-interference by the teacher organisations. But, of course there are some teacher organisations that are very professional and that understand their role. But the dominant teacher organisations seem to think that they are running the system and teachers are not doing what they are expected to do. (Ln: 20-36).

##### **Participant B, Interview 2:**

You will find that the members of the school governing body will only be involved because of their political involvement in community structures. And then, when you attend at a parent meeting ... because the community knows that this person is involved as the chairperson of the ANC or the UDM or AZAPO or what. (Ln: 133-137).

Another example confirming the over-politicisation of schools is Interview 2. The researcher asked a participant what type of democracy the learners learn in the schools. Is it politicised in the schools as well? The participant answered:

##### **Participant B, Interview 2:**

Ja, you are right. They are politicised, because these learners, usually the Learner Representative Councils, they are recruited in the youth structures of the political parties. So when they are recruited in these structures, although they don't want to come, especially the grade 8 to the grade 12, already they are politicised. The other issue is that of the parent. They usually belong to the union. And when the learner goes to school it is always in the shadow of the parent. Always when there is a strike where the parent is involved ... that in itself automatically influences the child. So if you look at our schools today, you will see that the learners are political, because we are influencing our learners politically. We are involving our learners in political activities. (Ln: 146-153).

The interviews with alternate participants substantiated the responses of earlier participants with regard to the politicised climate in previously disadvantaged schools. The following extract from the interview provides strong confirmation of the political climate at many of the schools:

**Participant C, Interview 3:**

Daar word baie min, sou ek sê, aan deelnemende demokrasie aandag gegee. Die ding van die saak, en daar word baie meer aandag gegee aan, wat is jou politieke affiliasie. Is jy ANC, is jy SADTU, is jy COSATU? (Ln:192-194).  
*(Translation: I would say that very little attention is given to participatory democracy. The thing that is important and that receives a lot more attention, is what your political affiliation is. Are you ANC, are you SADTU, are you COSATU?).*

He continued at line 210:

Ek dink dat die hele idee dat daar soveel politiek in die skole is, veroorsaak baie oneffektiwiteit en lê die skole lam. Skole waar politiek 'n baie klein rol speel funksioneer beter. As jy kyk na die ou Model-C skole, hulle steur hulle glad nie aan die politiek nie. Hulle is nie bekommerd wanneer die verkiesing is nie, niks nie. Goed daar is ander redes ook waarom die skole so effektief is. Dit gaan oor hulle vaardighede en waarde wat hulle kan toevoeg. Maar 'n sekere tyd van die jaar van daardie termyn maak politiekery beheerliggame oneffektief. Politiekery, vakbonde, assosiasies (as hulle enigsins daar toetree) - dan maak dit die mense lam en oneffektief. (Ln: 210-218).  
*(Translation: I think the whole idea that there is so much politics in the schools, causes much inefficiency and paralyses the schools. Schools where politics plays a small role function better. If you look at the old Model C-schools, they give no*

*attention to politics. They are not worried about the coming election, not at all. Okay, there are also other reasons why they function so well. It is about the skills and value that they are able to add. But politics makes the governing bodies ineffective at the time of the year that the term expires. Politics, unions, association (if they enter the fray) – then it paralyses the people and makes them ineffective).*

During the elections of the school governing body members it is also the political popularity of the candidate that influences the voting parents. The following description by a participant aptly illustrates this phenomenon:

**Participant C, Interview 3:**

Ek dink die groot verskil tussen vorige Model C-skole en township skole is partykeer die oorverpolitiserings van hierdie aanstellings en hierdie posisies. Laat hulle baie min weet van die pligtestaat van die voorsitter van die beheerliggaam; die treasurer; die sekretaris; maar dat dit 'n politieke speelveld word en 'n ge-"viva" en ek is die man wat die hardste kan skree en die meeste stemme op my verenig. En dan vind jy maar die man is fisies nie eens bereikbaar gedurende die dag nie, want hy is 'n mynwerker en hy is 3 kilometer onder die grond. En dan sê jy vir die mense, maar hoe op deeske aarde kon julle so 'n man verkies het? "Ja, maar hy was die gewildste op die dag en hy het die hardste "Viva" geskree en almal het vir hom gestem. Maar daar was nooit 'n uiteensetting van die pligtestaat en wat van beheerliggaam lede verwag word nie (Ln:155-165). (*Translation: I think the big difference between former Model C-schools and township schools is sometimes the over-politicising of these appointments and these positions. That they know very little of the duty sheet of a chairperson; the treasurer; the secretary; but that it has become a political playing field and a "viva"-ing and I am the man that can shout the loudest and gain the most votes. And then you find that the man is physically not available during the day, because he is a mineworker and is 3 kilometres under the ground. And then you say to the people, how on earth could you have elected such a man? "Yes, but he was the most popular on the day and shouted "Viva" the loudest and everybody voted for him. But the duty sheet was never put to him and never explained what is expected of a member of a school governing body.)*

These statements speak for themselves. On different occasions, the participants independently corroborated each other by affirming that the politicisation of education has caused the situation to become “lawless” and that it is “no longer democracy but anarchy that reigns at these dysfunctional schools.” One participant validated these statements by referring to the events in at the Khutsong township. He said:

**Participant E, Interview 5:**

Ons departement se amptenare kan al 'n geruime tyd nie die skole in Khutsong besoek nie. Een van my kollegas, 'n dame, was deur die rewolusionêre oproeriges van die straatkomitees aangerand toe sy in Februarie probeer het om die hoërskool te besoek. Ons vrees letterlik vir ons lewens as ons dit daar durf waag. Die straatkomitees beheer die township ... dit is chaoties. Dit is alles as gevolg van die regering se besluit om die provinsiale grense tussen Gauteng en Noordwes te verander. Maar ek dink die rewolusionêre politieke klimaat speel ook 'n groot rol. Geen onderrig kan in sulke omstandighede plaasvind nie. (Ln:118-167).

*(Translation: Our department officials have been unable to visit the schools in Khutsong for a long time now. One of my colleagues, a lady, had previously been assaulted by the revolutionaries of the street committees when she tried to visit the high school in February. We literally fear for our lives and don't dare to go there. The street committees control the township ... it is chaotic. It is all the result of the government's decision to change the provincial boundaries between Gauteng and North-West. But I think that the revolutionary political climate also plays a big role. No learning or teaching can take place in such circumstances.)*

Perhaps the most apt explanation for the political climate in the township schools came from a participant when he admitted the following:

**Participant B, Interview 2:**

If you look at the past prior to 1994, we used to *toy-toyi* and boycott and what. Unfortunately, people were not demobilised to say no, we are no longer using this strategy to express our dissatisfaction. Maybe we can take a point from the white community. When they are expressing their dissatisfaction learners are in the class. If you look at the former black community, when they are expressing their dissatisfaction, learners are taken out of the class. Look at what happened at Wolmaransstad when they were blocking the N12. So, in one way or the other learners are being politicised. It is not necessarily that the

white schools are not politicised, they are. But, I think that they are assisted or monitored and nurtured. The democratic immaturity of the parents is taking its course. But our children at the communities were not demobilised. After 1994, we should have put structures in place. We should have gone back to the communities to demobilise the people to change their mindset. To change their mindset by saying, now we are in a democracy now.(Ln:159-173).

There is therefore clear qualitative evidence that the climate in many of the township schools is inordinately politicised and this has a detrimental effect on the functionality of the schools. It becomes clearer why 80% of our country's schools, of which all are previously disadvantaged, are classified as dysfunctional (Taylor, 2006:2-3). In order to normalise the situation in these over-politicised schools, it would be necessary to demobilise the revolutionaries and to train or educate all the stakeholders, viz. the educators, learners, parents, school principals and the senior education officials, in the fundamentals of democracy. Furthermore, it seems clear that participatory features and deliberative principles of democracy will have to receive much greater emphasis.

#### **6.11.5. Parental participation.**

The participants were unanimous in their estimation that parental participation is essential, but that it was inadequate at many schools. This confirms the quantitative statistics which indicated that 60.29% (Table 5.11, row 9) of the respondents thought the parental participation to be poor. One of the reasons given for the poor parental participation was that the level of literacy and knowledge of parents serving on the school governing bodies is very low. Other reasons were that language is a barrier when it comes to training, and that the school governance model does not provide for meaningful participatory democracy and authentic democracy (Interview 7, Ln:111). A senior education official explained the language barrier as follows:

##### **Participant C, Interview 3:**

Die probleem huidiglik is die intreevlak kennis en begrippe wat hulle onder die knie moet kry. As ons nou kyk na plaaswerkers is dit baie keer amper onmoontlik om hulle op 'n behoorlike vlak van funksionaliteit te kry, omdat Engels nie hulle moedertaal of spreektaal is nie en hulle Afrikaans is

gebreekig en dan is die kommunikasie gebreekig. Omtrent 60% van die opleiding wat ons verskaf fokus net op basiese finansiële opleiding. Maar kundige geletterdheid skiet in baie gevalle ver te kort, omdat baie van die skoolbeheerliggaam lede (SBL-lede) swak geskool is. Finansiële opleiding moet selfs basiese dinge insluit soos persoonlike finansies, tjekboeke, begrotings, wins-en-verlies en batebeheer. (Ln:29-42). (*Translation: Presently, the problem is the entrance level knowledge and concepts that they must master. If you look at farm workers, then it is almost impossible to get them to some level of functionality, because they cannot speak or understand English and their Afrikaans is poor. So language is a barrier. About 60% of the training that we give to the governing body members consists of financial training. But their literacy levels are hopelessly inadequate because many haven't received schooling. Financial training must even include basic things such as personal finances, chequebooks, budgets, profit-and-loss and asset control*).

Another frustration with poor parental participation in school governing bodies is that members of the school governing bodies serve for a term of only three years. The education officials said that most of the times they had just trained the school governing body members an acceptable level, when the term of service expires. A participant explained that:

**Participant C, Interview 3:**

...It often happens that school governing body members get elected because of their political status or affiliation, but when they realise the commitment and amount of work that is required, they lose interest and resign. A by-election must then be held and the training must be repeated. (Ln:64-67)

According to this participant, it happens at times that the level of knowledge of the school principal, who is supposed to give guidance, is also lacking (Interview 3, Ln: 69-72). The explanations by the participants about the impracticality of the school governing bodies' three year term of office, were made with a sense of hopelessness. The researcher could clearly sense the desperation of the senior education officials who have to train and retrain almost without end (Field note 3, Ln: 14-16). It seems that the lack of continuity of knowledgeable and competent school governing body members has become an endless pit into which all effort is lost.

Participant D was of the opinion that minimum qualification requirements could not be prescribed for members of school governing bodies because it would disentitle many poorly educated parents that are willing and competent to offer their voluntary support to the school. However, the participant suggested, and this was supported by other participants, that the requirement that only parents of learners may serve on the school governing body should be abandoned: He motivates this suggestion by stating that:

**Participant D, Interview 4:**

Ek sou eerder voorstel dat 'n raadgewer of mentor vir 'n langer termyn en selfs teen vergoeding, indien nodig, op 'n beheerliggaam verkies word. Miskien kan kundige mense, ten minste twee wat op 'n meer permanente basis betrokke bly as raadgewers, eerder verkies word. Dit behels dat die raadgewers nie noodwendig ouers van die skool is nie, maar bereid is om betrokke te wees. Ek sal dit as 'n model sterk ondersteun. (Interview 4, Ln: 50-54).

*(Translation: I would rather suggest that a counsellor or a mentor be elected to serve for a longer term, and even for remuneration, if necessary. Perhaps it is possible experts, at least two, can be elected to participate in a more permanent capacity. It would mean that the experts are not necessarily parents of the schools, but are willing to serve. I would strongly support such a model.)*

From the aforementioned, it seems apparent that the initial assumption stated in Education White Paper 1 (DOE, 1994:70) that “*parents have the most at stake in the education of their children, and that the composition of school governing bodies should reflect this interest*” was overly idealistic given the varying contextual factors of school communities and the low level of literacy of parents. Accordingly, an alternative model that provides for more nuanced possibilities, should be considered to improve participation and effective school governance (Field note 3, Ln: 145).

Participant A (Interview 1) described the tensions between some school principals and school governing body members. He was of the opinion that in most of the cases the cause of the tensions was that the principal was not well

organised and did not have all his structures in place. Participant A explained that:

... the parents are becoming more discerning and aware of their role. The incompetent principals are feeling threatened as a result thereof (Interview 1, Ln: 123-126).

The senior officials also reported that parental participation in the so-called “no-fee”-schools has dropped to a negligible level. A senior education official described the problem as follows:

**Participant D, Interview 4:**

Hoe meer die "no-fee" – skool uitgebrei word en hoe meer skole as no-fee skole verklaar word, hoe minder is die betrokkenheid van ouers van die gemeenskap. Ek hoef nou niks meer te doen nie. Ek kan nou terugsit en niks doen nie, want die staat doen dan alles. So die hele "culture of non-payment" word nog verder versterk. En die hele kultuur van geen betrokkenheid, by fondsinsameling of by die opbou van die skool word versterk. So ons voel die mense word nog meer ontmagtig deurdat hulle nou glad nie meer fooie hoef te betaal nie. Die grootste klagte by ander skole is dan dat my skool loop droog en almal hardloop soontoe. En ouers stroom absoluut soontoe. (Ln: 302-322). *(Translation: The more no-fee schools are established, the less the parental participation becomes. Now I don't have to do anything anymore. I can sit back because the state is doing everything. So the whole "culture of non-payment" is reinforced. And the whole "culture of non-involvement" in fundraising and the upliftment of the school is strengthened. So we feel that people are disempowered by the fact that they don't have to pay anymore. But the biggest complaint is that certain schools are running empty, whereas the parents are streaming to no-fee schools).*

Although the participants conceded that parents at no-fee schools are still authorised to do fund raising and perform the functions of the school governing body, Participant A said that “the parents of these schools are no longer committed as they feel nothing is at stake anymore” (Interview 1; Ln: 67-70).

Participant D described an interesting phenomenon with regard to the funding of no-fee schools. He said that these no-fee schools experience the anomalous

situation in terms whereof they were all given section 21-status, viz. additional functions were allocated to the schools to be able to pay for their own expenses. However, simultaneously with these section 21- functions the department laid down very strict financial guidelines and conditions that have the effect that these schools have no leeway to spend any money at their own discretion. This is how Participant D explained it:

**Participant D, Interview 4:**

Die ander probleem van die no-fee skole is dat daar word 'n koekie uitgedeel en daardie koekie word in sekere dele gesny. Dit betaal die basiese dienste, die telefoon, die water, die elektrisiteit, koop boeke en leer materiaal aan. Ons betaal vir vervoer en dan is die koekie op. En met die dat die koekie so klein is het ons nie regtig op die skool 'n infrastruktuur geskep nie. Ons het nie 'n ingesteldheid om 'n bydrae te lewer of 'n nalatenskap te laat nie. So, watter belang het ons nog daar? Ons het niks wat ons kan toonstel nie. Ons waardeer dit nie. Ons het nie 'n aksie van uitreik om nog meer kinders te kry nie, want die personeelvoorsienings-probleem is daar. So watter belang beskerm ons nou eintlik? (Interview 4; Ln: 180-187).

*(Translation: The other problem with a no-fee school is that the cake that is distributed is also cut into pieces. It pays for basic services, the telephone, water, electricity; it buys books and learning material. We pay for transport and then the cake is up. And as a result of the small size of the "cake" we are unable to create an infrastructure for the school. We do not have the attitude to make a contribution or to leave a legacy. So, what interest do we still have? We have nothing that we can show. We do not value it. We do not have an action to reach more children, because the post provisioning model is there. So what interest do we have anyway?).*

From these responses it is clear that the unforeseen results of the no-fee school system have had deleterious effects on the democracy in schools. The *de facto* financial control has been centralised and symbolic financial authority is given to school governing bodies of no-fee schools. The democratic principles of participation, accountability and reciprocity have been constrained as a result of the parents' loss of a financial stake in these schools. The improved effectiveness of schools as a result of reciprocal rights and obligations was the initial motivation to devolve authority to local schools. In other words, the mutual

obligations and rights in terms of a reciprocal partnership between the state and the school do not function according to the initial model anymore. This “partnership” has ceased to exist because, on the one hand, the parents of no-fee schools are no longer participating because nothing is at stake, and on the other hand, the Department has centralised the control over the spending to such an extent that the school governing body has no *de facto* financial authority.

It is clear that the no-fee school arrangement combined with strict centralised financial control has in effect created a *de facto* alternative model of school administration and management in terms whereof the school governing bodies have little or no role to play. Therefore, the present model of school governance, as provided for in the South African Schools Act, does not apply to these no-fee schools.

To summarise, it is clear from the qualitative data of this section that the existing model for school governance must be revisited in order to stimulate improved parental participation. Suggestions for improvement are discussed in paragraph 6.11.7, which include the amendment of school governing body membership requirements, alteration of the term of service requirements to ensure longer continuity, the *de iure* formalisation of differentiated school governance models, and compulsory extra-curricular education.

### **6.11.6. Tensions and challenges.**

Many underlying tensions and challenges became apparent during the interviews. The following categories depict the most prominent tensions in the education system.

#### **6.11.6.1. Administration versus the politicians.**

A top official candidly admitted that there were tensions between the bureaucrats and the political officers in the education department. He explains that:

#### **Participant F, Interview 6, Appendix H:**

There will always be. We talk about the political vs. the administrative. That will always be there. And that tension is in the way we are organised. It is just bound to cause that tension, particularly at provincial level. I mean, some of the decisions we take in education are not educationally sound. For instance, you look at how a teacher uses the curriculum. It is a political imperative, we understand, but do you really know what it means to introduce a new curriculum in terms of teacher support and in terms of new resources. So the tension is largely about what is administratively possible as to what is politically expedient. The politicians think they can change the world overnight. You, given the resources and your own understanding of how change should happen ... That in itself is a recipe for tension. In this country in particular, we have just produced policies like these without costing them. We have so many unfunded mandates and all these things that should be accomplished. (Ln: 203-213).

When prompted for a solution to the challenge, he suggested that the close link between the bureaucracy and the ruling party should be severed and that the administrators should be appointed for their technical expertise, not their political affiliation. He said the following:

**Participant F, Interview 6, Appendix H:**

We need to begin to separate the manner in which we recruit for public service. Political considerations dominate everything that we do. We need technical expertise. The problem that we are facing and the fact that we cannot even lean on some of the very important policies, is at times the lack of technical expertise. We do have a lot of politicians at call, but we don't have administrators that can make sure that the nuts and bolts are in place. You have the situation that the Member of the Executive Committee (MEC) and the Head of Department are competing for the same political space. Now, Botswana has something like, what they call a Permanent Secretary, who is in charge of education in the department. Whatever happens, and those political needs that have to be met, the Permanent Secretary remains in place even if there is a change in government, but at the end it means that you are on solid ground. And it works. But if you have that very close link between the administration and the political orientation, chances are that if things change dramatically on the political front (which change anyway), then that affects your administration. (Ln: 230-244).

The suggestion by this participant that a permanent head of administration should be appointed regardless of the political fluctuations is in accordance with the British public service tradition.

#### **6.11.6.2. The role of teachers' unions.**

It was very clear from the interviews that the dominant teachers' union, viz. South African Democratic Teachers Union (hereafter referred to by its acronym SADTU) plays a very activist and disruptive role in many of the schools. Three participants that were interviewed about the role of unions admitted to this fact in hushed voices as if they were looking over their shoulders (Field notes: Int:1-30/8/08; Int:2-23/9/08; Int:6-15/10/08). The following statements give an indication of the extent of SADTU's disruptive role in the appointment processes and the politicisation of schools:

##### **Participant B, Interview 2:**

Sometimes, I am not exonerating unions, sometimes even the unions, also, they would come with their hidden agenda in the recruitment process. They come with their hidden agendas wanting to manipulate because they know they are being feared. You know, some of our officials are scary (*sic*) of them, some of our school governing bodies are scary (*sic*) of them. That they want to exploit that situation. That's where you will find tensions most of the time (Ln: 77-82).

##### **Participant F, Interview 6, Appendix H:**

So, yes, there is over-politicisation of education; there is somewhat over-interference by the teacher organisations. But, of course there are some teacher organisations that are very professional and that understand their role. But the dominant teacher organisations seem to think that they are running the system and teachers are not doing what they are expected to do. (Ln: 31-35). Our biggest problem is that, at times, some of our principals are even recruited from the very unions. Not by virtue of being capable, but because they might have made the loudest noise in their unions and because of political considerations. Now you put this man here, he has no idea what management is about. And so it goes, one example after another. (Ln: 272-276).

In a follow-up question the researcher probed the issue of political agendas and the politicisation of education by teachers' unions. The telling response of the participant was as follows:

**Participant B, Interview 2:**

Yes, I must say this in confidence, if you look at schools where, for example, the majority of the members belong to one union, including the principal, and only two or three belong to another union ... During the strikes, if the strikes were organised by a union for a day or two or three or more, then the learners are not going to be taught during that period. So that's what I am saying... it is having it's own political connotation. Maybe, without fear of contradiction, I may just say that no one is happy about what is happening in the country today with regard to the strikes and disruptive protests in the schools. We know that the majority of educators belong to COSATU. If COSATU goes on strike and if your unions belong to COSATU, then it means that you will also be going there. Look at what is happening today in the country. Because, I mean, the things are all over in the media about what is happening about the ruling party. You find that the ruling party is being supported by COSATU and is supported by the SACP. Now, for the past two, three months, those educators which are members of a union which is affiliated to COSATU, were not in the classrooms. You must look at the results this year; I think it is going to be adversely affected. That is why I am saying, in one way or the other, this union is having a political mandate from the ruling party or their union federation. So, therefore, whenever they come to school they want to politicise everybody, even political leaders. That is why you find that the school governing bodies today are operating under very, very tremendous pressure from the unions. Because if you look at this year in terms of learners here, all the unions were involved. Now you can see that we are going in a direction where our education is politicised. (Ln: 111-129).

This last extract of the interview with the official confirms that the union that is affiliated with Congress of South African Trade Unions (COSATU) is responsible for the politicisation at schools. The only teachers' union that is affiliated with COSATU is the South African Democratic Teachers' Union (SADTU). The participants substantiated one another by independently confirming that the

dominant union (i.e. SADTU) is so politically activist and disruptive in its actions that it causes schools to be dysfunctional.

### **6.11.6.3. The role of the school principal.**

There has been an amendment of section 16 of South African Schools Act which emphasises that the principal is a representative of the Department when serving on the school governing body. The question was posed to the participants whether this is not a contradiction in terms of democracy. The responses were as follows:

#### **Participant F, Interview 6, Appendix H:**

But again, there is a clear distinction now between what is called "the managerial/administrative responsibilities" of the state and state officials as opposed to governance by school governing bodies. Because, until now, there has been that confusion as to how far does the power of the school governing body goes vis-à-vis the state departments. So that has been a very seriously contested terrain. I think, that's why you have this understanding. So that your principal is now held accountable for what happens at the level of the school. In the past there were misunderstandings and conflicting interpretations. We had a situation where the principal would say "Well, the school governing body said this..." So now there is clarity of what the principal is expected to do in terms of his rights and functions and how to be made accountable when serving on the school governing body. (Ln: 75-86).

#### **Participant B, Interview 2:**

No, I don't think it is a contradiction because the laws are being amended as per the circumstances. I think that amendment came to be as a result of some people abusing the position. The principals were told that they were *ex officio* members of the school governing body. So maybe they did not know because it was not clear what an *ex officio* member meant. We are aware that many school governing body members were having an interest in a matter. Most of the time the principal would say to the school governing body to take the government to court. So that amendment came as a result of that to try to minimise these tensions and to put it in perspective. (Ln: 284-290).

The principal must show the recourse and must show that he advised the school governing body. No, let us exhaust the internal remedies available in terms of the law. The managers are obliged to ensure that the school governing body exhausts all the internal processes. So that even the principal must be in a position to say to the Head of Department that I am having this report and what can I do. So then, he can come back to the school governing body and say that he went to the Head of Department and what the outcome was. So the principal can then advise the school governing body to solve the problem step by step. (Ln: 293-299).

These responses demonstrate a misunderstanding of the Burkean principle of representation as was discussed in paragraph 2.4.5.3 above. According to the Burkean principle, which is the generally accepted norm for democracy, representatives that serve on school governing bodies or other forums, have the discretion to decide on issues according to their own convictions after deliberating on each matter? This is in accordance with the principles of autonomy, power neutrality and ideal role-making of deliberative democracy (see par. 2.4.9.8). As explained before, this principle of representation implies that elected representatives become members of the school governing body (or parliament or other forum) and as such, the governor has a fiduciary duty to make decisions that represent the best interest of the school. This means that the governors should not decide strategically by merely relaying prior decisions of an education authority or the constituency of parents, but should exercise their own judgment by deciding what is best for the school whilst serving on the body.

#### **6.11.6.4. Centralisation and bureaucracy.**

The participants were questioned about the phenomenon of increased centralisation of the education system. Participant F (top official) admitted to the fact that centralisation is increasing. He stated that:

##### **Participant F, Interview 6, Appendix H:**

Well, I was the first person that pointed out that there has been centralisation. I mean, I don't know how many times the South African Schools Act has been revised or whatever you call it, but gradually there has been that centralisation

of ...Not only at the level of the school but also from the level of the province towards national government. So I do pick that one up. The latest amendments to the Act ... the Education Laws Amendment Act, are a very clear indication of centralisation. And it is contrary to what is happening in other countries where you know that there is a move towards decentralisation of responsibility. But we increasingly administer the system from the centre because of the large scale of dysfunctionality of schools ... (*recording unclear*)... And it is a worry, but unfortunately that is the way it is. Largely, I think, centralisation has to do with issues around recruitment at the level of the school where the Head of Department has to okay the whole provision. (Ln: 58-70).

This provides qualitative verification for the results of chapter 5 that indicated that 73% of the senior education officials regarded the education system to be both decentralised and centralised (Table 5.14). The statement that centralisation has to do with *issues of recruitment* (viz. the appointment of educators) is confirmed by the statistical indications that 27.7% of the senior education officials think that provincial education departments should appoint educators to schools without recommendation by school governing bodies (Table 5.10, Item 17).

#### **6.11.6.5. Language rights versus transformation and equal access.**

The issue of language rights elicited divergent responses from the participants. On the one hand there were the Afrikaans speaking senior education officials that felt very strongly about the protection of Afrikaans language rights because of the unquestionable onslaught of English medium instruction. On the other hand were the senior education officials of the African language-group (predominantly Setswana) that strongly favoured the imposition of English as a language medium of instruction on all Afrikaans schools. This remains a sensitive issue and is likely to cause further conflict if the matter is not administered or managed wisely with tolerance and fairness in accordance with participatory and deliberative democratic principles.

To commence the discussion the researcher examined the views on mother tongue education. The following examples of the two extremes of the arguments

illustrate the disparate positions between the respective senior education officials. The education officials in favour of English medium instruction only articulated the position as follows:

**Participant F, Interview 6, Appendix G:**

Look, I do agree with that to some extent, but I also have fundamental problems with that. When you talk about mother tongue, the assumption is that you have a very strong case with your mother tongue that will enable you to bridge the gap from mother tongue to second language and so forth. (Ln: 121-124).

But it also goes with resources. It goes with all kinds of things. So, inasmuch people say mother tongue instruction, but I think you need to look at the context, you need to look at the background. Actually, if you conduct research now on a modern day child and check whether the argument is still valid, you might come up with a different conclusion rather than that. So, we are under pressure as an Education Department today to insist on mother tongue instruction. But the parents know exactly what they want for their children. It is not just about mother tongue, it is about access to step out of an economic dead-end to a world of greater opportunity with ... (*recording unclear*)... It is about whether that language will enable you to take up a dominant role in the economy of the country. Whether you can communicate in the common language and gain access to opportunities and so forth. (Ln: 121-149).

For me the issue about language is about how you define quality education (Ln: 162).

Fact is, if we choose English then as the medium of instruction, why don't we put in all those resources into that language. Because the other worry that I have, if you continue to propagate the equality of languages, which is fine in terms of affirming equality, but in the end you might be moving towards division. There is also the question of ethnicity. You need a language that can unify people and the more you affirm languages, the more other people feel that they are on the margin. And that can create tension at the broader political level. So, you might have to say that in terms of unity, it is not only the flag that can unify. You also need to do certain things, because with language you also communicate certain values. (Ln: 180-188).

In essence this participant questions the validity and continued applicability of research findings that mother tongue education is the best. In spite of the strong international research and the example of the success of the Afrikaans home language instruction, he motivates the position against mother tongue instruction by referring to the dominance of English in the workplace and business world, the unifying role of a common language and the lack of resources and commitment needed to develop African languages. This participant conveys the underlying uneasiness that the government has with diversity and ethnicity. The participant's concern that ethnicity or diversity might lead to division instead of unity is in line with the policy declarations of the ruling political party, viz. the African National Congress. This opinion and attitude of the participant is in clear contradiction to the following policy statement in Education White Paper 2 (DOE, 1995: 5):

My Ministry does not support language imperialism. We will not promote, under any circumstances, the use of only one of the official languages as the language of learning (medium of instruction) in all public schools. Language policy in education cannot thrive in an atmosphere of coercion. No language community should have reason to fear that the education system will be used to suppress its mother tongue.

One of the strange anomalies of the apartheid years, is that despite poor resourcing and other problems with *Bantu Education* the results between 1955 and 1976 steadily improved to culminate in a national pass rate of 83.7% at matriculation level (Heugh, 2002:175). Heugh (2002:175) attributes this phenomenon to the fact that eight years of home language instruction was offered. However, after the 1976 student protest against apartheid, the language policy and practice was changed to only four years of home language instruction followed by a rapid switch to English. Between 1977 and 1992 the pass rate dropped to only 44% at matriculation level. Macdonald (1990:98) found that this abysmal decline coincided with the change in language policy. This empirical research is corroborated by international research that found that nowhere has English or any other second language been shown to be the most successful language of learning for children who speak other languages at home. Volumes of international research (Dutcher, 1994; Baker, 1988; Krashen, 1996; Skutnabb-Kangas, 2000) unequivocally confirm that home language instruction during the first eight years, coupled with additive bilingual programmes that gradually expose learners to an additional language, yields the most successful academic

results and optimises the attainment of education outcomes. The perception of most African parents that early and rapid exposure of children to English is in the best interest of the children, is clearly incorrect and does not hold up to scientific scrutiny (Uys, 2006). Although parents have the freedom to choose on behalf of their children, the education authorities should actively inform parents by means of a publicity campaign about the incontrovertible advantages of home language education and the manner in which second languages are learnt. In accordance with participatory and deliberative democratic principles parents should be empowered to make educated and well informed decisions in this regard.

A grim legacy of oppression experienced under colonisation and Apartheid and the school boycotts and riots of the 1970's, 80's and 90's, is that an estimated 500 000 learners were left underqualified and unemployable in South Africa's industrial economy (Mgqwashu, 2003:3). Currently 83% of the learners, who mainly come from poor socio-economic backgrounds, are taught by educators who themselves are not proficient in English, because they struggled through the rapid switch to English in the second phase of *Bantu Education* (Heugh, 2002:193).

Perhaps the most important reason for the Setswana senior education officials to favour English medium instruction was the perception that Afrikaans schools use language to exclude learners of colour. The following statement by a participant exemplifies this contention:

**Participant F, Interview 6, Appendix H:**

In a way I am in agreement by the changes brought about because the challenge for us was always that language was used to exclude. To some extent I also felt that it was contrary to the Constitution. I mean there are contradictions in our Constitution. For instance, if you pronounce that there are eleven official languages, it becomes very difficult, some of these issues. How do you come up with eleven official languages? All of them with equal status. But in the end, anyway, these things sort themselves out because the parents choose the language for their children. But in particular reference to using language to exclude, at times, it was not just an innocent adherence to the policy. It was also a deliberate effort not to bring other people into the

schools. Because education is about access. Access to public education and access to public resources. Now, if you look at all the previously advantaged schools that are well resourced, those who tend to be exclusively Afrikaans, and you then maintain that situation, you don't have a situation where you could have some kind of integration. Now, language there ... it was always used as a barrier. And that is a serious concern for us from the point of access.

It should be noted that this participant calls section 29(2) of the Constitution into doubt. Section 29(2) explicitly provides that everyone has a right to education in an official language of choice, which includes single medium institutions where reasonable practicable. As explained in paragraph 4.6.2.4 and section 4.7, the Constitution and International Law (which is part of South African law) makes clear provision for the protection and promotion of official language rights. The arguments of the senior education official are indicative of political apathy to these fundamental rights.

Another participant suggested that English should be the only medium of instruction because it seems to work so well in Namibia (Interview 2, Ln: 308-326). However, the recent education results of 2008 for Namibia also indicate a poor pass rate (Beeld, 2008:4). This opinion of the participant is not based on sound scientific evidence, which confirms a level of ignorance on the part of the senior education officials.

The other side of the language debate is represented by the following excerpts:

**Participant C, Interview 3:**

Ek het baie sterk siening oor die taalaspekte. Ek voel dit is 'n demokratiese reg om 'n enkelmediumskool te hê. Dit maak vir my ongelukkig as ons nog steeds praat van bevoorregting, omdat ek sê nou maar Afrikaans wil bly. Hoekom word daar nie gepraat van bevoorregting as ek Setswana of miskien eksklusief Engels wil bly nie? Hoekom is hierdie verdemokratisering ongelukkig na vyftien jaar nog steeds 'n eenrigtingstraat? Dit is nie vir my demokrasie nie. Demokrasie kan nie 'n eenrigtingstraat wees nie. Demokrasie is gee en neem, dit is regte en verantwoordelikhede. Ek kry iets, maar ek gee ook iets.

*(Translation: I have very strong views on language matters. I feel it is a democratic right to have a single medium school. It makes me unhappy that we are still talking about privilege because I want to remain Afrikaans. Why is there no talk of privilege if I want to be Sestwana or perhaps exclusively English? Why is this "democratisation" after fifteen years still a one-way street? For me, that is not democracy. Democracy cannot be a one-way street. Democracy is give and take, it is rights and responsibilities. I get something, but I also give something.)*

The statement by this participant epitomises the frustrations experienced by the Afrikaans language groups and brings to light a tension with regard to the understanding of democracy. This articulation of language rights and responsibilities as a feature of democracy demonstrates a certain understanding of democratic principles and minority rights.

Another official expressed his views on the topic as follows:

**Participant D, Interview 4:**

Ja-nee, die beste onderrig is moedertaalonderrig. Daar is baie navorsing daaroor en ons hoef nie eers daaroor te debatteer nie. Die departemente gebruik parallelmedium om integrasie te bewerkstellig, want ek dink dit is die basiese rede vir dit alles. Maar 'n parallelmedium taalbeleid kompliseer onderwys. Bestuur word gekompliseer, die bestuur van die leerlinge, dit kompliseer die onderrig en al die fasette van die skool word gekompliseer. Wanneer vergaderings of oueraande gehou word of ouerbetrokkenheid gevra word, dan moet baie ouers aangery word van ver afstande. So alles word gekompliseer. Die ander ding wat plaasvind is dat jou onderwysvoorsiening moet vir een klas in 'n ekstra taal eintlik verdubbel. As genoegsame befondsing en personeelvoorsiening verskaf word, dan is dit reg, dan sal ek sê jy kan dit probeer. Maar die groot ding is dat alhoewel jy 'n skool binne een gebou is, is daar eintlik twee skole want die akademiese klasse word geskei. Al kontak wat jy eintlik dan maar maak is die sosiale kontak. As jy dan daardie saak oorweeg en jy sê ek gebruik dit dan as 'n manier om deur die oefening te gaan.

Maar, vat 'n voorbeeld. Sê nou maar jy begin met so oefening om 'n parallelmedium skool te begin. As een klas van 40 graad 8 leerders in Engels ingeskryf word, dan moet agt onderwysers vir elke leerarea voorsien moet word nie. Maar 'n mens kan mos nou nie agt onderwysers vir 40 leerders aanstel nie, of as die ratio 1:35 is. Dan kan jy mos eintlik net een onderwyser aanstel om al

die leerareas aan te bied vir daardie een klas. As jy dit nie wil doen nie, dan beteken dit jy moet van die ander taal se onderwysers vat en hier begin aanwend, wat dan meen dat jy hierdie ratio van die bestaande taal gaan verswak. Dan gaan jy groter klasse in die bestaande taal moet hê, sodat jy van die onderwysers na die nuwe taal kan skuif. Dit is nie net benadelend vir die bestaande enkelmedium taal se leerders nie, maar die leerders in die nuwe taal doen waarskynlik nie beter nie want hulle kry onderrig in 'n taal wat nie hul moedertaal is nie. So almal word benadeel. Die departement moet 'n oop gemoed hê as dit kom by die begroting vir so 'n enkelmedium skool wat parallel-medium sal word, want as dit nie gebeur nie dan word die leerders en die onderwyserkorps benadeel.

*(Translation: O yes, mother tongue instruction is the best education. A lot of research has already been done on the topic and we don't even have to debate the issue. The Department uses parallel medium instruction to accomplish integration, because I think this is the basic reason for it all. But parallel medium instruction complicates education. Management becomes complicated, the management of learners, this complicates teaching and all the facets of the school become complicated. When parent meetings or parent evenings are held or if parental participation is requested, then parents have to be transported from long distances. And so everything becomes complicated. The other thing that happens is that your whole provision for teachers has to be doubled in order to accommodate one extra class. If enough resources are provided, then I say it is right, one can try it. But the main thing is, although it is a school within one building, in actual fact it remains two schools because the academic classes remain separated. Then the only contact that you make is social contact. If you consider the matter then and you say I use it as a way to go through the motions. But, consider this example. If you were to commence with such an exercise to start a parallel medium school. If one class of 40 Grade 8 English learners were to be admitted, then eight educators must be supplied for each learning area. One just can't appoint eight teachers for 40 learners, and what if the ratio is 1:35. Then one can only appoint one extra educator to teach all the learning areas for that one class. If you don't want to do that, then it means that you must burden the one language's educators by utilising them for the other language. Such a solution places the single medium language learners at a disadvantage, and in addition the learners in the new language do probably not do any better because they receive instruction in a language that is not their mother tongue. So everyone is disadvantaged. The Department should have an open mind when it*

*comes to budgeting for such a single medium school that will become a parallel medium school, because if it doesn't happen then the learners and the educator corps will be disadvantaged).*

Since 1994 the number of single medium Afrikaans schools has declined from 2500 to only approximately 300 (Scholtz, 2006:11). Approximately fourteen percent of all Afrikaans first language learners now receive education in English (Scholtz, 2006:11). This amounts to approximately 28 000 Afrikaans learners who no longer receive education in their preferred mother tongue. This turn of events came about as a result of the direct policy decisions and concerted efforts by provincial education authorities. This phenomenon is a repetition of our county's history of cultural dominance and linguistic oppression.

This seems a far cry, a complete change of heart, from the initial policy statement on language policy by Prof. Bengu, the erstwhile Minister of Education, when he stated in Education White Paper 2 (DOE, 1995: 5-6):

It is because of our nation's bitter experience of political oppression and cultural domination by successive minority regimes, that this government is committed to creating sufficient legal, political, linguistic and cultural space for all our varied peoples to live in peace together. Non-racialism, democracy, the protection of fundamental rights, and redress, do not mean that the idea of cultural identity is denied, or that all cultural distinctiveness is to be obliterated, or that the cultural and linguistic heritage of any of our communities can be disparaged. Our Constitution forbids cultural exploitation and provides for the protection and advancement of all our cultures and the development of all our languages.

In order to verify the consistency of possible responses regarding the issue at hand, the researcher interviewed another Afrikaans speaking senior education official to express his views. This participant prosaically enunciated his perceptions as follows:

**Participant E, Interview 5:**

Een van die kernprobleme met die afdwinging van Engels of 'n tweede medium op Afrikaanse skole is dat dit so 'n onaantreklike opsie is. Daar is geen tasbare insentiewe van die Departement se kant af nie. In plaas van beloning word die sambok gebruik. In plaas van heuning word bittergal gevoeg. Baie van ons kollegas en baie swart ouers gaan van die veronderstelling uit dat dit naakte rassisme is aan die kant van Afrikaanse skole. Ek dink nie dis noodwendig

waar nie. Al die Afrikaanse skole in ons streek het leerders van verskeie rasse en kulture. Die getalle weerspieël miskien nie die land se demografie nie, maar die gesindheid en bereidwilligheid is ongetwyfeld daar om swart leerders in te neem. Die enigste voorvereiste wat hierdie skole stel is dat hierdie leerders gewillig moet wees om in Afrikaans onderrig te word. In ons dorp is hier wonderlike voorbeelde by Afrikaanse skole waar swart leerders gedy en wonderlik presteer en suksesse is.

As ons departement meer heuning sou byvoeg en minder sambok sou gebruik, dan sal baie Afrikaanse skole miskien kon bekostig om meer Engels te akkommodeer. Met heuning bedoel ek: verhoog die personeel toewysing sodat daar ten minste genoeg onderwysers deur die departement betaal word wat in elke leerarea of vak onderrig kan gee. Maar die sambok – ek bedoel hiermee dat die departement ouers spreekwoordelik hard slaan as hulle demokratiese regte ontnem of misken word. Dit slaan seer want die kultuurverandering word afgedwing, die onderwysers word oorlaai met ekstra vertaalwerk en dubbele voorbereiding, die ouers moet opdok om nog beheerliggaamposte te befonds, en dan word die beskuldigings nog geslinger dat hulle rassisties is. En ons het gedink lyfstraf is afgeskaf, maar hierdie lat slaan seerder.

Dit is eintlik 'n lat wat die departement vir homself pluk, want goeie onderwysers bedank, kundige mense emigreer en ouers sit hul kinders in privaatskole. Ek het ook al by verskeie voorheen Afrikaanse skole in ons streek gesien hoe die hele skoolkultuur verval en disfunksioneel word as gevolg van die veranderde taalbeleid wat summier en onnadenkend afgedwing is.

*(Translation: One of the problems with the enforcement of English medium or a second medium onto Afrikaans schools is that it is such an unattractive option. There are no tangible incentives that the Department offers. Instead of a reward, the shambock (whip) is used. Instead of honey, gall is added. Many of our colleagues as well as many African parents approach the issue with the presumption that Afrikaans schools display naked racism. I don't think this is necessarily correct. All the Afrikaans schools in our region have learners of diverse races and cultures. Perhaps the numbers do not resemble our country's demographics accurately, but there is unquestionably a goodwill and willingness to admit black learners. The only condition that these schools have is that these learners must be willing to receive instruction in Afrikaans. In our town we have wonderful examples at Afrikaans schools where black learners thrive and achieve excellent successes.*

*If the Department would add more honey and use less whip, then many more Afrikaans schools would accommodate English. With honey I mean: increase the personnel allocation in order that there are at least enough educators that are remunerated by the Department to teach in every learning area. But the shambock (whip) - with this I mean that the Department proverbially whips the parents severely when their democratic rights are taken away or disregarded. It hurts when a change in culture is enforced, when educators are overworked with extra translations and double preparations, when parents have to fork out extra to fund governing body posts, and then the accusations of racism are also vented against them. And we thought corporal punishment was abolished, but this whip hurts even more.*

*Actually, it is a whip that the Department is using on itself, because good educators are resigning, knowledgeable people are emigrating and parents are placing their children in private schools. I have also seen examples in our region where the school culture of former Afrikaans schools have collapsed and become dysfunctional as a result of ill-considered changes to language policies that were summarily enforced).*

An interview with a senior education official (Participant G, Interview 7), who was nearing retirement age, yielded additional data on the language issue. He explained that during the training sessions and workshops that the department officials conduct, it often happens that *“the parents and school governing body members really do not understand what their duties are, because of the language of instruction”* (Ln: 176-177). He confirmed that there are middle-aged parents that confront him and ask why their children cannot receive mother tongue instruction in the primary school (Ln: 192-194). But, he affirmed that:

**Participant G, Interview 7:**

The younger parents are no longer interested in developing Setswana as a language. They feel inferior about their language and prefer to speak English with their children, even though their English is poor, because it is a language of status (Ln:180-187).

These statements portray all the sentiments and arguments in the language debate. It is clear that the language policy is a thorny issue and that cultural power or dominance is an underlying motive for these attitudes and perceptions.

The statements by the African senior education officials confirm the findings in the quantitative study that the majority of the African officials (76.7%, par.5.17.7) are in favour of compelling Afrikaans schools to change their medium of instruction, while 69.7% of the Afrikaans officials were against such a suggestion (Table 5.22, Item D14).

Obviously, the available finances and affordability determine the practicality of education policies. The importance of equitable redress is a prominent consideration to accomplish the Constitutional imperative of affording everyone the right to basic education. With this in mind, the researcher suggests a funding approach to allay the challenges of dysfunctional schools and the problematic policy of enforced language policy changes. The approach is called the “equitable functional school-formula” by the researcher. This approach lays heavy emphasis on the equitable increase in enrolment of disadvantaged learners to functional schools. The underlying rationale to the equitable functional school-approach is the notion that functional schools should be appropriately rewarded to increase the intake and enrolment of learners from dysfunctional schools.

This would support functional schools financially and at the same time encourage dysfunctional schools to improve their functionality or be closed down. The starting point is to determine an equitable formula for funding for each school, based on a calculation of what gross per capita budgetary allocation can be afforded in the compulsory school phase. The formula should be based on the school enrolment, weighted for redress (such as, providing transportation costs for disadvantaged learners) and policy incentives (for instance, to offer parallel medium language instruction, to increase the number of learners from previously disadvantaged backgrounds, to increase the number of girls in science and mathematics streams). This argument does not centre on the desire to do favours to the better off, but on a recognition that the commitment of the middle class, in particular the parents of learners requiring Afrikaans instruction, to public school education is a prerequisite for maintaining adequate levels of both public and private investment in public education, especially for the poor who have neither the means nor influence to improve the condition of their children’s

schools. This funding approach recognises that policy decisions to compel a school to change its language policy inevitably results in driving middle class Afrikaans parents from the public school system to the independent or home-schooling sectors.

If lessons can be gleaned from multilingual countries such as Canada, Belgium, India and the Scandinavian countries, then it is clear that language diversity should be well managed and that cultural diversity should be nurtured. The Canadian policies are particularly good examples of how diversity can be accommodated and how minority languages can be supported with resources and institutional arrangements. History sounds a clear warning that the failure by the department to do so will in all likelihood end in a bitter and costly struggle for cultural and linguistic freedom in South Africa.

#### **6.11.6.6. *Inclusive education.***

The senior officials that participated in the qualitative study displayed an ambivalent attitude towards inclusive education. Some participants thought that inclusive education could not work as a result of insufficient resources. Participant A said that *“it is not a question of democracy but rather a question of question of economy.”* Other participants were doubtful whether inclusion would have the advantageous effects on the learners. The participants indicated that in their opinion the only advantage to mainstream schools would be that the able-bodied learners would become sensitised to learners with disabilities and the social aspect of education would improve.

Perhaps the following excerpt is the best articulation of the issue:

#### **Participant F, Interview 6, Appendix G:**

Conceptually inclusive education is very rich in terms of what the objectives are and I fully concur with its ideals. It is about the removal of barriers to learning and so that everybody has access to education and so forth. But you are right, when it comes to implementation ... In fact, when the White Paper 6 was published it was stated that inclusive education would be implemented over a twenty-year

period. At that time, we thought twenty years was many moons to come. But twenty years is just around the corner. But, typically, we have those milestones to attain but we don't have the resources to implement some of those goals. So, inclusive education in itself is a very progressive policy, but we have never really sat down to say – Let's do it this way, so that we can realise the policy.

But, we always try to augment what we have in terms of the public funding. We always get other people to help. But, the challenge for implementation again is having the right skills and capacity. But, you know, the biggest change is a paradigm shift about how we look at things and how we utilise whatever resources we have at our disposal, because many of the challenges that we have is not necessarily just money; it's how we look things. If we reconceptualise things I do think it might go a long way of realising some of the goals that are there. It is a very funny thing; we often think that if you bring enough money somehow the problem will solve itself. But what we need is a change of how we look at things. (Ln: 432-451).

For inclusive education to become an accepted practice, it seems that there should be more education to change the mindset of people and resources to implement this ideal.

#### **6.11.6.7. *Undemocratic practices.***

From the interviews it became apparent that the unions at times influence or manipulate the appointment of educators during the recruitment process, although it seemed that this was not common practice. Table 5.11 confirms that 23.93% of the respondents indicated that there was often or always interference by unions in the appointment process. During an interview the participant was fairly reluctant to be forthcoming about it but eventually shed some light on this phenomenon:

##### **Participant B, Interview 2:**

But maybe I can say this in terms of interference ... So, the Department and the SGB are two legal bodies. They must know what is contained in the law, because during the appointment process the Department and the school governing bodies and the unions are represented. They must know that unions

should not be given the chance to interfere. Maar, we should also explain what we mean by interference, because usually there is one observer per union. And some department officials are very hostile towards the union representatives. That in itself allows the unions to interfere. But we should not be afraid of the unions. We must give them their space. (Ln: 59-65).

All the participants defended the amendments to the Employment of Educators Act requiring the school governing body to recommend at least three candidates. The participants did not regard this amendment as a major step towards centralising the school governing bodies' functions. They contend that the main motive for the amendment was as a result of the many poor appointments that were recommended by the school governing bodies.

The participants confirmed that the recruitment and appointment process is a source of tension because many of the school governing bodies insisted on recommending a so-called "son of the soil" even if the candidate is not suitably qualified or competent. The participants explained that the "son of the soil"-principle is applied by local Setswana people to choose in favour of a local Setswana applicant above any other applicant. It entails unfair discrimination against other ethnic groups, not only against whites but also against other African applicants as well. A participant explained it as follows:

**Participant D, Interview 4:**

Ja, dit is die verskynsel van 'n "son of the soil" – kandidaat. Iemand van die omgewing, 'n seun van die grond. Die "son of the soil" is dan byna hierdie uitverkorene wat aangestel moet word. En dan is daar gewoonlik 'n probleem, want dan is daar een of selfs twee sterker kandidate, maar die beheerliggaam vereis dat die seun van die omgewing aangestel word. En dis hoekom die beheerliggaam sal baklei, want die "son of the soil" kom uit die township uit, hy is ons taal magtig, hy werk hierso, sy pa was hier en dan sal hulle baklei om nommer 1 te kry. Maar verder sal jy dit nie regtig kry nie. Of as die unie inmeng ... (Ln: 944-951).

*(Translation: Yes, it is the phenomenon of a "son-of-the-soil"-candidate. Someone from the area, a son of the soil. The "son-of-the-soil" is almost this chosen one that has to be appointed. And that is usually a problem, because there is usually one or even two stronger candidates. And that is why the*

*school governing body fights, because the son-of-the-soil comes from the township, he can speak their language, he works there, his father is there and they will fight to get number 1. But other than that you will not really find this. Or if the union interferes ...).*

In order to dispel these abuses, the participants all felt that the amendment was justified within a democratic framework. The confirmation that tension in the appointment process exists corroborates the quantitative results illustrated in Table 5.9 (Item 7) that 68% of the school governing body members were against the provincial education department having the final say in appointments of educators, whereas the opposite result was true of senior education officials, viz. 67% of the bureaucrats were in favour of the provincial education department having the last say in appointing educators. This data confirms the tensions that exist between bureaucratic policy imperatives and democratic ideals in the education system.

#### **6.11.7. Suggestions for improvement of democratic school governance.**

The following suggestions were made by the senior education official-participants to remedy the poor parental participation, the poor level of functionality, the challenges and tensions, and the politicised climate in schools:

##### **6.11.7.1. Change of mindset by training and education.**

Several of the participants were of the view that the mindset of people had to be changed by education and much deliberation. For instance, Participant F explained the following with regard to inclusive education:

##### **Participant F, Interview 6, Appendix H:**

But, you know, the biggest change is a paradigm shift about how we look at things and how we utilise whatever resources we have at our disposal, because many of the challenges that we have is not necessarily just money; it's how we look things. If we reconceptualise things I do think it might go a long way of realising some of the goals that are there. It is a very funny thing; we often think that if you bring enough money somehow the problem will

solve itself. But what we need is a change of how we look at things.  
(Interview 6, Ln: 445 – 449).

With regard to the over-politicisation and the revolutionary climate in the schools, another participant reasoned as follows:

**Participant B, Interview 2:**

But our children at the communities were not demobilised. After 1994, we should have put structures in place. We should have gone back to the communities to demobilise the people to change their mindset. To change their mindset by saying, now we are in democracy now. (Interview 2; Ln: 170-173)

The close relationship of democracy and education, which has been emphasised since its foundation in the ancient Greek polis of Athens (Tarrant,1989:5) requires that all democratic citizens and the state attach importance to the requirement of being well informed and educated in the affairs of the state (see par. 2.3.1.1 above). This education should aim to develop and instil the appropriate civic attitudes and noble qualities in terms whereof individual autonomy and the freedom in private lives is tolerated as well as prized, while in public affairs everyone keeps to the law (par. 2.3.1.1). As Aristotle (2000:28) pointed out, proper democratic rule requires that the private or selfish interests, whether of the one, the few or the majority, should be set aside in favour of the common good (see par. 2.3.1).

Furthermore, it was Dr. Mamphela Ramphele, the Vice-Chancellor of the University of Cape Town who said that South Africans had yet to embed a basic democratic culture that held people to standards of appropriate behaviour in a post-struggle democracy (Samodien, 2008:8). She asserted that systematic education for democracy is needed to change the mindset of the people and to ensure that the commitments of the Constitution will be met and upheld (Samodien, 2008:8).

As explained in paragraph 2.4.9.2, political theorists (Ackerman and Fishkin, 2003:9) suggest that deliberative democracy can correct certain weaknesses of liberal, republican and elitist forms of democracy by ensuring that public opinion

is mobilised to counteract elite tendencies to pander to ignorant and selfish tendencies of voters. Accordingly, to change the mindset of the public, and particularly the stakeholders of schools, the theories, processes, forums and practises of deliberative democracy would have to be implemented. This would obviously require sufficient consensus, co-operation and effort from the state and stakeholders to commit to deliberative methods to educate the people.

#### **6.11.7.2. Compulsory extra-curricular activities.**

Some of the suggestions to change the dysfunctional climate in schools were to focus more on extra-curricular activities. Participant F expressed his opinion of compulsory extra-curricular activities as follows:

##### **Participant F, Interview 6, Appendix H:**

It's a brilliant idea. I think our approach to dysfunctionality, and there I would agree with you entirely, it has always been that it is only through academic progress that we can achieve things. Certainly, we can be affirmed in different ways. Some might excel in sport ...and once we excel in sport, then we are acknowledged and then it has an influence on the way you perform in academics. (Ln: 384-388).

And then where there are gaps you can get volunteers within the community, and we can even introduce a stipend. (Ln: 404).

The participants' reasoning behind the proposals that extra-curricular programmes should be compulsory, is that it would stimulate parental participation and enable affirmation of democratic values and traditions through coaching and instruction practices. The suggestion by a top official that parents or coaches may even be remunerated with a stipend to participate in the extra-curricular programme (see Appendix H, Interview 6: Ln: 404), is reconcilable with section 27(1) of the South African Schools Act which determines that:

27 Reimbursement of members of governing body  
 (1) Necessary expenses incurred by a member of a governing body in the performance of his or her duties may be reimbursed by the governing body.

However, section 27(2) of South African Schools Act provides that:

(2) No member of a governing body may be remunerated in any way for the performance of his or her duties.

It is clear, therefore, that if parents or coaches, who participate in the provision of an extra-curricular programme, were to receive a stipend for anything other than their expenses, then section 27(2) of South African Schools Act will have to be amended accordingly.

The extra-curricular programme can be used to instil values and may help schools to raise funds during these events. Participant B, a senior education official, explained his reasoning as follows:

**Participant B, Interview 2:**

You see in the past when we were attending schools there were activities. People nowadays think everything in the past was apartheid. But many things were not apartheid. If you look at Boy Scouts and Girl Guides, if you look at debate clubs, cultural activities, there is a host of these activities that were good. I say, let us bring that back to the schools. We must demobilise and bring these activities back (Ln: 206-209).

The participant furthermore suggested that in order for this idea to come to fruition, the Department of Education would have to deliberate with the teachers' unions, and get co-operation of other national departments such as the Department of Arts and Culture and the Department of Sport. He expressed it as follows:

**Participant B, Interview 2:**

We have the Minister of Sport and Recreation and the Minister of Arts and Culture. I think these are two critical portfolios in the government. These ministers must engage with the unions so that the unions can start to engage their own members. Because in the past, if you look at the payment in the past. You can't even mention it. But people are earning now. People are going for the "wives"...(*recording unclear*)... they don't go for the demands. Because you must go for the demands and leave the wives. Today our own educators are trapped in this materialism. That in itself demoralises them. We need to talk to our unions through the Department of Sport, the Department of Education and the Department of Arts and Culture. They must say, people let's take hands, let's start to rebuild our country. That, I think, is the only way to go about (Ln: 221-229).

By developing the learners cultural and sporting abilities, a more balanced equilibrium between the social and academic functions of education could be attained. Participant I reminded that education by means of an extra-curricular programme accords with the “*best practices that prevail in well-functioning schools*” (Interview H, Ln: 461-501). In essence, therefore, the responses of all the participants were enthusiastically in favour of the suggestion to make extra-curricular activities compulsory.

At present, it is not clear whether the responsibility for extra-curricular activities (sports and culture) at public schools rest with the school governing bodies. No specific mention of the function to provide an extra-curricular programme is made in terms of section 20 of the South African Schools Act. However, section 21 of the South African Schools Act provides that the additional function to govern an extra-curricular programme can be allocated to the school governing body of a school. The South African Schools Act therefore differentiates between school governing bodies with regard to the provision of extra-curricular activities.

In terms of the duties listed in the Personnel Administration Measures (SA, 1998b) which are the personnel regulations to the Employment of Educators Act, the responsibility for extra-curricular activities do not form part of the school principal’s professional management duties, for which he/she is accountable to the Provincial Head of Education. In other words, extra-curricular activities are not activities with regard to which the school principal or staff have any original competencies. By virtue of section 20(10) of the South African Schools Act, which provides that the school governing body should discharge all other functions consistent with the South African Schools Act, it can be inferred that extra-curricular activities form part of the functions and responsibilities of the governing body. These responsibilities can be delegated to the school principal and educator staff.

A governing body (or its individual members) should not manage such activities themselves, but should delegate the management competencies to the educator staff for the following reasons:

- Governing body members are not at the school on a daily basis.

- In terms of the internationally recognised principles of good governance and management, governance and management roles should not be confused.
- Governing body members should not directly interfere with the practical management of such activities after the competency to manage them has already been delegated.

Since the governing body of a public school exercises overarching control over extra-curricular activities, it should do the following:

- Determine the policy for practising such activities. This entails aspects such as the approach that shall be followed with the activities; the way in which the activities will promote the vision, mission and objectives of the school; the type of activities that will be practised; the funding of such activities (budget); the establishment of structures within which they should be dealt with; times for such activities; learner transport, if necessary; measures for safety and supervision; rules of conduct that shall apply, and the way in which accountability will be brought about.
- Delegate the competency to implement such policy (preferably to the school principal or a professional coach), with an additional competency granted to the school principal to devolve certain competencies even further.
- Fulfil an oversight function, which means that the delegated person has to report on the exercising of his/her delegated competencies. Reporting does not have to be directly to the full governing body, but could be to a governing body committee, who then reports to the governing body on a less regular basis.

The participants confirmed that the practice at so-called “township”- schools and schools in the rural areas is that educators do not perform any extra-curricular activities (Participant B, Interview 3, Ln: 461-501). However, in the ex-Model C schools it is standard practice for each educator to be responsible for extra-curricular duties. Are educators under any obligation whatsoever to be involved in extra-curricular activities? There is no express provision in the South African Schools Act or the Employment of Educators Act (SA, 1998) that places the responsibility for an extra-curricular programme on educators.

However, section 19(2) of the South African Schools Act provides that the Provincial Head of Education must ensure that principals and other officers of the Education Department render all necessary assistance to governing bodies in the performance of their functions in terms of the Act. Furthermore, in terms of the Employment of Educators Act, the Head of Education acts as employer of educators at schools. Secondly, the Personnel Administration Measures (SA, 1999) stipulates the core duties of educators, including extra-curricular responsibilities. In this regard, Personnel Administration Measures provides that educators' duties include...*“to share in the responsibilities of organising and conducting extra and co-curricular activities.”* Therefore, even though a school governing body cannot issue direct instructions to educators as one would find in an ordinary employer/employee relationship, the school principal, who could be regarded as the Provincial Head of Education's representative at the school, can issue such instructions.

Nevertheless, the complexity of these legal principles and provisions confirm the necessity for a simplification of the measures and statutory provisions in respect of extra-curricular activities. In order to instil the values of democracy it is therefore suggested that the education legislation be revised (amended) to provide for the compulsory provision of extra-curricular activities at public schools.

#### ***6.11.7.3. Revise membership requirements and term of service for school governing body members.***

A number of participants suggested that the membership requirements for school governing body members should be extended to include non-parents who are skilled and willing to serve on the school governing body. In addition, the participants were in favour of extending the term of service from three (3) years to five (5) years for reasons explained in paragraph 6.11.5.

**Participant D** expressed the following view about including non-parents to serve on school governing bodies:

**Participant D, Interview 4:**

Daar is sulke ou modelle wat bestaan. My idee daarvoor is dat ...ek dink nie ons hoef die regte en die politiekery so vreeslik te beskerm binne-in die beheerliggame nie. 'n Ou wil 'n beheerliggaam hê wat as hierdie, as jy die Engelse woord wil gebruik, hierdie "guardian" of as hierdie "wyse raad" optree; as die beskermheer van die skool optree. Die skoolbeheerliggaamlede moet die tyd hê en die integriteit hê om so op te tree.

Ek sal 'n voorstander wees van hierdie "Rade" wat bestaan – "Skoolrade" – noem dit nou maar so, plus dan 'n paar persone wat nie noodwendig ouers is nie, wat optree as "guardians", plus dan 'n komponent, 'n klein komponent van kundige "bestuurders" wat basiese dag tot dag goed doen wat daar bestuur moet word. (Ln:239-252).

*(Translation: There are such old models that exist. My idea is that ... I think that we don't have to protect the rights and politics so avidly in the school governing bodies. One wants a governing body that acts as a "guardian" or a "wise council" as the protector of the school. The members of the school governing body must have the time and the integrity to act accordingly.*

*I am in favour that these "councils" should be established – "School Councils" call it that, plus a few persons that are not necessarily parents, that act as "guardians," plus a component, a small component of knowledgeable managers that can run the day to day matters that have to be managed).*

**Participant C** explained the problem with the present model of school governing body membership as follows:

**Participant C, Interview 3:**

Ek dink ons grootste probleem is daardie beperking van – ek moet 'n kind in die skool hê. En ek wonder of daardie beperking nie daar gestel is van as ek nie 'n kind in die skool het, dan gaan ek nie 'n belang in die skool hê nie. Maar wie sê dis noodwendig die geval? Ek dink daar is baie mense wat 'n absolute belang sal hê by 'n saak, hoewel hulle baie min of dalk geen finansiële voordeel daaruit put nie. (Ln:280-289).

*(Translation: I think our biggest problem is the restriction that I must have a child in the school. And I suspect that the restriction that I should have a child in the school, was placed there because I would then have an interest in the school. But this is not necessarily the case. I think that many people would*

*have an absolute interest in the matter, even though they may receive no or little financial gain from it).*

#### **6.11.7.4. Differentiated model of local school governing bodies and district boards of education.**

These thoughts on alternative models led the participants to consider a school governance models with a more differentiated design. This included the notion of district boards of education to take responsibility for dysfunctional school governing bodies. Interestingly, all the participants were in favour of the idea to centralise dysfunctional school governing bodies, but with the proviso that parents should have the option to reapply for the right to serve on school governing bodies.

In terms of the Education White Paper 2 (DOE, 1995:30) the model of public school governance was initially intended to be evolutionary in nature. This means that school governing bodies would be accorded basic functions whereafter they could negotiate to take responsibility for additional functions (“negotiated powers”) as and when it they are willing and able to so.

The researcher posed the following question to Participant F (Interview 6):

One of the ideas that have previously been mentioned is that the well functioning school governing bodies should retain their functions, but for those school governing bodies that are not functioning well, one should think of a different model like a cluster or a Board of Education. It is similar to section 111 in the Constitution that the national government may take over the functions of provinces that are not performing well. What are your thoughts on that idea?

The participant responded as follows (Ln: 363-378):

#### **Participant F, Interview 6, Appendix H:**

I think that would be brilliant, because even now, I tell my managers – you must profile your schools and those that are running well; there isn't the support that is needed and they can be left to continue. But there are those that are in ICU and they really need real support. So, you cannot paint them all with the same brush.

It can't work. So that is why, instead of spending my efforts on the things that are working, why don't we concentrate our efforts on those in need, until they have reached a stage where we can say that at least now they are working. Even in the South African Schools Act, you know, you can decide what powers to give. The school governing bodies can apply for additional powers in terms of section 21. So, I think we need to do that. That does not appear to be a problem. If we get then, not in terms of a one cap fits all approach, but say schools at that level that are working ...(*recording unclear*)... So, if they are at eighty and you have a governing body who thinks they can lift their functionality to ninety, then allow them that scope. So now, in this situation, just decentralise your functions as long as you ensure that you still have your powers. It should be a very flexible thing that acknowledges; it punishes and awards. That kind of a model, I would go along with.

This response by the top official confirms that a realistic model would be to differentiate between school governing bodies that are functioning properly and school governing bodies that are in "ICU." As Participant F stated, all the school governing bodies "*cannot be painted with the same brush.*"(Ln:365).

The participants anticipated that a purely centralised model of school governance, viz. the district "board of education"-model, would cause parental participation to drop dramatically in well functioning schools. In order to allay the negative impacts of such a model, all the participants expressed the support for a differentiated model which would contain the present model of local school governance as well as a "district board of education"-model for non-functioning schools. The following extract from the interview with Participant C confirms this suggestion:

**Participant C, Interview 3:**

Ek sal 'n voorstel maak dat as die mense kan aantoon dat hulle behoorlik funksioneer en kapasiteit het, dan gebruik hulle daardie model .. van skoolbeheerliggame soos dit nou daaruit sien. Maar as die beheerliggaam nie kans sien vir *daardie* model nie, of dit is bewys oor 15 jaar dat hy die nie kan beheer nie, dan moet hy gebruik maak ... of dan kan hy gevra word om gebruik te maak van die model van Skoolrade en twee kundige mense om dan meer

leiding te verskaf. En daardie mense, wat beskikbaar is, kan dan by die groter "School Board" inskakel. (Ln: 258-265).

*(Translation: I would suggest that if the people can show that they function properly and have the capacity, then they can use the model for school governance as it is now. But if the school governing body does not feel able to apply that model, or if it can be shown that they have not been able to cope over the past 15 years, then it must make use of ... or be requested to make use of the model of "School Boards" and two knowledgeable persons to provide leadership. And those persons, that are available, can be incorporated into the larger "School Board.")*

These suggestions by the participants corroborate the observations made in paragraph 6.11.5 that the present model, as is provided for in the South African Schools Act, needs to be revisited because it does not result in optimal parental participation. These suggestions of possible models of school governance will be considered in the final chapter.

## **6.12. SUMMARY OF THE QUALITATIVE STUDY.**

On analysis of the qualitative data, it is clear that the education system in the North-West province is only partially democratised as a result of bureaucratic administration, misunderstanding of the principles of democracy, and the tensions in the system. The senior education officials conceded that, at times, there are tensions between the national government and provincial government, provincial administration and politicians, provincial administration and school governing bodies, and school principals and school governing bodies. These tensions reflect the existing power relationships in the education system. The qualitative findings revealed that the power relations remain largely centralised and in favour of the bureaucracy, but that political activism by the dominant teachers' union (SADTU) has disrupted many schools to the extent that they are dysfunctional. The tensions that result from structural features of the education system indicate the extent of the underlying undemocratic nature of the system. The tensions are not being resolved by present practises because the present structures do not allay the challenges. Instead, it seems the politicisation of

schools and the bureaucratic imposition of transformation exacerbates the challenges in the system. This qualitative study has verified the findings of the quantitative study with regard to the centralised nature of the education system, poor parental participation, incidences of interference by teachers' unions during the appointment of educators, and the bureaucratic attitude of senior officials against the accommodation of Afrikaans single medium schools.

However, this study has also shown that there is a real concern and underlying commitment by the senior education officials of the North-West Department of Education to promote democratic school governance in order to increase the effectiveness of schools. It is generally agreed that democracy is desirable and advantageous, but that more training, education, openness and accountability is needed to improve democratisation of the system. Suggestions to improve the democratic governance in the education system includes changes to school governing body membership requirements, extension of the term of office of school governing body members, and compulsory extra-curricular activities at all schools to instill democratic values and improve the social function of education. Furthermore, this study has described the need for an alternative differentiated model to address the shortcomings of the present model.

The final chapter, chapter 7 will provide an overview of the research findings and will recommend possible models as solutions.

## **CHAPTER 7**

### **FINDINGS, CONCLUSIONS AND RECOMMENDATIONS.**

#### **7.1. INTRODUCTION.**

In this final chapter, a general overview of this study is given to indicate that the research objectives, as stated in paragraph 1.3, have been addressed. This is followed by conclusions and recommendations that are drawn from the findings of the study. Two models are designed, the first is a theoretical model that suggests remedies to the constraints to democracy in education, and the second is an applied model that recommends improvements to enhance democratic school governance. Finally, possible areas for further research are identified and limitations of this study conclude this chapter.

#### **7.2. SYNOPSIS OF THE INVESTIGATION.**

This paragraph firstly presents a summary of the study; it provides a general overview of the contents of each chapter. Secondly, the paragraph highlights and relates the major themes that emerged from the literature review and empirical findings, in order to suggest a way in which the challenges can be addressed.

##### **7.2.1. Summary of the research.**

In chapter one, the background of the thesis was set out. This included a description of the context and rationale of the problem statement, the aims of the study, research questions, clarification of the concept of a model, research methodology, demarcation of the field of investigation and the research framework (par. 5.1.1 – 1.10). In general the thesis deals with the need for an improved democratic model of school governance in South Africa. The problem statement highlighted the uncertainties and misunderstandings that exist with

regard to the nature, extent, and purview of democratic school governance in public education. The specific objectives of this study were to:

1. Define the nature, concepts and tenets of democracy;
2. Define and outline the legal determinants of democracy in South African education;
3. Determine the indicators of democracy with regard to school governance;
4. Establish the degree of democratisation at the meso-level of education in South Africa;
5. Investigate the extent and quality of democratisation in South African schools and the meso-level of the education system;
6. Investigate the encumbrances to democratisation of education at public schools in South Africa from an education law perspective; and
7. Develop a model for the improvement of democratic school governance in South Africa.

Therefore, chapter one explained the focus of this study to consider theories of democracy and to empirically investigate the relationship between education administration and school governance in South African schools.

Chapter 2 gave a synopsis of the salient theories of democracy, clarified the key concepts and analysed the weaknesses of various orientations to substantive democracy.

The historical overview of democracy in the South Africa education system in Chapter 3 explained that the education system had developed to become a highly centralised and bureaucratic system during the twentieth century, but it was transformed to afford a degree of parental participation through democratically elected school governing bodies after the attainment of full democracy in South Africa in 1994.

Chapter 4 analysed democratic provisions in South African legislation and highlighted certain bureaucratic practices that constrain participatory democracy in education. The literature review confirmed that an improved model of

democratic school governance is required to advance democracy in South African schools.

Chapter 5 analysed the quantitative data emerging from a survey and reported findings on the knowledge, attitudes and opinions of the participants. Chapter 6 described the findings of a qualitative study and disclosed some underlying reasons for undemocratic phenomena in the education system.

### **7.2.2. Summary of the main findings emanating from the literature review.**

Chapter 2 provided a literature review of the salient concepts, tenets and theories of democracy. The review included a historical analysis of democracy and described the progressive development of individual political rights and various traditions such as liberal democracy, republican democracy, elitist theory, participatory democracy and deliberative democracy.

Furthermore, chapter 2 clarified the meaning of essential democratic concepts such as liberty, equality, participation and tolerance. The common misconceptions and misunderstandings of democracy were analysed in an abridged discussion. Democracy is generally misunderstood to entail unabridged majority rule and lawless freedom. However, the literature review confirmed that democracy does not entail absolute freedom; majority rule is limited by the rule of law, protection of fundamental rights and universal rules of justice. Democracy in multicultural societies does not allow for the hegemony of a majority group and should not entail forced integration or uniform amalgamation of diverse communities, but requires tolerance of individual and diverse community interests and rights under the law. Democratic equality does not entail the removal of all differences and does not imply absolute physical, material or natural equality. Instead, democratic equality denotes equal protection by the law and equality of human dignity and social and political opportunity.

The discussion of the key concepts of democracy demonstrated the varied approaches and orientations that theorists, politicians and citizens have towards substantive democracy. In general, participatory democracy has been

instrumental in democratising various locations such as workplaces, the family, media, neighbourhoods, universities and schools. In a broader sense these locations constitute 'political systems' as they depict places where policy decisions are made based on power relations. The decentralisation of authority to local institutions by means of participation has emerged as a fundamental tenet in the promotion of democratic school governance. Participatory democrats emphasise that increased participation educates citizens and stakeholders to transform their interests for the common good.

Chapter 2 also disclosed valid critiques of the traditional models of democracy that include objectionable features such as strategic favouring of the rich and talented, aggregation of self-interest to the disadvantage of common interest, masked oppression of minorities, wasteful welfarism, and the authoritarian tendency towards elitist bureaucracy and corruption as a result of inequitable power relations. A summary of the salient democratic theories is illustrated in Figure 7.1.

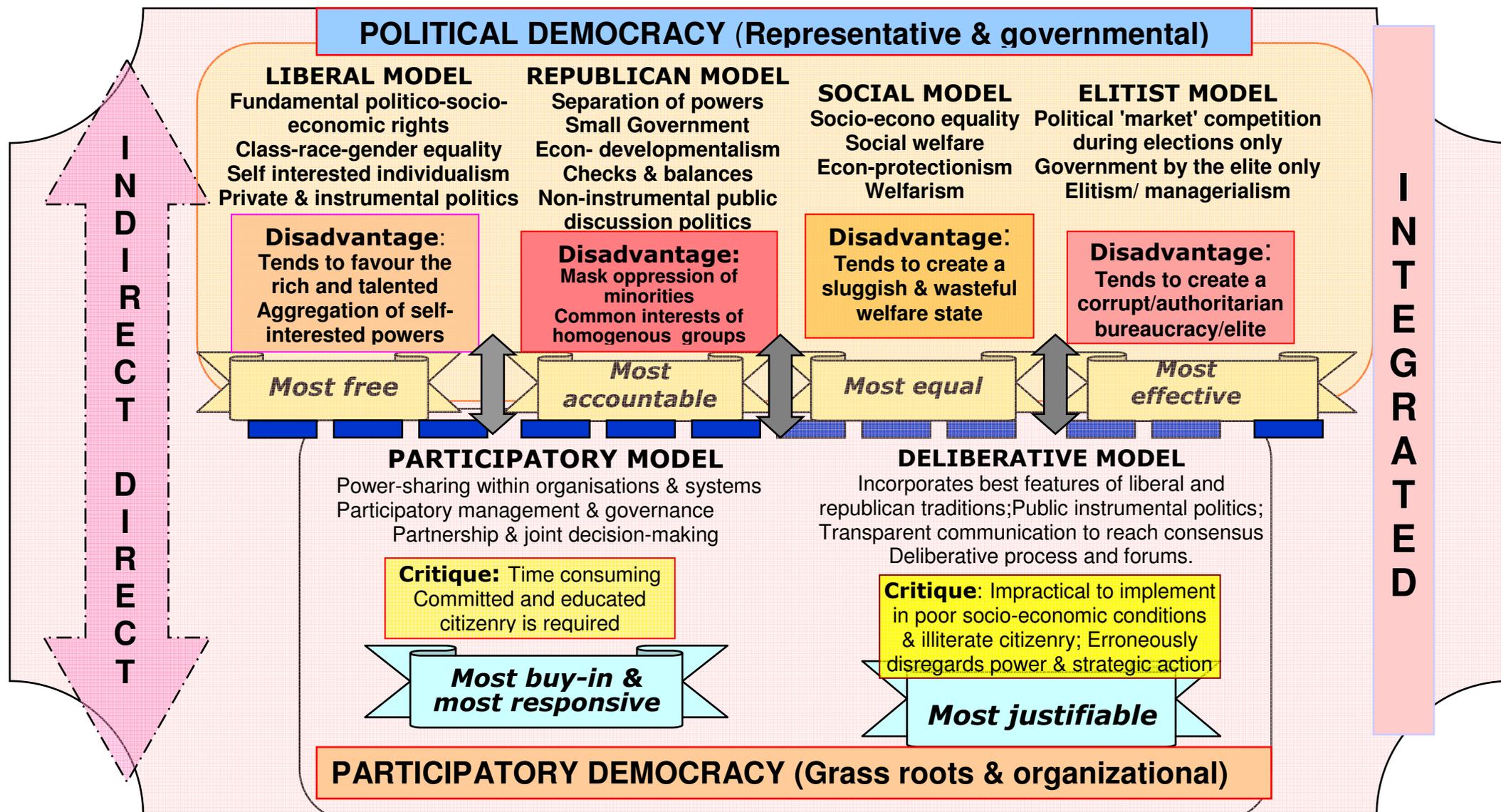
As a result of these critiques of traditional forms of democracy, theorists have continually strived to improve democracy by eliminating the objectionable features. Deliberative democracy is the most recent theory that suggests an improved form of democracy through the implementation of deliberative principles based on Habermasian discourse ethics. Proponents of deliberative democracy suggest that, in principle, deliberative democracy has applied the most attractive features of liberal and republican theories, and has avoided the shortcomings of the traditional theories. The four principles of deliberative democracy, viz. generality, autonomy, power neutrality and ideal role-taking, are standards whereby the applicability of deliberative theory can be measured. Although deliberative democracy still has to be implemented in practice in different locations and levels, it holds the potential to extend democracy and thus strengthen the efficiency of governance in schools. The theories of participatory and deliberative democracy proved to be of particular significance to this study because of its relevance and applicability to the theme of democratic school governance.

In essence, chapter 2 provided a synopsis of the most prominent discourses on political theory. According to political theory, the core tenets of substantive democracy are:

- the source of political authority is the people;
- the people should determine their own political, economic, social and cultural systems;
- governance must be exercised either directly through the public involvement of all citizens in all aspects of their lives by full participation, deliberation and shared decision-making, or
- indirectly through accountable and responsive representatives where representatives are chosen by majority vote according to formal procedures for free and fair elections by all the eligible adult citizens;
- state protection of political and civil liberties which constitute a substantive and formal feature of democracy;
- the power of democratic institutions and pluralist interests that are controlled by checks and balances and the separation of government powers;
- a social condition of equality of opportunities, equality before the law, as well as equal respect and consideration for the individual exists within the community without hereditary or arbitrary differences of rank or privilege;
- democratic citizens have a civic attitude of active communitarian participation in public life that shuns individualistic self-centred approaches.

Modern constitutional democracies, such as South Africa, integrate the liberal, republican, participatory and direct models of democracy into a complex system of government and social institutions. These are based on democratic principles and values such as private autonomy, public autonomy, equality (as defined in par. 2.4.2), human dignity, no unfair discrimination, accountability, transparency and openness. Thus, a substantive democracy will ideally encompass all these values and principles as depicted in Figure 7.1.

FIGURE 7.1 Theories of democracy.



In chapter 3 the literature reviewing the historical development of democracy and education was analysed. There is an interrelationship between the political and social dimensions of democracy and the schooling of democracy at schools (par. 3.3). Democratic society is dependent on democratisation of schools and the education system (par.3.4). Historically, the education system in South Africa developed to become a highly centralised system in the twentieth century (par.3.7). In the missionary schools of the nineteenth century and the Bantu Education system under apartheid, which catered for the African communities, there was a distinct absence of democratic practice. This historic dearth of a democratic culture in these communities is an important reason for the absence of a mature democratic culture in the present day (par.3.7.8). Finally, after the attainment of full democracy in South Africa in 1994, the education system was reformed to afford a greater degree of parental participation through democratically elected school governing bodies (par.3.7.14).

In chapter 4 the literature was reviewed with regard to democracy, education, school governance and the law in South Africa. By analysing the constitutional text and education legislation, it was demonstrated that democracy and the law are inextricably linked and exist co-dependently (par.4.4). The nature and conceptualisation of democracy is structured and specifically defined by the constitutional principles, values and rights that apply to state as well as societal institutions (para. 4.4; 4.5 & 4.6). Moreover, legislation such as the South African Schools Act and policy instruments, established the democratic foundation and confirm the participatory principles of openness, accountability, responsiveness and power-sharing between government and local school governing bodies (para. 4.8; 4.9). This close association between democracy and the law makes it essential for everyone concerned with the furtherance of democracy and effective education to have sufficient knowledge of the law and democratic principles. The review of case law and literature in chapter 4 also highlighted certain controversial bureaucratic practices that constrain democracy in education (par. 4.11). The literature review thus established that stakeholder participation in school governance is constrained

by participants' restrictive democratic paradigms, political aims of social transformation and bureaucratic misapplication of democratic principles.

The literature review confirmed that in order to improve school effectiveness through school governance, a more substantive model of democracy is required (par. 4.12). Any improvement in the education system would require a paradigm shift away from the hierarchical manner in which this system operates and the way in which education is administered. The erroneous notion at national level that transformation can be effected by simply amending legislation or enforcing policy changes, needs to be replaced by a more sensible realisation. Substantive democratic features and deliberative practices must be implemented in order to improve the system.

To summarise, the literature review gave a synopsis of democratic theory and an exposition of the historical and legal determinants of democracy in the South African education system. Therefore, the first three research objectives as set out in paragraph 1.3, viz. to define the nature, concepts and tenets of democracy; to define and outline the legal determinants of democracy in South African education; and to determine the indicators for democracy in South African public school education, were attained by means of the literature review.

### **7.2.3. Summary of the main findings emanating from the quantitative study.**

The quantitative study of the empirical research was undertaken in order to accomplish the following research objectives (par. 1.3):

- determine the indicators of democracy with regard to school governance;
- investigate the level of democratisation at the meso-level of education in South Africa.

The quantitative study determined the indicators of democracy by ascertaining the level of knowledge of the respondents. This was accomplished by assessing their attitudes towards democracy in education and by measuring the democratic climate in schools and the education administration of the North-West province. The quantitative study surveyed a sample of three respondent sub-populations, viz. school governing body chairpersons, school principals and senior education officials

in the North-West province. The convenience sampling yielded a satisfactory a return rate of 67.97% (Table 5.2) and included respondents from dysfunctional schools. The random sampling by post yielded a poor return rate (15.9% school governing chairpersons, 22.9% school principals, Table 5.2). However, the systematic convenience sampling by means of workshops and manual distribution and collection yielded more satisfactory results (see Table 5.2, par. 5.4). In total 456 participants completed and returned the questionnaires. The validity and reliability of the quantitative data was confirmed by statistical methods such as the determination of the Cronbach  $\alpha$ - coefficient in factorial analysis (Tables 5.17, 5.18 & 5.19) and  $Chi^2$  and  $phi$  coefficient analysis of the effect sizes (par. 5.17.1).

### **7.2.3.1. Summary of biographical data and knowledge levels.**

The results of the quantitative data confirmed the following findings:

- The majority of the school governing body members were relatively inexperienced (63.91% less than 5 years) in their positions, whereas the vast majority of senior education officials and school principals were very experienced (96.14% more than 10 years career experience);
- There was statistical significant variance in the knowledge levels of the three sub-populations. The senior education officials regarded their knowledge of Education Law to be at a higher level than the school principals who, in turn, regarded their knowledge levels higher than the school governing body chairpersons.
- Although most of the respective respondent sub-populations all assessed their own knowledge of Education Law and democratic principles to be good, certain questions in the questionnaire tested the correctness of these responses and revealed that most of the respondents had a poor understanding of democratic principles and Education Law matters (par. 5.11.4). The majority of senior education officials, school principals and school governing body chairpersons were ignorant of the principles of participatory and deliberative democracy, the democratic principles of tolerance of diversity and the protection of multi-culturalism (par. 5.11.4). This finding corroborates results of other studies by various researchers.

### **7.2.3.2. Opinions and attitudes towards democracy in education:**

The analysis of the descriptive statistics confirmed that:

- The vast majority of all of the respondents were strongly in favour of parental participation (96.7%; Table 5.9), protection of minority rights (78.3%; Table 5.9) and the continued parental involvement in education at schools (91.8%; Table 5.8);
- The attitude of the majority of all the respondents was strongly against increased centralisation (88.9%; Table 5.9), disagreed with suggestions to reduce parental participation (66.6%, Table 5.9), and disagreed with the statement that the provincial education department should appoint educators (64.8%; Table 5.9);
- In an unexpected result, a strong majority (**78.44%**) of all of the respondents agreed that the provincial education department does function democratically;
- Oddly enough, **58.06%** of all of the respondents agreed that bureaucratic control of education is appropriate to manage diversity in South Africa;
- The descriptive statistics of the combined results of the respondents indicated an ambivalence of attitudes with regard to issues such as majority will, inclusive education, bureaucratic practices and language policy (par. 5.12.2.5);
- The respective respondent sub-populations disagreed among each other on issues such as admission of learners, appointment of educators, the determination of a school's language policy, and the establishment of a “Board of Education” per district to replace a school's school governing body (par. 5.12.3.1).

### **7.2.3.3. *Democratic climate in schools and the North-West education system:***

The analysis of the descriptive statistics disclosed that:

- All the respondent sub-populations indicated that the underlying climate at schools is democratic and enables participation by parents (par. 5.12.2.3);
- Undemocratic features (par. 5.13.2.1) are present in the system, such as inadequate parental participation (Table 5.11; Item 9), non-transparency of the education department (Table 5.11; Item 6), some interference by teachers' unions with recommendations by school governing bodies (Table 5.13, Item 13); an intolerance towards Afrikaans single medium schools (Table 5.13, Item 14);

and tensions between democracy and bureaucracy in the education system (Table 5.11; Item 7).

#### **7.2.3.4. Comparative statistical analysis:**

The inferential statistical analysis disclosed the following findings:

- Analysis of variance (ANOVA) between the senior education officials, school principals and school governing body chairpersons revealed significant variance among the respondent sub-populations (par. 5.16.3) and indicated significant effects with regard to the participation climate, bureaucracy climate, attitudes towards centralisation, and knowledge of Education Law (par. 5.16.3);
- Significant effect sizes between sub-groups were identified (par. 5.16.4), which revealed that the Setswana *et al.*-group of senior education officials favoured bureaucratic action such as:
  - the centralisation of the appointment of educators;
  - the centralisation of the admission policy of learners at schools; and
  - the policy to compel all Afrikaans single mediums schools to give English medium instruction.

#### **7.2.3.5. Statistical confirmation of research hypotheses:**

In essence, the statistical analysis confirmed the following research hypotheses:

- The significant incidence of undemocratic practices was demonstrated by the statistical analysis. In particular, attitudes and climates favouring increased centralisation, bureaucratic appointment of educators, bureaucratic determinations of admission policies of schools were identified;
- The senior education officials-group and the school principals-group regarded parental participation in school governance as poor;
- The analyses of effect sizes between sub-groups of the senior education officials revealed a prevalence of undemocratic attitudes by the Setswana *et al.*-group of senior education officials towards Afrikaans single medium language instruction at schools;

- The majority of the respondents indicated that the underlying climate in the education system was democratic. However, the respondents regarded the system as simultaneously centralised and decentralised;
- The respondents indicated that bureaucratic actions, the disregard of fundamental rights, unfair treatment of Afrikaans single medium schools and increased centralisation of school governing body functions occurred from time to time within the system.

Therefore, the quantitative study accomplished the fourth and fifth research objectives (par. 1.3) by determining the indicators of democracy with regard to school governance, and by establishing the degree of democratisation at the meso-level of education in the North-West province.

#### **7.2.4. Summary of the main findings emanating from the qualitative research.**

A qualitative study was undertaken to accomplish the sixth research objective (see paragraph 1.3), viz. to investigate the extent and quality of democratisation in South African schools and the meso-level of the education system. In order to attain this objective the qualitative study set out to determine the participants' conceptualisation and understanding of democracy; examine the participants' views of democracy in education; explore and interpret certain bureaucratic phenomena, practices and trends in the education system of the North-West Province; and to ascertain the underlying reasons for these phenomena.

The qualitative data was firstly elicited from school principals and school governing body chairpersons by means of written responses to open-ended questions, and secondly, from purposive sampling of selected senior education officials by means of semi-structured interviews. This study revealed that:

- many stakeholders in education misunderstand democracy in education to mean political democracy instead of participatory democracy (par. 6.10.5; par. 6.11.3).
- the black communities were not politically demobilised after 1994 and as a result, many of the schools, especially the dysfunctional schools, are inordinately over-politicised (par. 6.11.4);

- tensions in the education system exist between the national and provincial spheres of government, between school principals and school governing body members, and within certain schools (par. 6.10.6; par. 6.11.6);
- parental participation in many township schools is poor and the no-fee system has exacerbated the problem of lack of commitment (par. 6.11.5);
- the education system in the North-West province is only partially democratised as a result of bureaucratic administration, misunderstanding of the principles of democracy, and the tensions in the system (par. 6.10.2; par. 6.11.6);
- there is a sincere concern and authentic underlying commitment by the senior education officials of the North-West Department of Education to promote democratic school governance (par.6.11.7);
- it is generally agreed that democracy is desirable and advantageous (par. 6.10.1), but that more training, education, openness and accountability is needed to improve the education system (par. 6.11.7).

Respondents to the qualitative study suggested remedies to improve democratic governance and effectiveness of the education system, which included the following:

- school governing body membership qualifications and requirements should be reviewed and amended (par. 6.11.7.1);
- the term of office of school governing body members should be extended or amended to address continuity problems (par. 6.11.7.2);
- an extra-curricular programme should be made compulsory at all schools in order to increase parental participation and involvement, instil democratic values and improve the social function of education (par. 6.11.7.3);
- a more differentiated model of school governance should be developed to address the shortcomings and challenges that have emerged since the South African Schools Act came into effect (par. 6.11.7.4).

Therefore, the qualitative study accomplished the sixth research objective by establishing the extent and quality of democratisation in South African schools and the meso-level of the education system.

### **7.3. TRIANGULATION: INTERNAL VALIDITY AND CONVERGENCE OF FINDINGS.**

In order to verify the findings reported in paragraph 7.2, the results obtained from the various research methods were compared by means of triangulation. The application of triangulation confirmed that the data and interpreted facts of the literature study, quantitative study and qualitative study converged in respect of the following aspects:

- Lack of knowledge of democratic principles and Education Law was confirmed by the literature review (para. 3.7.15 & 4.11.6), as well as the quantitative (par. 5.11.4) and qualitative findings (para. 6.10.5 & 6.11.3);
- Increasing centralisation of the education system was confirmed by the literature review (par. 4.11.3), as well as the quantitative (Table 5.14, Item 19) and qualitative findings (Interview 6, Ln: 203-213);
- Inadequacy of parental participation was confirmed by the literature review (par. 4.11.5), as well as the quantitative (Table 5.11; Item 9) and qualitative findings (par. 6.11.5);
- Incidences of interference by teachers' unions during the appointment of educators was confirmed by the literature review (par. 4.11.2), as well as the quantitative (Table 5.13, Item 13) and qualitative findings (par. 6.11.6.2);
- Bureaucratic attitude of Setswana *et al.*-senior officials against the accommodation of Afrikaans single medium schools was confirmed by the literature review (par. 4.11.1), as well as the quantitative (Table 5.13, Item 14) and qualitative findings (para. 6.10.2 & 6.11.6);
- A more differentiated model of school governance should be developed to address the shortcomings was confirmed by the literature review (par. 4.12.2) and qualitative findings (par. 6.11.7.4);

In sum, the method of triangulation verifies the internal validity of the most significant findings of this research.

## **7.4. DISCUSSION, CONCLUSIONS AND RECOMMENDATIONS.**

The tensions between stakeholders, the bureaucratic and centralising practices, and the undemocratic attitudes evident from the findings, indicated that many shortcomings plague the education system. In a sense, these findings are illustrative of a young democracy in turmoil as a result of historic deficiencies, inappropriate structures, erroneous conceptions of democracy and, perhaps most importantly, the sheer misapplication of basic democratic principles. In a radio interview, Wiechers (2008) described the present state of South Africa's democracy as analogous to a teenager going through the tumultuous and rebellious growth stage of puberty. To some extent, the empirical findings of this research about democracy in the education system reflect the turbulence in the present political climate of South Africa.

Consequently, the explanations for the findings are not only found in the empirical evidence of this study, but can also be inferred from democratic and legal theory. In an attempt to provide explanations, this discussion will approach the findings by examining the constraints to democracy in education, and suggesting models for the improvement of democratic school governance in South Africa.

### **7.4.1. Constraints to democracy in education.**

The constraints to democratisation of the education and schooling system will be discussed by:

- examining the systemic weaknesses;
- explaining the effects of misconceptions of democracy;
- considering the empirical evidence of bureaucracy in the system;
- describing the pattern of misapplication of democratic principles; and
- evaluating the phenomenon of poor parental participation.

The findings of increased centralisation in the education system, bureaucratic action, over-politicisation of schools and inadequate participation in school governance confirm that constraints to substantive democracy are features of the present model school governance and the system of administration (para. 5.18 & 6.12). As

mentioned previously in this research, education is the culture which each generation purposely transfers to those who are to be their successors (Parry, 1994:48). If the education system demonstrates and imparts a bureaucratic, over-politicised and elitist culture, then it is obvious that the future generations will display these same attitudes and practices.

#### **7.4.1.1. Systemic weaknesses.**

Earlier in this thesis (par. 4.5) it was demonstrated that the South African Constitution makes provision for an integrated form of democracy (see Figure 7.1) encompassing representative, participatory and direct traditions in the system. But remember, the Constitution does not incorporate the most recent theories of deliberative democracy. As a result, all the weaknesses of the liberal, republican, social and elitist traditions of democracy are present in the South African political and social system. Of course, this implies that disadvantageous features like the liberal favouring of the rich and talented, the oppression of minorities, aggregation of self-interested decision-making, dominance of hegemonies, wasteful welfarism and corrupt or authoritarian elitism and bureaucracy are all embedded in the system. There is strong evidence from the findings that all these weaknesses are part and parcel of the South African democratic system.

Considering the following examples, it is clear that the findings substantiate the contention that structural weaknesses of traditional democratic model are evident in the education system:

- The former Model C-schools (generally well-resourced and previously advantaged schools) are functioning and performing well with the present model of state-aided school governance, whereas many of the previously disadvantaged schools are dysfunctional (Taylor, 2006:3; and Interview 3, Ln: 395-397). Thus, liberal democratic features inherently favour the previously advantaged schools;
- Language rights of African learners as well as Afrikaans single medium schools are disrespected or disparaged by provincial officials (see par. 4.11.1 and par. 6.11.6.5). Thus, features of republican democracy inherently enables or masks oppression of minorities;

- Alexander (2003:184) aptly criticised the wastage of the system as is evident from the annual poor matriculation results and the high drop-out rate (par. 4.11.1). In 2005 the results were so poor that only 150 000 grade 12 learners (representing 12,5% of the initial 1,2 million grade 1 learners) achieved a matriculation pass that is of an acceptable standard (Gallie, 2007:5). Yet, despite these poor results, no vigorous disciplinary action was taken against incompetent or uncommitted educators. Thus, social democratic features inherent to the system causes wasteful welfarism;
- The examples from case law (par. 4.11.3) demonstrate that bureaucracy is unresponsive, non-accountable and indifferent to transparency or openness. This constrains participation. The strong trend towards centralised control of education for transformation purposes (par. 4.11.4) causes conflict between the government (including the provincial department of education) and school governing bodies in matters such as the appointment of educators (par.6.11.6.2), determination of language policies (par. 6.11.6.5) and learners' admission policies (par.5.12.2.2). Furthermore, the valid and reliable statistical finding of this study confirms that 60% of the respondents state that there is always or often tension between bureaucratic actions of education authorities and the democratic rights of schools (see Table 5.11; Item 7). Thus, these findings and indicators confirm that the elitist features of the system inevitably result in authoritarian bureaucracy.

Therefore, the inherent weaknesses of the liberal, republican, social and elitist traditions of democracy are present in the education system and cause phenomena such as great disparities between schools, oppression of minorities, wastage of financial resources, elitist and bureaucratic attitudes.

The nature of democracy in societal institutions and practice must be congruent with the schooling that citizens receive; otherwise, the educative force of the real environment would counteract the effects of early schooling (Parry, 1994: 48). The difficulty is thus that the continuance of bureaucratic actions or hierarchical decision-making in the education system does not inspire civic attitudes or develop democratic citizenship. In fact, undemocratic practices by administrators set examples and tend to establish the accepted *modus operandi* within the system.

This is reflected in the surprising finding that 48% of the respondents agree that bureaucratic relationships are appropriate to prepare learners for democratic citizenship (see Table 5.8; Item 13). Given the fact that schools are microcosms of society, it is hardly surprising that schools and school governing bodies have become over-politicised and erroneously implement political tactics instead of applying participatory principles (see paragraph 6.11.4).

It follows, therefore, that in order to address shortcomings and dysfunctionality of the education system, the structural weaknesses inherent to democracy should be addressed at the outset. The model most likely to offer new solutions to the systemic weaknesses of traditional models of democracy is the deliberative theory of democracy. As Ackerman and Fishkin (2003:9) asserted, deliberative democracy corrects certain weaknesses of liberal, republican and elitist forms of democracy through the mobilisation of public opinion, which counteracts elitist tendencies to pander to the ignorant opinions and selfish attitudes of voters.

Accordingly, the researcher recommends that the features and theories of deliberative democracy and participatory democracy should be incorporated into alternative models for school governance in South Africa [**Recommendation 1-advance participative and deliberative democracy**]. The details of this suggestion will be discussed in paragraph 7.5 hereafter.

#### ***7.4.1.2. Misconceptions of democracy evident from findings.***

The underlying notion of this study is that education shapes democracy, and in turn, democracy inevitably shapes education (Dieltiens, 2000:5). Due to the absence of a long democratic tradition (par.3.7.15) and the democratic immaturity of the majority of South Africa's citizenry (para. 6.11.3 and 6.11.4), many of the findings can be attributed to ignorance and lack of knowledge of democratic principles. The stakeholders in education lack knowledge of democratic principles (para. 5.11.5; 6.10.5 and 6.11.3) and Education Law (par. 5.11.5). Most of the stakeholders in education misunderstand the differences between political and participatory forms of democracy (par. 6.10.5 and 6.11.3). Meaningful participation by parents in school

governance is constrained and bureaucratic misapplication of democratic principles occurs as a result of the restrictive paradigms of democracy.

To give an example, 60% of the senior education officials and 50% of the other participants misunderstood democracy to mean that the majority should always triumph (par. 5.11.4). This is clearly erroneous as Tocqueville (1966:8) axiomatically stated that unbridled majority rule may become an oppressive '*tyranny of the majority*' and that the majority of the self-governing citizens is always limited by the law of justice, which is established by the majority of all mankind (par.2.3.13.3). The erroneous majoritarian 'winner-takes-all' notion explains why many of the bureaucratic decisions are taken to enforce the government and ruling party's aim to transform education without due regard to fundamental rights and requirements of legality (par. 4.11). Ironically, **91.2%** of the senior education officials incorrectly assessed their own knowledge of democratic principles to be good or excellent (Table 5.7; Item 1).

A second example is the finding that 57% of the respondents were ignorant of the principles of participatory and deliberative democracy as mechanisms to manage diversity and accommodate multiculturalism (par. 5.11.4). In fact, the majority of the respondents favoured the bureaucratic method to manage multiculturalism. This does not accord with the principle that education and democracy are interconnected and that a democratic culture can only be developed by democratic education practices (Parry, 1994:48).

Several theorists confirmed that an enlightened and educated citizenry is essential for a democracy to function properly (see chapter 3 in general; par. 3.6). Democratisation of the populace requires an inculcation of knowledge, values and attitudes into democratic practice (Aspin, 1995:58). It follows, therefore, that an improved model for democratic school governance should make provision for the need to educate and train all stakeholders in the fundamentals of democracy. Senior education officials affirmed that some parents are democratically immature. For example, a senior education official stated:

We should have gone back to the communities to demobilise the people to change their mindset. To change their mindset by saying, now we are in a democracy now (*sic*). From a revolutionary to a democratic mindset. (Interview 2, Ln: 171-175).

He continued:

... the democratic immaturity of the parents is taking its course. But our children at the communities were not demobilised. After 1994, we should have put structures in place. (Interview 2, Ln: 204-207).

Many of the parents are democratically immature as a result of the historic absence of a democratic tradition. Therefore, it is recommended, in order to address the ignorance of Education Law, the democratic immaturity of stakeholders in education and in order to allay some misconceptions of democratic principles, that education **[Recommendation 2: Education & Training]** should begin by:

- Emphasising and explaining the difference between political and participative democracy. The roles of citizens (including parents, educators, learners, school principals and administrative officials) differ vastly in these two forms of democracy (see in general para. 2.4.8; 2.4.9; 4.4.5; 4.5; 4.6; 4.8 and 4.9);
- Providing all stakeholders (including student educators at universities, parents, educators, learners, school principals and administrative officials) with improved and appropriate education and training in Education Law according to their level of involvement. This is essential by virtue of the close link between the law and education in the constitutional dispensation of South Africa (para. 4.4; 4.5 & 4.6);
- focusing on the development of an applied understanding of the participative and deliberative principles of generality, autonomy, power neutrality and ideal role-making (see par. 2.4.9.8);
- Ensuring that democratic practices permeate the whole education system from national level to local schools and classrooms (Parry, 1994:48). Only through the consistent application and demonstration of democracy at all the levels and locations of the system will an educated and free citizenry be developed.

#### **7.4.1.3. Empirical confirmation of bureaucracy in the system.**

In a democracy, the whole population, including state officials, must acquire a set of democratic and educational attitudes in order to minimise the constraints to democracy in education (Parry, 1994:48). The examples of the court cases discussed in paragraph 4.1 provide clear substantiation for the fact that provincial and national administrators display attitudes averse to democracy. They erroneously upheld undemocratic policy decisions without taking cognisance of the democratic principles of legitimacy (*Suid-Afrikaanse Onderwysunie v Departementshoof Departement van Onderwys, Vrystaat, 2004*), constitutionality (*Governing Body of Mikro Primary School. v Western Cape Minister of Education, 2005*), accountability (*Despatch High School v Head of Department of Education, Eastern Cape, 2003*), responsiveness (*Maritzburg College v Dlamini, Mafa and Kondza, 2005*) and participation.

In addition, the statistical evidence (Chapter 5) confirms the following undemocratic features:

- 77.22% of the respondents that indicated that there is *never* adequate **participation** by parents with the national department of education over curriculum content (Table 5.11; Item 5);
- 68.04% of the respondents indicated that of the respondents confirmed that the provincial education department *never* makes **information** about the performance indicators available to parents (Table 5.11; Item 6);
- 78% of the senior education officials, 61% of the school principals and 56% of the school governing body chairpersons indicated that there is a **tension** between democratic rights of schools and bureaucratic actions of the education authorities (Table 5.11; Item 7);
- 49% of the senior education officials were of the opinion that the provincial department should decide on the **admission of learners**, whereas 68% of the school principals and 75% of the school governing body chairpersons thought that schools, not the education department, should decide on the admission of learners (par.5.12.3.1);
- 67% of the senior education officials were of the opinion that the provincial education department, should have the final say on the **appointment of educators**, whereas 68% of the school principals and 69% of the school

governing body chairpersons held that the schools should have the final say on the appointment of educators (par. 5.12.3.1);

- 49% of the senior education officials were of the opinion that the school governing body's function of determining **language policy** of a school should be centralised to the education department, whereas 61% of the school principals and 60% of the school governing body chairpersons held that the school governing body's function of determining language policy should not be centralised to the education department (par. 5.12.3.1).

The statistical evidence corresponds with the examples from case law and confirms that bureaucratic features in the system, such as lack of transparency, inadequate participation, tensions between bureaucrats and school governing bodies, and conflicts over school policies. In order to address the bureaucratic nature of the education system, it is recommended that participative forums must be established and upheld (e.g. the National Education and Training Council, Area Education and Training Council) [**Recommendation 3 – Establish participative and deliberative forums**]; and the principles of participatory democracy must be advanced (see Recommendation 1).

#### **7.4.1.4. Misapplication of basic principles of democracy.**

The findings indicate a pattern of misapplication of basic principles of democracy by the education administrators. This pattern is evident and will be evaluated with regard to:

- the failure to apply the rule of law;
- the failure to apply tolerance of diversity.

The first indication of a pattern of misapplication of democratic principles is the systemic failure to apply the rule of law. This is evident from the reluctance of the departments of education (provincial and national) to address the inordinately political role that the dominant teacher's (SADTU) union plays. The qualitative evidence confirmed that *“the dominant teacher organisation seems to think that it is running the system and teachers are not doing what they are expected to do”*

(Interview 6, Ln:38-39) and that this union is responsible for the politicised climate in dysfunctional schools (Interview 2, Ln:120-127). The participant explained the role of the dominant teachers' union as follows:

Now, for the past two, three months, those educators which are members of a union which is affiliated to COSATU, were not in the classrooms. You must look at the results this year; I think it is going to be adversely affected. That is why I am saying, in one way or the other, this union is having a political mandate from the ruling party or their union federation. So, therefore, whenever they come to school they want to politicise everybody, even political leaders. That is why you find that the school governing bodies today are operating under very, very, tremendous (*sic*) pressure from the unions.(Interview 2: Ln:120-127).

Although the participants were reluctant to name the union *eo nomine*, it is general knowledge that the dominant teachers' union, in terms of membership numbers and affiliation to the Confederation of South African Trade Unions (COSATU), is the South African Democratic Teacher's Union (SADTU).

Furthermore, incidences of illegal interference by teachers' unions with the process of appointment of educators occur from time to time. See Table 5.11, Item D4 where 23.93% of the respondents indicated that unions often or always unlawfully interfere with the recommendation of school governing bodies. In addition, the disquieting statistic of Taylor (2006:2) that approximately 80% of the schools in South Africa are essentially dysfunctional, confirms that effective and proper education is not taking place in these schools. This begs the question as to why the departments do not address this desperate situation more emphatically. Emphatic action against unlawful or undisciplined behaviour by educators and union officials would include steps such as criminal prosecution of perpetrators and vigorous disciplinary action by the employer.

Based on the findings of poor or insufficient knowledge of democratic principles (para. 5.11.4 & 5.11.5) this researcher contends that the underlying reason for the reluctance of the departments of education to address the unlawful activity of teacher unions and the poor teaching provided by the educators of the 80% dysfunctional schools, can be ascribed to the misunderstanding of the principle of

the rule of law which, in turn, results in the misapplication of democratic liberty by allowing lawlessness to prevail. In other words, it is contended that by allowing anarchy (lawlessness) and systematised unprofessionalism to prevail in schools, the department officials exhibit a fundamental misunderstanding of the democratic imperative of the rule of law. To put it differently, if the departments of education (and its officials) overestimate the political role that a teachers' union should be allowed to play, and if the departments of education misconceive the labour rights of educators, then the inevitable result is over-politicisation of schools and systematised unprofessional conduct or dysfunctional behaviour by educators.

The political action by labour unions during the struggle against Apartheid was understandable, because the previous regime was not democratic. However, with the attainment of democracy the roles of unions have changed and should be restricted to labour matters. [**Recommendation 4 – Apply the rule of law-principle**]. Of course, a democracy is not anarchy, because the people agreed and established the laws of the country. An overestimation or misconception of the rights and roles of unions leads to undemocratic administration of the education system. Therefore, by erroneously endorsing, permitting or condoning the illegal behaviour by educator unions, the Department of Education is acting contrary to the democratic principle of the rule of law.

The second indication of a misapplication of democratic principles is the failure to promote linguistic diversity and mother tongue instruction. Despite the finding that 85.38% of the respondents agreed that home language education is in the best interest of the learners (Table 5.11, Item 12), the Setswana *et al.*-language group was patently against the tolerance and accommodation of Afrikaans single medium schools (par. 5.17.1.7). The examples of courtcases (*Laerskool Middelburg v Departementshoof, Mpumalanga Departement van Onderwys, 2003; Governing Body of Mikro Primary School. v Western Cape Minister of Education, 2005; Laerskool Seodin v Department of Education, Northern Cape Province, 2005; Hoërskool Ermelo v Departementshoof, Mpumalanga Departement van Onderwys, 2007*) and the statements by senior education officials in the qualitative study (par. 6.11.6.5) confirm that the pattern of enforcement of a policy to promote uniform English medium instruction at the expense of Afrikaans and African languages. The

misapplication by the official policy of promoting unity at the expense of diversity ignores the numerous constitutional provisions and international treaties requiring the protection of diversity (par. 4.6.2; par. 4.7).

The pattern of misapplication of democratic principles confirms a misunderstanding of democracy that has become a constraint towards the improvement of democracy in education. Once again, it is recommended that education and training should be given to all stakeholders in education with regard to Education Law and democratic principles (see Recommendation 2).

In addition, it is recommended that the provincial and national departments of education should adhere to the rule of law by taking steps such as criminal persecution of perpetrators, by strictly applying disciplinary procedures to unprofessional educators and by restricting the teachers' unions to their legitimate roles in terms of Labour Law (see Recommendation 4). An improved culture and practice of democracy, legality and respect for the rights of others should be developed by enabling law and order to prevail.

#### **7.4.1.5. *Poor parental participation.***

Parental participation is inadequate, especially in respect of township and no-fee schools. The poor participation by parents is partially attributable to the increased centralisation and bureaucratic decision-making in the system. In other words, the absence of authentic participation, shared decision-making and common interest in education, is a factor that results in poor parental participation.

An example is the finding that the National Department of Education displayed an officious reluctance to comply with the peremptory requirement to populate the National Education and Training Council in terms of paragraph 11 of the National Education Policy Act (par. 4.11.1). By not enabling increased participation in respect of national policy and draft legislation, the National Department of Education demonstrated indifference and undermines the principles of participatory democracy (par. 2.4.8). This indicates a tendency toward elitism and overlooks the democratic requirements of openness, transparency and accountability (par. 2.4.5.6). The

empirical findings indicate that 77% of the respondents were of the opinion that there is inadequate participation by parents over national curriculum content (Table 5.11, Item D5).

In contrast to the argument by Soudien and Sayed (2004:106) that decentralisation has gone too far in the South African education system, the vast majority (96%) of the respondents, including senior education officials, agreed that despite the shortcomings, parental participation improves school effectiveness and that the decentralised model of local school governance should continue (par. 5.12.3). The majority of school principals (approx. 69%) and school governing body chairpersons (approx. 70%) were opposed to the suggestion that school governing bodies should be replaced by more centralised “Boards of Education” in every district, whereas the majority of senior education officials (52%) were in favour of this suggestion (Table 5.10, Item 16).

Poor parental participation is also attributable to misunderstanding of the role and responsibilities of school governing body members. The findings of the qualitative study clearly confirmed that many school governing body members misunderstand the role of the school governing body to be a political forum where political rights are exercised (par. 6.11.5; Interview 2, Ln:133-137; Interview 3, Ln:210-218 and Interview 6, Ln: 20-36). The parents often misconceive participatory democracy for political democracy and as a result the school becomes a playing field to further political ambitions and to politicise schools (par. 6.11.4; Interview 3, Ln: 210-218).

The role of a school governing body in terms of section 16 of the South African Schools Act is the governance of a school. It is important to keep the broader distinction between **governance** and **management** in mind. Governance is the overarching function that pertains to policy-making, determining a strategy (vision, mission, objectives, and establishing core business), providing leadership and fulfilling an oversight function. As mentioned earlier, governance policy for public schools is based on the democratic values of representation, participation, tolerance, rational discussion, and collective decision-making (Karlsson, 2002:329). School governing bodies contribute to the democratisation of school education by exercising local authority on matters such as school finances, school ethos and culture, policy

decisions about networks involving private-public partnerships and collaboration with community organisations (Rossouw & Van Rooyen, 2007:20).

On the other hand, management concerns the everyday activities in order to execute the vision, mission, objectives and core business of an organisation. Functionally speaking, management is the planning, organisation, leading, co-ordinating and controlling of human resources, financial resources, physical facilities and the education curriculum in a school on a day to day basis (Rossouw & Van Rooyen, 2007:19). The qualitative study confirmed the importance of providing proper training of school governing body members to enable them to perform their functions in terms of the South African Schools Act (par. 6.11.7.1).

Finally, another reason for poor participation is the absence or gradual erosion of real participation. The trend towards increased centralisation and the bureaucratic interference with school governing body functions such as determining the admission policy or language policy (see the *Ermelo High School*-case, par. 4.4.9.2) inevitably erodes the governance function. The *Ermelo*-case ironically involves a functional school governing body whose language and admissions policies conflicted with the central and provincial government's policy of forced transformation in education. Such instances of undemocratic misappropriation of the functions of school governing bodies by the Department of Education negate the democratic principles of subsidiarity (par. 4.4.5.2) and participatory democracy (par. 2.4.9).

As explained previously, the subsidiarity principle entails that a school governing body must be enabled to do everything it has the capacity to do. The Department of Education plays a "subsidiary" role insofar as it should provide support and may only take over the functions of a school governing body, if the latter is defunctive (par. 4.4.5.2; Carpenter, 1999:46). In essence, the principle of subsidiarity thus means that the responsibility and functions of lower spheres or levels in a system or organisation must not be unlawfully usurped or misappropriated by higher levels of power (Carpenter, 1999:46). Participatory democracy maintains that more participation leads to increased effectiveness (Barber, 1984:150) and that participation educates citizens and stakeholders to transform their interests for the common good.

Therefore, in order to increase parental participation it is recommended that participative forums must be established and upheld (e.g. the National Education and Training Council) (see Recommendation 3 – Establish participative forums); participants must receive training with regard to the principles of participatory democracy (see Recommendation 2); the education system must enable substantive participation (see Figure 2.1) and the principles of participatory democracy must be advanced (see Recommendation 4).

Another recommendation to enhance parental participation is that it should be compulsory for all schools (including previously disadvantaged schools) to offer extra-curricular programmes [**Recommendation 5 – Compulsory extra-curricular programmes for all schools**]. Extra-curricular programmes have the potential to uplift learners from all backgrounds by affirming accomplishments and reinforcing values. Given the present level of dysfunctionality at schools, the rationale behind this recommendation is that parents are more likely to show interest in sporting and cultural activities, than purely in academic work. By formalising the requirement and establishing procedures for educators and parents to participate in coaching, instructing, fund-raising and adjudication, the opportunities for involvement and joint decision-making would be enhanced. Educators should be involved by placing greater emphasis on the social and cultural function of education and schooling.

## **7.5. MODELS FOR IMPROVING DEMOCRATIC SCHOOL GOVERNANCE.**

Based on the foregoing findings and conclusions, models for remedying constraints to democracy in education as well as the improvement of democratic school governance have been developed. The general philosophical foundation for the models was established in chapter 1 (par. 1.6.2). As explained previously (par.1.6.2), in an educational context, a model is used to represent something which usually is very complex (Johnson-Laird, 2001:435-441) in a simplified and symbolic representation of a system or reality but rarely reflects all the details of the system that it represents. A model emphasises the obvious aspects by illustrating the relationships between the main elements and by ignoring the irrelevant or less

significant variables of phenomena (Mouton & Marais, 1990:143). In this study, the models were designed as *conceptual models* that give a general indication of how something should function, what it should consist of or how it should be organised (Libarkin *et al.*, 2003:121).

The first model suggests a theoretical premise to enhance democracy by principled application of remedies, whereas the second model is a pragmatic implementation of the theoretical recommendations by application of suggestions such as establishing deliberative forums, improving education and enabling participation.

### **7.5.1. A model to remedy constraints to democratic school governance.**

The present model of school governance has significant shortcomings due to the varied contexts of South African schools (Karlsson, 2002:333; Visser, 2006:359; Naidoo, 2004:125 & par. 6.11). A model illustrating the constraints to democracy as well as possible remedies to the system is represented in Figure 7.2. The point of departure in the Figure 7.2- model is Column B, which enumerates the four key determinants of democracy (Column B), viz. power, knowledge, civic attitude and values.

The first determinant, power, depicted in Row 2, is used interchangeably with authority and refers to the ability to achieve certain ends or to impose a will on others (Rossouw & Van Rooyen, 2007:16). This ability is founded in a variety of sources, for example, democratic political authority (majority support), administrative authority derived *ex lege* or by delegation, financial authority and cultural authority derived from cultural norms (Rossouw & Van Rooyen, 2007:16). The items listed under power as a determinant of democracy, viz. political and administrative, financial and cultural power are derived from Habermas's model of modern society as life world and system (Wiklund, 2005:285). Habermas posits that three kinds of power distort deliberation, viz. political/administrative power in formal organisations, economic power that finds expression in the market and financial resources and cultural power that finds expression in values and norms generated in the life world (see par. 2.4.9.8).

The second determinant, knowledge, enumerated in Row 3, is derived from the indicators obtained from the empirical research. In essence, it was found that there is a lack of knowledge of Education Law, the meaning and content of fundamental rights (par. 5.11.5), roles and responsibilities of parents, educators, teacher's unions and school principals (para. 6.10.5; 6.10.6), theories of democracy (par. 6.11.3) and the underlying principles of democracy (para. 6.11.3; 6.11.6).

The third determinant, civic attitude (Row 4), was emphasised by ancient philosophers (par. 2.3.1.1), as well as democratic theorists such as Habermas (1998); Pateman (1970), Held (1987) and Gould (1988). The ideal civic attitude was itemised in Figure 2.3.

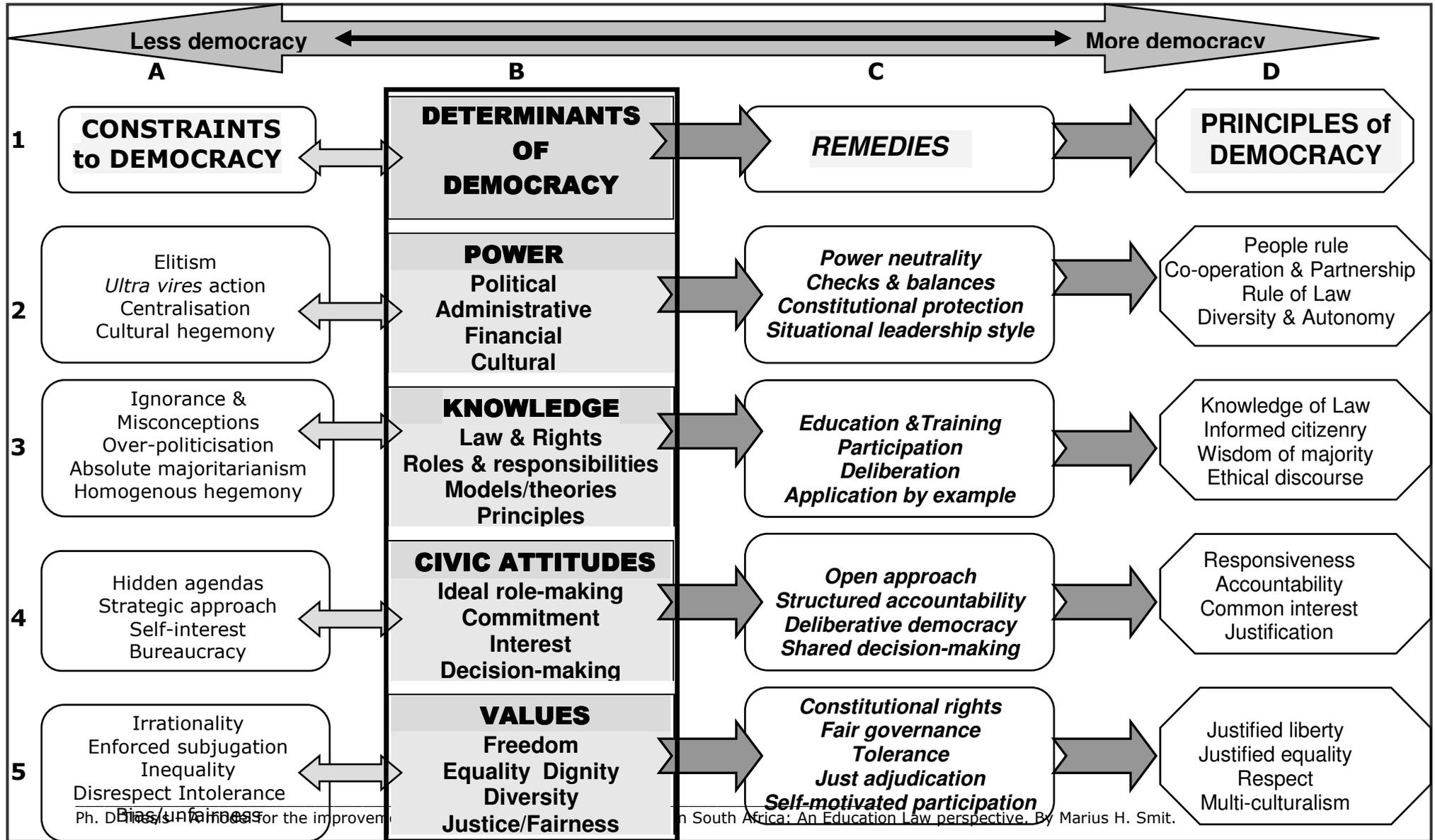
The fourth determinant, democratic values (Row 5), was derived from the Constitution (see par. 4.4). Aspin (1995:35) confirmed that the values of freedom, equality, dignity, diversity and justice are essential for democracy (see par. 2.4.11.1).

Column C of the model proposes remedies to enhance democracy and improve the tendency towards a more substantive and principled democratic system. The discussion of the proposed remedies is dealt with in paragraphs 7.5.1.1 to 7.5.1.4 below.

Systemic and attitudinal constraints to these determinants can tend towards less democracy (Column A). These constraints relate to distortions of the balance of power, misconceptions of democratic principles, ignorance of the law, self-interested attitudes and undemocratic values (Column A). The antitheses of these constraints are depicted in Column D which signifies the appropriate democratic principles in relation to the four determinants.

The constraints to legitimate democratic power are listed in Column A, Row 2. Elitism is the tendency to remove power from the people and to concentrate it in a few elite politicians and bureaucrats. Elitism is a result of the "realistic" Schumpeterian approach to democracy as discussed in paragraph 2.3.16. *Ultra vires* action is illegal conduct going beyond the competencies and enabling provisions of the law. Centralisation refers to the inclination to usurp power from

**FIGURE 7.2 A theoretical premise to improve democracy.**



lower echelons and to concentrate it in the higher hierarchy. Cultural hegemony is the dominance of one culture or language group and the propensity to marginalise non-dominant cultures by assimilation and/or subjugation. It is recommended that the remedies, depicted in Column C of the Fig.7.2-model, should be implemented in order to counteract the constraints to democracy in education. **[Recommendation 6 – Apply remedies of the Figure 7.2-model].**

#### **7.5.1.1. Enhancing democratic power (authority) (Column B, Row 2).**

The suggested remedies to improve democratic power (authority) (Column C, Row 2) include:

- **Power neutrality** in terms of the deliberative principle of generality (par.2.4.5.8). The principle of generality stipulates that all affected parties must be included in the deliberative process, the participation must be real (i.e. not merely symbolic consultation or manipulation) and a procedure must be established, either by means of a deliberative forum or a complaints office in terms whereof concerns or issues are identified. Also, the principle of generality requires that the membership of a school governing body should not be defined narrowly to exclude legitimate stakeholders;
- **Checks and balances**, viz. just and appropriate legislation, efficient and just administration, fair and just adjudication, as well as decentralised authority to enable participation (para. 2.3.9.2; 2.4.5.5);
- Constitutional **protection of fundamental rights** in order to allay the possibility of cultural hegemony, unfair discrimination and *ultra vires* state action (par. 4.4);
- the application of the **situational leadership** style for school governing bodies as suggested by Hersey and Blanchard (see par. 3.7.10). The situational leadership model is particularly appropriate for a variety of school governing bodies according to their levels of maturity, functionality and competency.

For instance, a command leadership style would be appropriate for school governing bodies with low maturity levels (M1). This means that incompetent, unwilling, uncertain or defunctive school governing bodies would be accorded a few functions with specific instructions and close supervision by an Area School Board. The M1

category of school governing body would have no discretionary powers with regard to financial decision-making and other policies (see Figure 7.3).

Incompetent but willing or motivated school governing bodies (M2) would be accorded more discretion and more functions regarding financial decision-making by an Area School Board. However, by virtue of the school governing body's limited competence, the discretionary powers must be accompanied with sufficient education, training and enough opportunity for clarification by the Area School Board (see Figure 7.3).

The next category of school governing bodies (M3) would have reached a satisfactory level of competence to entitle them to participatory discretionary powers. Accordingly, these school governing bodies would have full discretionary powers to be exercised by joint decision-making, co-operation and participation with the education authorities and stakeholders (see Figure 7.3).

Lastly, the mature, competent and motivated school governing bodies (M4) would have fully delegated authority to be exercised according to their own discretion and sense of responsibility (see Figure 7.3).

Constraints to the democratic exercise of authority are elitism, *ultra vires* action, increased centralisation and cultural dominance (Column A, Row 2). By consistently bearing the democratic principles of rule by the people, co-operation, partnership, the rule of law, diversity and autonomy in mind (Column D, Row 2) these constraints may be overcome.

#### **7.5.1.2. Improving knowledge of democracy (Column B, Row 3).**

In order to allay the constraints of ignorance & misconceptions, over-politicisation of schools, absolute majoritarianism, homogenous hegemony and single language dominance (Column A, Row 3), it is recommended that education and training of democratic principles and Education Law should be given to all stakeholders (Column C, Row 3). This aspect has been discussed in paragraph 7.4.1.2 above (see Recommendation 1). Application of deliberative democratic principles and

ethical discourse should enable stakeholders to become informed citizens that are able to participate in the affairs of the community and state (Column D, Row 3).

### **7.5.1.3. *Improving civic attitudes (Column B, Row 4).***

Civic attitudes of democratic citizens should ideally include the virtues of responsibility, obedience to elected leaders in authority, adherence to the law, tolerance of individual autonomy and private freedoms, courage and loyalty in times of strife, interest and participation in community and state affairs by frequent debating and voting on issues. However, in the modern era, the content of what it means to be a good citizen has become shallow and the power of political and socio-economic rights does not go hand-in-hand with the inherent quality and commitment to noble civic attitudes (Cunningham, 2002:111). In order to restore the efficiency and effectiveness of democracy, education about the noble civic attitudes and responsibilities of good citizens is essential (Tarrant, 1989:5).

The model recommends the following remedies (Column C, Row 4) to improve noble civic attitudes of democratic citizens:

- The education and cultivation of an open, rational approach to deliberation (Column C, Row 4). A closed approach constrains democracy by advancing discussions strategically with incorrect attitudes and hidden political agendas, which are not committed to finding collective solutions ((Column A, Row 4);
- The deliberative remedies of structured accountability and shared responsibility aim to counteract self-interested decision-making by emphasising the common interest of all citizens (Column D, Row 3). Structured accountability entails the establishment of formalised mechanisms and procedures such as inspections, audits, compulsory reporting and frequent feedback to the stakeholders;
- The open, rational approach should be enhanced by education and enabled by deliberative forums (Column D, Row 3).

These remedies are based on the democratic principles of responsiveness, accountability, common interest and justification of decisions through rational discourse ((Column D, Row 4).

#### **7.5.1.4. Enhancing democratic values (Column B, Row 5).**

As discussed earlier in this study (par. 2.4.11), the underlying values essential for democracy are (Column B, Row 5):

- Rationality: procedures based on justifiable reasons in which the fundamental principles of morality are implicit;
- Equality: All people are presumed equal until justifiable and reasonable grounds are given for treating someone or some group differently;
- Freedom: All people are considered to be free until good reasons are given for constraints to be applied or liberty to be limited;
- Tolerance: The right to be different and for people to choose their own life-options is respected insofar as it does not unjustifiably or unreasonably infringe the rights of others;
- Respect: The dignity of all people and the communal and civic interests of society are considered more important than the self-interest of the individual.

The constraints to appropriate democratic values are irrationality, enforced subjugation, inequality, disrespect, intolerance and unfairness (Column A, Row 5). The remedies to improve democratic values are the protection of constitutional rights through fair and just adjudication, the cultivation of tolerance for diversity (Column C, Row 5). The commitment to fair governance should avoid enforced subjugation, irrationality, inequality, disrespect and bias (Column A, Row 5).

Most of these recommended remedies of the model are contained in the theory of deliberative democracy. Accordingly, it is recommended that the principles of justified liberty, justified equality, respect and diversity (Column D, Row 5) should be applied to the education system in general and school governance in particular. The remedies proposed in the model of Figure 7.2 are learnt experientially through application and should be implemented to allay the constraints to democracy in the system. In particular, features such as training and education should be incorporated in order to promote the attainment of deliberative democracy in the system (see Recommendation 2).

### **7.5.2. The model of applied deliberative democracy for differentiated school governance.**

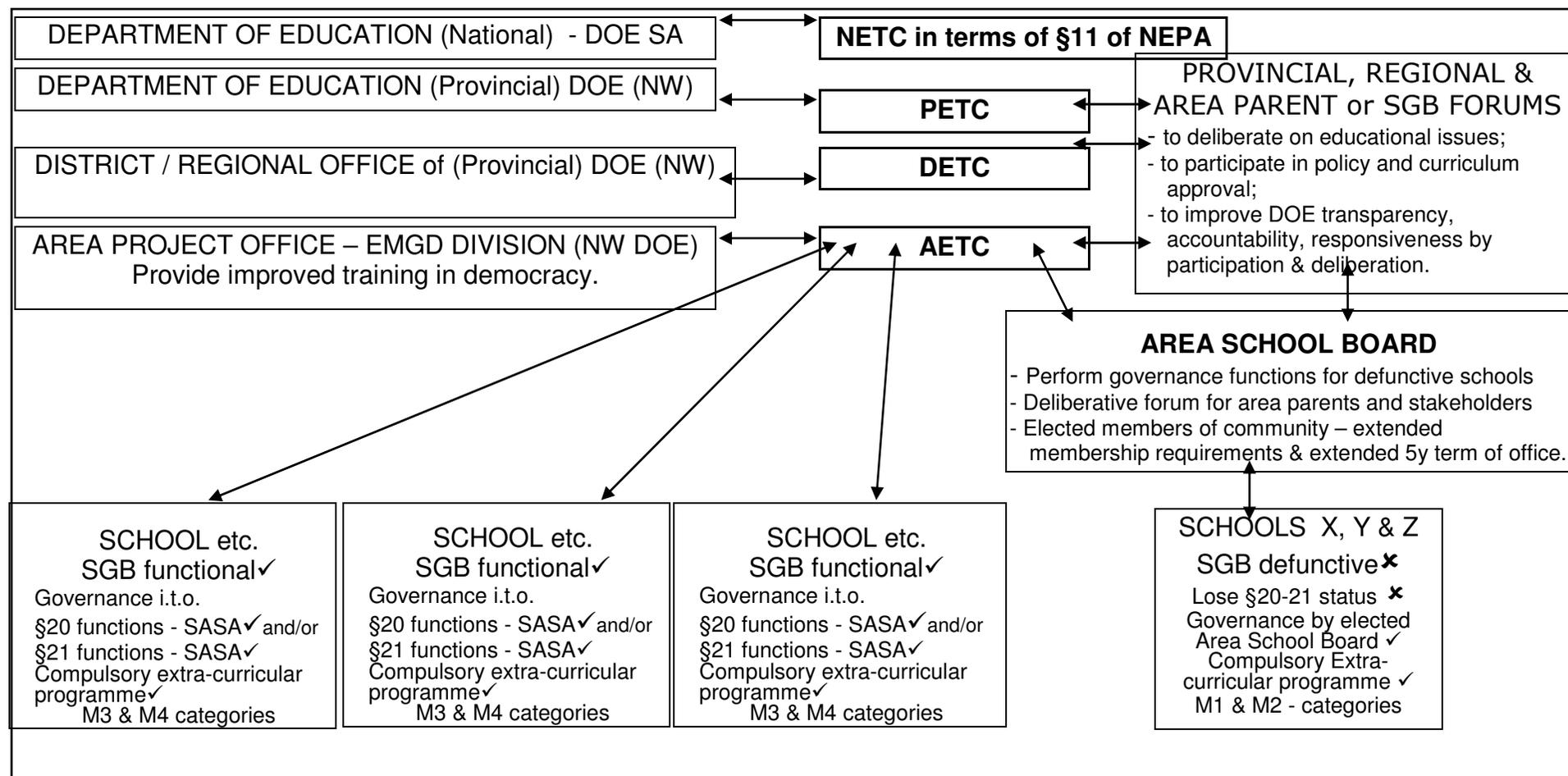
A number of scholars (Karlsson, 2002:333; Visser, 2006:359; and Naidoo, 2004:125) recommended the development of a new model. In addition, the findings from this research revealed that the present practice of school governance at no-fee schools and dysfunctional schools, in particular, do not accord with the model for school governance in the South African Schools Act (par. 6.11.5). The qualitative study (par. 6.11.7.4) clearly showed that a more differentiated model of school governance should be developed to address the shortcomings in the present model of school governance. Accordingly, by virtue of the research findings and conclusions, as evaluated and synthesised by the discussions of paragraphs 7.4 and 7.5, it is recommended that an improved model, which is diagrammatically illustrated in Figure 7.3., should be implemented to improve democratic school governance in South Africa [**Recommendation 7 – Implement the Model of Fig. 7.3**].

#### **7.5.2.1. Area School Board.**

Based on the theoretical premise of the Figure 7.2 - model to remedy constraints to democracy in the education system, the researcher recommends that a differentiated model of school governance should be implemented with the features depicted in Figure 7.3.

An Area School Board (ASB) should be established in terms of the South African Schools Act, 1996 for every school area to perform the functions of defunctive or dysfunctional school governing bodies [**Recommendation 8 – Establish statutory Area School Boards**]. Although the majority of school principals (69%) and school governing body chairpersons (70%) were opposed to the suggestion that school governing bodies should be replaced by more centralised “Boards of Education” in every district (Table 5.9, Item 16), this model suggests the centralisation of defunctive school governing bodies only. The reason for this suggestion is to limit the further centralisation of school governance to the area or district, viz. the town or geographical area closest to the schools. At present, section 25 only makes provision for the temporary replacement of defunctive school governing bodies for

**FIGURE 7.3 The model of applied deliberative democracy for differentiated school governance.**



three months. In order for this suggestion to be implemented, section 25 of the South African Schools Act would have to be amended *mutatis mutandis* (i.e. with the necessary changes). The purpose of removing the functions of defunctive school governing bodies is to improve governance in schools and to stimulate or encourage defunctive school governing bodies to improve their functionality.

*7.5.2.1.1. Extended membership requirements of Area School Board:*

The membership requirements to serve on Area School Boards should be extended to include competent elected parents as well as other competent elected persons willing to serve as board members [**Recommendation 9**]. Of course, this means that the board members need not necessarily be parents of schools but may *inter alia* be composed of business leaders, educators, school principals, school managers, education experts, management experts, community leaders, consultants and various other stakeholders (see par. 6.11.7.3). However, the board members should be willing to serve voluntarily in accordance with section 22 of the South African Schools Act for the sake of education and in the best interest of learners. Alternatively, it is recommended that membership be staggered to improve continuity and that only a half of the school governing body members should vacate their positions at the end of the term.

*7.5.2.1.2. Functional school governing bodies retain Section 20-21 status:*

The functional school governing bodies should retain their functions and rights in terms of sections 20 and 21 and other provisions of the South African Schools Act. In other words, the present Section 20-21 model of the South African Schools Act should continue and remain intact for functional school governing bodies [**Recommendation 10**].

*7.5.2.1.3. Schools governed by Area School Boards should be allowed to reapply for Section 20-21 status:*

Defunctive school governing bodies should lose their status after the process, as determined in section 25 of the South African Schools Act has been applied fairly and justifiably [**Recommendation 11**]. However, the parents of schools whose

school governing bodies have lost their Section 20-21 status should be allowed to reapply in writing to the Head of Department for the re-allocation of these functions. The Head of Department must consider the application and must decide on the matter within 14 days of receipt thereof. The onus of proof rests on the applicant-parents to make representations, according to prescribed procedure and conditions, by providing reasonable and convincing evidence that the Section 20-21 status should be re-allocated [**Recommendation 12**].

*7.5.2.1.4. Conditions for re-allocation of Section 20-21 status:*

The Head of Department may determine the conditions and requirements to be met by any prospective applicants. It is suggested that the Head of Department may decline to reallocate the section 20-21 functions if any or all of the following conditions have not been met (see Recommendation 12):

- the applicant parents must demonstrate and provide evidence of sufficient support (at least 51% of the parent body) for the application;
- the applicant parents must provide reasonable and convincing proof that they possess the necessary skills, capacity and competence to govern the school in accordance with sections 20 and 21 of the South African Schools Act. The onus of proof should lie with the applicants and should entail that the applicants show, on a preponderance of possibilities, that the prospective school governing body members possess the necessary skills, capacity and competence to adequately perform the functions of financial governance, administration and control of the schools infra-structure, fund-raising, service and support of the educator and management staff of the school. In addition, the applicants should prove that the prospective school governing body members have the skills, capacity and competence to perform the roles of a chairperson, secretary, treasurer and any other additional positions.

**7.5.2.2. Compulsory implementation of extra-curricular programmes.**

As discussed in paragraphs 6.11.7.2 and 7.4.1.5 above, at present, the responsibility for extra-curricular activities (sports and culture) at public schools is a complex legal arrangement. No specific mention of the function to provide an

extra-curricular programme is made in terms of section 20 of the South African Schools Act although section 21 allocates the additional function to school governing bodies to determine an extra-curricular programme. The complexity of the legal position confirms the necessity for a simplification of the measures and statutory provisions in respect of extra-curricular activities. However, much of the qualitative evidence confirms that compulsory extra-curricular programmes would be a definite improvement of the social and democratic climate in dysfunctional schools (see par. 6.11.7.2). In order to instil the values of democracy, it is therefore recommended that the education legislation be revised (amended) to provide for the compulsory provision of extra-curricular activities by the educators, with school governing bodies retaining an overarching responsibility and involvement (see Recommendation 5).

***7.5.2.3. Improved participation through additional parent and/or school governing body forums.***

In order to promote deliberative democracy in education, it is recommended that additional forums be statutorily established (see Recommendation 3). Section 11 of the National Education Policy Act (South Africa, 1996a) provides that the Minister of Education may establish a body known as the National Education and Training Council and other bodies. In addition, section 6 of the National Education Policy Act (South Africa, 1996a) determines that legislation and regulations may only be published in the Gazette or discussed in Parliament after consultation with:

- the National Education and Training Council, representing parents, schools and school governing bodies; and
- all the parties in the Education Labour Relations Council.

As indicated by Randell (2006:1) in paragraph 4.11.1 of this study, the National Education and Training Council has to date not been consulted by the Minister of Education.

It is reiterated that these forums and other bodies are essential for the foundation of democracy. These forums should include one or more of the following structures:

- A district parents forum to function as a deliberative forum for all parents of various schools, as well as concerned school managers and district administration officials;
- A provincial forum for representatives of parents or school governing bodies to function as a deliberative forum between elected representatives and the provincial head of department and other stakeholders;
- A national parent's forum to function as a deliberative forum between elected parents and the national department of education.

The rationale for the recommended forums is:

- to serve as a location where issues, needs and concerns in education and school governance or school management can be identified or tabled for discussion. This rationale for this suggestion is to improve the openness and responsiveness of the education system. The participatory principle of equal opportunity to influence decision-makers through inter-electoral processes, as enunciated by Pateman(1970) will find application in this suggestion;
- to participate in democratic discourse on educational matters such as national or provincial policies, or any issues of public and mutual concern. Once again, the rationale for this suggestion is to improve the openness and responsiveness of the education system. The practice of reasoning and participation in discourse empowers citizens to decide upon the rules and manner of their living together in a self-determining way (Habermas, 1997:41);
- to educate participants through experiential implementation and application of deliberative principles, or through specific training programmes to teach or instruct participants on the deliberative principles of democracy. The rationale for this suggestion is based on the principle, as enunciated by Pateman (1970), that participation educates citizens and stakeholders to transform their interests for the common good.
- to resolve educational concerns or issues by consensus (Habermas, 1997:57).

#### **7.5.2.4. Improved training and education on democracy and Education Law.**

The competency (qualifications, knowledge, skill, objectivity and integrity) of all decision-makers should be improved through training and education. In particular,

it is recommended that the EMGD-directorate should develop and provide training on the content of participative and deliberative democracy as well as improved training on Education Law at district level (see Recommendation 1, par. 7.4.1.2).

#### **7.5.2.5. Summary of discussion.**

The seventh research objective, i.e. to develop a model or models for the improvement of democratic school governance in South Africa, has been accomplished by the discussion, conclusions and recommendations of paragraphs 7.4 and 7.5.

### **7.6. SYNOPSIS.**

Based on the findings and conclusions of this discussion, the recommendations of this research are summarised as follows:

- Principles of deliberative and participatory democracy should be implemented and advanced in the education system and models of school governance;
- The competency of all decision-makers and stakeholders should be improved by providing specific training and education on the theories and principles of participatory and deliberative democracy, as well as Education Law.
- Additional deliberative and participatory forums, including parent forums and Area School Boards, should be established in terms of an amendment to the South African Schools Act.
- The rule of law should be vigilantly applied.
- The provision of extra-curricular programmes at all schools, including previously disadvantaged schools, should be compulsory to enable the improved attainment of the social and democratic purpose of education.
- Remedies to allay constraints to democracy in education, as suggested in the Figure 7.2-model should be implemented and applied.
- The Figure 7.3-model should be implemented and applied. This implies that the South African Schools Act should be amended to provide for a more differentiated model of school governance.

- Area School Boards should take responsibility for the governance of schools whose governing bodies are defunctive.
- The membership requirements and term of service for members of school governing bodies should be amended to improve the continuity.
- Functional school governing bodies should retain their status in terms of section 20 or section 21 of the South African Schools Act.
- Defunctive school governing bodies should lose their functions and status in terms of sections 20 and 21 of the South African Schools Act.
- Defunctive school governing bodies should be allowed to re-apply for the section 20 and 21 status according to the prescribed procedure and requirements as determined by the Head of Department.

### **7.7. RECOMMENDATIONS FOR FURTHER RESEARCH.**

The findings are limited to the focus of school governance and meso-level education administration in the North-West Province. Accordingly, the recommendations of this research are limited to the focus of this study.

However, it is recommended that further research be undertaken in respect of the following:

- The improvement of democracy in various locations (e.g. the classroom, the school, between unions and administration, other provinces etc.) and at various levels and spheres (local, provincial and national) in the education system;
- Further investigation into the applicability and relevance of theories of deliberative and participatory democracy in the education system;
- Investigation into methods of improving direct democracy in schools and the education system with particular emphasis on recent developments in digital and internet technology;
- Investigation of the adequacy and suitability of statutory law with regard to the improvement of democracy between various stakeholders in education, such as educators, unions, the employers, school management, learners and the administration;

- Examination of theories and methods of addressing the underlying tensions within the education system, in order to optimise the effectivity or to effect an improvement in education;
- The development of training material for educators, parents, school principals and education administrators to implement and demonstrate democracy within the school and education system.

## **7.8. CONCLUDING REMARKS.**

The seven objectives of this study have been accomplished and completed. Important insights, some new, into the nature and principles of participatory and deliberative democracy have resulted from this research. The empirical research provided a significant number of new insights and findings, and has also served to clarify previous uncertainties. The empirical research has validly and reliably determined the indicators of democratic school governance and the degree of democratisation at the meso-level of education in the North-West province with significant precision. The literature review, quantitative study and qualitative study confirmed the noteworthy phenomenon of the undemocratic attitude of intolerance by a sub-group of senior education officials towards Afrikaans single medium instruction at schools. The qualitative findings presented striking evidence of the over-policisation of dysfunctional schools by the dominant teachers' union. Furthermore, the qualitative study has reported on the quality of democratisation in schools and the meso-level of the education system of the North-West province. Finally, this research investigated the encumbrances to democratic school governance and developed a model to remedy the constraints to democracy as well as a differentiated model for improved democratic school governance in South Africa.

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**APPENDIX A: Letter to the Head of Department of North-West Education  
Department requesting permission to conduct research.**



NORTH-WEST UNIVERSITY  
YUNIBESITI YA BOKONE-BOPHIRIMA  
NOORDWES-UNIVERSITEIT

**FACULTY OF EDUCATION SCIENCES**

Tel (018) 018-299 4325

Fax (018) 018 299 4238

Email Marius.Smit@nwu.ac.za@nwu.ac.za

9 May 2007

Attn: Mr. H.M. Mveli

NORTH-WEST EDUCATION DEPARTMENT  
The Superintendent-General  
Private Bag X 2044  
Mmabatho  
2735

Dear Sir

**REQUEST FOR PERMISSION TO CONDUCT RESEARCH AT NORTH-WEST  
SCHOOLS**

I hereby request permission to conduct research at 401 schools in the North-West Province. I am a doctoral student at North-West University, Potchefstroom Campus and the title of my Ph. D thesis in education is: "A model for the improvement of democratic school governance in South Africa – an Education Law perspective."

The research methods will include a random survey of 401 primary, secondary and farm schools in North-West. The quantitative data will be collected by means of questionnaires to be completed by principals and school governing body chairpersons. Furthermore, I plan to conduct selected interviews with education administrators. The participation to the research would be entirely voluntarily and the content outcome will be confidential according to ethical guidelines.

The purpose of the study is to find ways to improve democracy in the schools and the education system. Should the North-West Education Department be interested in the findings and recommendations, it will be made available as required.

Kindly furnish me with a written permission and consent to conduct the research as requested.

Your assistance and goodwill is sincerely appreciated.

Mr. M.H.Smit  
Lecturer: Education Law

**APPENDIX B**

**Letter from the Head of Department of North-West Education Department  
granting permission to conduct research at schools.**



NORTH-WEST UNIVERSITY  
YUNIBESITI YA BOKONE-BOPHIRIMA  
NOORDWES-UNIVERSITEIT  
POTCHEFSTROOM CAMPUS

Private Bag X6001, Potchefstroom  
South Africa 2520

Tel: (018) 299-1111/2222  
Web: <http://www.nwu.ac.za>

The School Principal

**EDUCATION LAW**

Tel: (018) 018 299 4325  
Fax (018) 018 299 4238  
E-mail [marisus.smit@nwu.ac.za](mailto:marisus.smit@nwu.ac.za)

4 June 2008

Dear Sir

**RESEARCH QUESTIONNAIRES - DEMOCRACY IN EDUCATION SCHOOL GOVERNANCE, DEPARTMENTAL BUREAUCRACY.**

One of the ways in which education of our learners can probably be improved is through democratisation of the system, because education and democracy goes hand-in-hand. Democratisation entails the participation of parents in school governance as well as the democratic administration of the system by the officials.

Accordingly, in order to determine the extent and success of the democratic transformation process in the schools of North West Province, your school has been specifically selected to participate in this research. The approval of Mr. Mveli, the Acting Superintendent of North West Province has been obtained (see a copy of the departmental permission to conduct the research on the flip side of this letter).

Therefore, we kindly request that the questionnaires and consent form included herein be completed by the school principal and the chairperson of the school governing body and returned by or before 20 June 2008. The questionnaire will take approximately 20 minutes to complete. Please hand a questionnaire to the member of the SGB to be completed. Thereafter, kindly returned the questionnaires to our offices by fax to: 018 299 4238 or by post by means of the self-addressed envelope hereby included.

The results of this research will enable the education department to improve the democratic foundation of the education system and will empower schools and school governing bodies to assert their democratic rights. Please note that as a result of the careful selection of your school and the stakeholders it represents, it is absolutely essential to receive your response back. Without your answers the research will be of little value.

We sincerely thank you for your highly valued assistance and kindly request that you do not delay in answering and returning this questionnaire.

Yours sincerely

Mr. M. H. Smit  
Researcher: Education Law

**APPENDIX D****Consent form completed by respondents.****CONSENT**

I, the undersigned

\_\_\_\_\_ (*Full names & surname*)

declare that :

- I am aware of the nature of this research as it has been explained to me;
- I voluntarily consent to participate in the completion of this anonymous questionnaire;
- I do not have any personal interest in this research;
- I give the researcher permission to use the data for scientific purposes.

\_\_\_\_\_ Date 

2	0	0	8
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**Signature of respondent**

Signed at \_\_\_\_\_ (*Place – town / city*)

Witnesses:

1. \_\_\_\_\_  
(*Signature and name in print*)

2. \_\_\_\_\_  
(*Signature and name in print*)

=====

**TOESTEMMING**

Ek, die ondergetekende

\_\_\_\_\_ (*Volle naam en van*)

verklaar dat :

- ek bewus is van die aard van die navorsing wat aan my verduidelik is;
- ek vrywilig instem om die meegaande anonieme vraelys te voltooi;
- ek geen persoonlike belang in die navorsing het nie;
- ek toestemming aan die navorser verleen om die data aan te wend vir wetenskaplike DOELeindes.

\_\_\_\_\_ Datum: 

2	0	0	8
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**Handtekening van deelnemer**

Geteken te \_\_\_\_\_ (*Plek - dorp/stad*)

Getuies:

1. \_\_\_\_\_  
(*Handtekening en voorletters en van in drukskrif*)

## APPENDIX E

### QUESTIONNAIRE ON DEMOCRACY IN SCHOOL GOVERNANCE AND EDUCATIONAL ADMINISTRATION

#### Please note:

The questionnaire is anonymous. Your name will not be mentioned or linked to the information you supply – it is treated confidentially. Confidential information about person or individual school or organisation will not be publicised.

#### SECTION A: BIOGRAPHICAL and DEMOGRAPHICAL INFORMATION

Tick in the appropriate block or complete the appropriate answer in the space provided.

##### Example for completing Section A.

- Question 1: Your gender?

If you are male then cross as follows: Male .....  1  
Female .....  2

#### A.1. In what capacity are you involved / employed:

Senior official in NW Department of Education .....  1  
School principal. ....  2  
Member of School Governing Body (SGB) and parent ...  3

#### 2. Years experience in the abovementioned position:

0 to 5 years ....  1  
6 to 10 years ...  2  
11 to 20 years ..  3  
21 years > .....  4

#### 3. Career experience – total number of working years:

0 to 5 years ....  1  
6 to 10 years ...  2  
11 to 20 years...  3  
21 years > .....  4

#### 4. Your highest academic qualification

- Lower than matric .....  1
- Std 10 / Grade 12 .....  2
- National Diploma or Certificate (tertiary) .....  3
- Bachelor's degree or equivalent.....  4
- B. Ed / Honours degree.....  5
- Masters degree.....  6
- Doctorate .....  7

#### 5. Did you study any course or module related to law? (Tick one option only)

- None .....  1
- Diploma in Law .....  2
- Bachelor's degree in law (e.g. B. A. Law, B. Proc, B. Iuris).....  3
- Honours degree in law (LLB).....  4
- Masters degree in law (LLM).....  5
- Doctorate in law (Ph. D, LLD, JD).....  6

**6. As an education administrator / school principal / member of a school governing body, did you study or receive any training in education law?**

- |  |  |   |
|--|--|---|
| ▪ None.....  |  | 1 |
| ▪ Training course in education law .....                 |  | 2 |
| ▪ Teaching certificate in education law (e.g. ACE) ..... |  | 3 |
| ▪ B. Ed (e.g. module in Education Law & policy).....     |  | 4 |
| ▪ B. Ed (Honours) (module in Education Law) .....        |  | 5 |
| ▪ M. Ed or Ph. D in Education Law .....                  |  | 6 |

**7. Experience in education prior to appointment in an administration post, or in a management post or election as a member of a school governing body:**

- |                        |  |   |
|------------------------|--|---|
| ▪ 0 to 5 years .....   |  | 1 |
| ▪ 6 to 10 years .....  |  | 2 |
| ▪ 11 to 20 years ..... |  | 3 |
| ▪ 21years > .....      |  | 4 |

**8. Gender:**

Male .....

Female .....

	1
	2

**9. Age:**

- |                        |  |   |
|------------------------|--|---|
| ▪ 20 to 30 years ..... |  | 1 |
| ▪ 31 to 40 years ..... |  | 2 |
| ▪ 41 to 50 years ..... |  | 3 |
| ▪ 50 to 60 years ..... |  | 4 |
| ▪ 61 years >.....      |  | 5 |

**10. Home language: (tick one option only)**

- |                                |  |   |
|--------------------------------|--|---|
| Setswana .....                 |  | 1 |
| Afrikaans .....                |  | 2 |
| English .....                  |  | 3 |
| Other ( <i>specify</i> ) ..... |  | 4 |

**11. Type of School:**

- |                         |  |   |
|-------------------------|--|---|
| Primary .....           |  | 1 |
| Secondary .....         |  | 2 |
| Combined .....          |  | 3 |
| Special Education ..... |  | 4 |

**12. Geographical situation of your school: (tick one option only)**

- |  |  |   |
|--|--|---|
| Urban (Inner city) .....               |  | 1 |
| Semi-urban (Suburb / large town) ..... |  | 2 |
| Semi-urban (Township) .....            |  | 3 |
| Rural (small town / village) .....     |  | 4 |
| Rural (Farm School) .....              |  | 5 |

**13. Language of instruction at the school / in the province/region: (tick one option only)**

- |                                       |  |   |
|---------------------------------------|--|---|
| English .....                         |  | 1 |
| Setswana & English .....              |  | 2 |
| English & Afrikaans .....             |  | 3 |
| Setswana .....                        |  | 4 |
| Afrikaans .....                       |  | 5 |
| Other ( <i>Please specify</i> ) ..... |  | 6 |
| All .....                             |  | 7 |

**PRELIMINARY REMARKS TO ANSWERING SECTIONS B TO D.**

This questionnaire is a survey of your opinions and relates to all matters concerning democracy and education. Please note that the questionnaire is **not** a test of your competence. Keep in mind, however, that the statements do require careful and critical consideration before answering.

**SECTION B: UNDERSTANDING OF EDUCATION LAW AND POLICY**

Cross the answer / code that best matches the description of what you regard to be the most appropriate. The 4 point scale signifies the following:

Poor	Average	Good	Excellent
1	2	3	4

**Example:** In your opinion, how do you rate your knowledge and understanding of the Labour Relations Act 66 of 1996. *Cross 3 if your answer is good:*

1	2	<del>3</del>	4
---	---	--------------	---

Poor Excellent

**In your opinion, how do you rate your knowledge and understanding of the democratic principles of**

1. .. decentralisation of authority to school governing bodies? (i.e. power-sharing, participation between the government, parent and schools )	1	2	3	4
2. ... the Bill of Rights as embodied in the South African Constitution, 1996?.	1	2	3	4
3. ... the South African Schools Act, 1996?.....	1	2	3	4
4. .... the Employment of Educators Act, 1998?.....	1	2	3	4
5. .... the National Education Policy Act, 1996? .....	1	2	3	4
6. .... the Norms and Standards for school funding?.....	1	2	3	4
7. .... the Personnel Administration Measures (PAM)?.....	1	2	3	4
8. .... National Norms for Language Policy in public schools?.....	1	2	3	4

**SECTION C: PARTICIPATIVE DEMOCRACY, POWER-SHARING, SCHOOL BASED GOVERNANCE AND PARENTAL PARTNERSHIP.**

Please cross the answer that best matches the description of what you regard to be the most appropriate. The 4 point scale signifies the following:

1	2	3	4
No, I strongly disagree	I disagree	I agree	Yes, I strongly agree

**Example:**  
School governing bodies should regularly provide information about performance of governance functions. *Cross 4 if your answer is: Yes, I strongly agree.*

1	2	3	<del>4</del>
---	---	---	--------------

**To what extent do you agree/disagree with the following statements:**

1. Parental participation improves the effectiveness of a school.....	1	2	3	4
2. Our school cannot operate democratically because of time constraints .....	1	2	3	4
3. Every school should have an advisory parent’s council in addition to a SGB, to advise the school on matters that concern the parents with regard to education .....	1	2	3	4
4. Every school, not the provincial education department, should decide on the admission of learners to the school.....	1	2	3	4
5. Every school, not the provincial education department, should be accountable for performance (e.g. academic achievement) .....	1	2	3	4
6. Without monetary and other contributions by parents, the education system in state-aided schools will not function adequately .....	1	2	3	4

7. The provincial education department, not the school, should have the final say on the appointment of educators.....	1	2	3	4
8. In South African education, the majority's will should always triumph.....	1	2	3	4
9. Inclusion of mildly disabled learners into main stream schools should be compulsory for public schools in order to promote democracy.....	1	2	3	4
10. Parents, not the state, are the primary educators of their children. ....	1	2	3	4
11. In our province/ distric/school, the provincial department does not enable parents to participate adequately.....	1	2	3	4
12. The SGB's function of determining language policy of a school should be centralised to the education department.....	1	2	3	4
13. An education culture based on bureaucratic relationships is appropriate to prepare learners for democratic citizenship.....	1	2	3	4
14. In a multicultural society such as South Africa, bureaucratic control of education is appropriate to manage diversity .....	1	2	3	4
15. The provincial education department functions democratically by enabling adequate parental participation.....	1	2	3	4
16. SGB's should be replaced by more centralised and elected Boards of Education in every district .....	1	2	3	4
17. Provincial education departments should appoint educators to schools without recommendation by SGBs.....	1	2	3	4
18. Parents should be allowed to prevent the teaching of contentious learning material .....	1	2	3	4
19. In South African education, the majority's will should may not impede minority rights .....	1	2	3	4
20. One of the important purposes of education is to develop active democratic citizens .....	1	2	3	4

21. What are your thoughts or views on democratisation of the education system? Is it desirable or necessary? Has the education system been fully democratised? Please motivate. \_\_\_\_\_

**SECTION D: DEMOCRATIC CLIMATE IN SCHOOLS / THE EDUCATION SYSTEM**

Please cross the answer that best matches the description of what you regard to be the most appropriate. The 4 point scale signifies the rate of occurrence as follows:

1	2	3	4
Never	Seldom	Often	Always

**Example:** School governing body at my school has received adequate training from the education department. *Cross 4 if your answer is: Always.*

1	2	3	<input checked="" type="checkbox"/>
---	---	---	-------------------------------------

1. An effective strategy to improve education would be to improve democracy in schools	1	2	3	4
2. The members of the SGB in our province/school have been properly trained to perform their functions.....	1	2	3	4
3. In our province/ school, the teacher's union/s unlawfully interfere with the function of the SGB to recommend appointment of educators.....	1	2	3	4
4. The provincial education department appoints educators to schools without regard to the SGB's recommendations	1	2	3	4
5. In my opinion, there is adequate participation by parents with the national department over curriculum content .....	1	2	3	4

6. The provincial education department makes information about the performance indicators (such as successes or failures of the education system) available to parents	1	2	3	4
7. In our province /district/school, there is a tension between democratic rights of schools and bureaucratic actions of the education authorities.....	1	2	3	4
8. The SGB's in our province /district/school function effectively.....	1	2	3	4
9. In our province /district/school, parental participation is poor (inadequate) .....	1	2	3	4
10. In our province /school, parents have the freedom to determine the manner of religious observances (e.g. prayer, scripture reading, singing, worship etc.) in the school..	1	2	3	4
11. In our province/school, principals adequately enable parents to participate in school governance..	1	2	3	4
12. In our province/ /school, home language instruction is the best interest of the learners	1	2	3	4

13. In our province/ district/school, the teacher's union/s interfere with the SGB recommendations to appoint educators .....	YES	1
	NO	2

14. All Afrikaans single medium schools should be compelled to give English instruction.....	YES	1
	NO	2

15. In our province/district/school, it is workable to adequately include mildly impaired learners in mainstream classes.....	YES	1
	NO	2

16. In our province/ district/school, the principals control the functioning of the SGB.....	YES	1
	NO	2

17. In our province / district/school, the involvement of the provincial education department improves the effectiveness of education.....	YES	1
	NO	2

18. In our province/ district/school, the locus of control (i.e. place of power) vests mostly in: (*cross one number of choice*).

School management	School governing	Teacher's union/s	Education Department
1	2	3	4

19. I estimate the level of democratisation of the South African education system is: (*cross one option only*)

Mostly bureaucratic	Mostly centralised	Mixed (both centralised & decentralised)	Democratic
1	2	3	4

20. What are your views on the democratic climate in your province /district /school? Please motivate. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Thank you very much for taking the time to complete this questionnaire.** For enquiries: please phone M. Smit at 018 299 4325.

## APPENDIX F

## INTERVIEW GUIDE

**OPEN-ENDED QUESTIONS FOR SEMI-STRUCTURED INTERVIEWS.**

- What do you understand democracy to mean?
- According to your understanding, what does democratisation of education entail?
- What is the state of democratisation of the education system?
- How would you describe the democratic climate in schools/the province?
- What is your opinion of the present model of school governance in terms of the Schools Act?
- What is your view on parental participation in respect of democracy and school governance?
- What can be done to improve the education system?
- What is the purpose of education?
- What is your understanding of inclusive education with regard to democratisation of the education system?
- How democratic is the appointment of educators in this province?
- With democracy in mind, what are the tensions in the system?
- How do you understand democracy in schools and the maintenance of learner discipline?
- What are your view of minority rights in a democratic education system?
- What is your opinion of Afrikaans single medium schools?
- How do you understand the school principal's role when serving on a school governing body?
- Is there conflict/tension between the bureaucracy of the department and the rights and functions of school governing bodies?

**APPENDIX G****INTERVIEW SCHEDULE**

- **Interview 1 with a Senior Official A of North-West Province;**
- **Interview 2 with a Senior Official B of North-West Province;**
- **Interview 3 with a Senior Official C of North-West Province;**
- **Interview 4 with a Senior Official D of North-West Province;**
- **Interview 5 with a Senior Official E of North-West Province;**
- **Interview 6 with a Top Official F of North-West Province;**
- **Interview 7 with a Senior Official G of North-West Province;**
- **Interview 8 with a Senior Official H of North-West Province.**

1 **APPENDIX H**

2 **EXAMPLE OF AN INTERVIEW TRANSCRIPT (INTERVIEW No. 6)**

3 **DATE: 15 OCTOBER 2008.**

4 **PLACE: CONFIDENTIAL**

5 **PARTICIPANT: F (Top Official of North-West Province)**

6 **RESEARCHER: N (M Smit).**

7

8 **N: Just to recap my undertakings, the interview is confidential and**  
9 **anonymous. As explained, my research is about democracy in education**  
10 **and, more specifically, democracy with regard to school governance.**

11 **My starting question is: How do you understand democracy and what are**  
12 **the features of democracy?**

13 S: Democracy for me is about participation and involvement of people who are  
14 affected by any decision of any state organ or individual in an official capacity or  
15 within an organisation.

16 **N: There are different models of democracy as democracy has developed over**  
17 **the centuries. One model was liberal democracy, and there is social**  
18 **democracy and also, participative democracy. Many people have a difficulty**  
19 **in distinguishing between the political part of democracy and the**  
20 **participatory part of democracy. Do you see such a problem in the**  
21 **education system?**

22 S: Yes, I would say there is that problem of distinguishing between the two.  
23 Although I don't know the distinct features of the two, but essentially, education is  
24 largely politically driven. The other matters are always translated into the broader  
25 political agenda.

26 **N: Many of the educators and school governing body members say that**  
27 **schools are politicised. They are very political with regard to the unions or**  
28 **even the learner representative councils etcetera. Would you agree with**  
29 **this statement and would you say this is how it should be in an education**  
30 **system, with regard to democracy?**

31 S: My view is that in our context, maybe we have gone to the other extreme in the  
32 sense of somewhat over-politicising everything. ...to the extent that, I think it has  
33 an impact on the quality of education. We all aspire to have an effective and  
34 democratic education system, but the level of political activism is stifling  
35 effectiveness of the system. So, yes, there is over-politicisation of education;  
36 there is somewhat over-interference by the teacher organisations. But, of course

37 there are some teacher organisations that are very professional and that  
38 understand their role. But the dominant teacher organisation seems to think that it  
39 is running the system and teachers are not doing what they are expected to do.

40 **N: So, now, if I can mention a few features of democracy ... you have**  
41 **mentioned participation already but, perhaps as sub-categories of**  
42 **participation, there are features like transparency and accountability and**  
43 **responsiveness. Would you say the education system in the North-West**  
44 **Province is functioning democratically in terms of transparency,**  
45 **accountability and responsiveness?**

46 S: I would say that we are not 100%. I am also involved in education responsibility  
47 as a topic ...(*recording unclear*)... And what I am beginning to pick up in my  
48 investigation is that you can't expect accountability where you don't provide the  
49 necessary support and resources. So quite clearly, I think we are halfway there  
50 but not meeting all those criteria.

51 **N: Democracy is a process, is that not so?**

52 S: Anyway, ja. We are always along the way of working towards achieving and  
53 improving the system ...(*recording unclear*)..., I guess ...ja.

54 **N: In terms of the SA Schools Act a lot of functions have been decentralised or**  
55 **devolved down to down to the school governing bodies. For instance,**  
56 **certain policies that can be made like the admission policy (within the**  
57 **guidelines of national and provincial legislation); functions like language**  
58 **policy, religious policy and so forth. But in the literature and the news, and**  
59 **there are some court cases that show that some of these functions are**  
60 **being taken back or centralised, to an extent, by the province or by national**  
61 **government. What are your views of that?**

62 S: Well, I was the first person that pointed out that there has been centralisation. I  
63 mean, I don't know how many times the South African Schools Act has been  
64 revised or whatever you call it, but gradually there has been that centralisation of  
65 ...Not only at the level of the school but also from the level of the province  
66 towards national government. So I do pick that one up. The latest amendments to  
67 the Act ... the Education Laws Amendment Act, is a very clear indication of  
68 centralisation. And it is contrary to what is happening in other countries where  
69 you know that there is a move towards decentralisation of responsibility. But we  
70 increasingly administer the system from the centre because of the large scale  
71 dysfunctionality of schools ...(*recording unclear*)... And it is a worry, but  
72 unfortunately that is the way it is.

73 **N: Which areas do you think there is more centralisation?**

74 S: Largely, I think, centralisation has to do with issues around recruitment at the  
75 level of the school where the Head of Department has to okay the whole  
76 provision. That provision defines even, maybe, our history... So there are  
77 restrictions imposed on certain functions. It is not like the school governing body  
78 has got a free will to do certain things. There are many guide rules and  
79 frameworks within which they have to operate. But the key one is the roles and  
80 responsibilities of the school governing body in terms of appointing staff. But  
81 again, there is a clear distinction now between what is called "the  
82 managerial/administrative responsibilities" of the state and state officials as  
83 opposed to governance by school governing bodies. Because, until now, there  
84 has been that confusion as to how far does the power of the school governing  
85 body goes vis-à-vis the state departments. So that has been a very seriously  
86 contested terrain. I think, that's why you have this understanding. So that your  
87 principal is now held accountable for what happens at the level of the school. In  
88 the past there were misunderstandings and conflicting interpretations. We had a  
89 situation where the principal would say "Well, the school governing body said  
90 this.." So now there is clarity of what the principal is expected to do in terms of his  
91 rights and functions and how to be made accountable when serving on the school  
92 governing body.

93 **N: does this clarity come as a result of the amendment to the South African**  
94 **Schools Act in terms whereof it now provides that the principal is a**  
95 **representative of the Head of Department when serving on the school**  
96 **governing body?**

97 S: Yes, that is what it means. It means that the principal now clearly knows who is  
98 the boss. It is a line function responsibility, as it now stands, and in terms of how  
99 he relates to the school governing body, it differs somewhat. In the past some  
100 confusion was brought about when some principals did not know whether the  
101 school governing body was their employer. So there was that tension.

102 **N: One other instance where there is, perhaps, some tension is language**  
103 **policy. There have been court cases in Mpumalanga, the Western Cape and**  
104 **Northern Cape where some of the single medium Afrikaans schools have**  
105 **been forced by the Education Departments to change their language policy,**  
106 **whereas the Schools Act provides that it is the school governing body'**  
107 **function to determine the language policy. How do you see this issue?**

108 S: I don't know, in a way I am in agreement by the changes brought about because  
109 the challenge for us was always that language was used to exclude. To some  
110 extent I also felt that it was contrary to the Constitution. I mean there are

111 contradictions in our Constitution. For instance, if you pronounce that there are  
112 eleven official languages, it becomes very difficult, some of these issues. How do  
113 you come up with eleven official languages? All of them with equal status. But in  
114 the end, anyway, these things sort themselves out because the parents choose  
115 the language for their children. But in particular reference to using language to  
116 exclude, at times, it was not just an innocent adherence to the policy. It was also  
117 a deliberate effort not to bring other people into the schools. Because education  
118 is about access. Access to public education and access to public resources. Now,  
119 if you look at all the previously advantaged schools that are well resourced, those  
120 who tend to be exclusively Afrikaans, and you then maintain that situation, you  
121 don't have a situation where you could have some kind of integration. Now,  
122 language there ... it was always used as a barrier. And that is a serious concern  
123 for us from the point of access.

124 **N: What do you say about international evidence and research that confirms**  
125 **that mother tongue education is the best, especially for the younger**  
126 **children before they switch over to the second language? What are your**  
127 **views on mother tongue education?**

128 S: Look, I do agree with that to some extent, but I also have fundamental problems  
129 with that. When you talk mother tongue, the assumption is that you have a very  
130 strong case with your mother tongue that will enable you to bridge the gap from  
131 mother tongue to second language and so forth. But when you analyse and look  
132 at the youngsters nowadays, their exposure in terms of language ...they have  
133 more exposure, and I am talking townships and urban areas, ... to the dominant  
134 language, English, because they use it on TV and so forth. But when you go to  
135 rural areas, there obviously you really need to work on that strong foundation so  
136 that it serves as a bridge. But a good example in our schools of how mother  
137 tongue enhances learning is the Afrikaans-speaking learners who study in  
138 Afrikaans right up to high school. Many of our top performing schools, obviously,  
139 are those Afrikaans speaking schools. So there is merit in that because you have  
140 a very strong foundation on which you build. But if you look at the blacks  
141 generally, they don't have that kind of grasp in terms of the level of development  
142 of their languages ...*(recording unclear)*... So there are many variables, rather than  
143 just looking at the language, the mother tongue. There are many factors that  
144 come into play. The child's culture ... I can call it, whatever culture you bring to  
145 the schools influences a child's ability learn and ...*(recording unclear)*... But it also  
146 goes with resources. It goes with all kinds of things. So, inasmuch people say  
147 mother tongue instruction, but I think you need to look at the context, you need to

148 look at the background. Actually, if you conduct research now on a modern day  
149 child and check whether the argument is still valid, you might come up with a  
150 different conclusion rather than that. So, we are under pressure as an Education  
151 Department today to insist on mother tongue instruction. But the parents know  
152 exactly what they want for their children. It is not just about mother tongue, it is  
153 about access to step out of an economic dead-end to a world of greater  
154 opportunity with ...(*recording unclear*)... It is about whether that language will  
155 enable you to take up a dominant role in the economy of the country. Whether  
156 you can communicate in the common language and gain access to opportunities  
157 and so forth.

158 **N: So you say there are many variables. I am thinking, one of the variables is**  
159 **the literacy rate of the parents ...**

160 S: Exactly, ja.

161 **N: But there is research that has been done on languages at our university**  
162 **that indicates that many parents misunderstand how languages are learnt.**  
163 **They think a language is learnt intuitively by exposure; whereas most of the**  
164 **normal people don't manage to learn a language simply by exposure. The**  
165 **research shows that only the very gifted can learn a language intuitively by**  
166 **exposure. Most average people learn a language by struggling with the**  
167 **grammar and the vocabulary and it is a long process of teaching, not just**  
168 **exposure. So, isn't that a problem where parents require English education,**  
169 **for instance, whereas they don't understand how a language is learnt?**

170 S: For me the issue about language is about how you define quality education.  
171 Language is about accessing any content like geography etcetera. So, I don't  
172 believe your language is in your genes. You know, the idea that because you are  
173 *formulated* in a particular way, so you behave in a much more articulate manner  
174 in that language. Like all the other things, you learn it. There are some of our kids  
175 ... depending on ... it is about quality education. If it is done properly right from  
176 the word go. I mean, your pre-school education, they pick it up so easily. And in  
177 the end, in my view, particularly when you look at issues of resources, instead of  
178 spending billions trying to develop languages that are not developed, you would  
179 rather spend those billions trying to develop the language that you prefer and  
180 use, because it also about your affinity to that language. What it has for you, and  
181 people go out of their way and do things that they formally could never do. Look  
182 at ... I mean, I have looked at the development of Afrikaans. Afrikaans is not just  
183 free. People work at it. You had cultural organisations working at it. You have a  
184 lot of resources invested in it. Today it is one of the most developed languages.

185 You can take it even up to university level and you can go beyond the country  
186 and so forth with that language. So, there is a very thorough grounding of  
187 Afrikaans, but it is because of the resources. Now, you might endeavour to  
188 multiply those resources by eleven. If you want, you cannot achieve that. Fact is,  
189 if we choose English then as the medium of instruction, why don't we put in all  
190 those resources into that language. Because the other worry that I have, if you  
191 continue to propagate the equality of languages, which is fine in terms of affirming  
192 equality, but in the end you might be moving towards division. There is also the  
193 question of ethnicity. You need a language that can unify people and the more  
194 you affirm languages, the more other people feel that they are on the margin. And  
195 that can create tension at the broader political level. So, you might have to say  
196 that in terms of unity, it is not only the flag that can unify. You also need to do  
197 certain things, because with language you also communicate certain values. In  
198 fact, the Americans, they are very proud of their country. Whether they think they  
199 are not working, but they are Americans and they go for it. So I think we also  
200 have a danger in South Africa. Inasmuch as we want to affirm the languages,  
201 which are I am very much in favour of, but when you access government  
202 resources, there must be opportunities for you. If you want to use your mother  
203 tongue, by all means use it. But if you try and push it, I don't think we have the  
204 resources to develop all the languages up to the level that they can be useful.  
205 And, it can't just be the schooling system that is responsible for the development  
206 of languages. It takes a whole lot of players starting from the parents to special  
207 organisations, cultural organisations, the church and other dedicated  
208 organisations to help develop a language. That's how you build a language. And  
209 the culture ... When you talk culture, no culture is static. So, there are many-  
210 many challenges around that, yes.

211 **N: Would you say there are tensions between the departmental officials and**  
212 **the politicians in a province, or ... in this province?**

213 S: There will always be. We talk about the political vs. the administrative. That will  
214 always be there. And that tension is in the way we are organised. It is just bound  
215 to cause that tension, particularly at provincial level. I mean, some of the  
216 decisions we take in education are not educationally sound. For instance, you  
217 look at how a teacher uses the curriculum. It is a political imperative, we  
218 understand, but do you really know what it means to introduce a new curriculum  
219 in terms of teacher support and in terms of new resources. So the tension is  
220 largely about what is administratively possible as to what is politically expedient.  
221 The politicians think they can change the world overnight. You, given the

222 resources and your own understanding of how change should happen ... That in  
223 itself is a recipe for tension. In this country in particular, we have just produced  
224 policies like these without costing them. We have so many unfunded mandates  
225 and all these things that should come ...(*recording unclear*)... That is why we are  
226 not doing anything successfully. Because people are spread thinly, because of all  
227 these things that just come. I mean, at times, I really pity the principals. There are  
228 so many balls in the air that they have to keep there. All policies converge at the  
229 level of the school and certainly, we don't even bring in the necessary resources  
230 to ensure the implementation.

231 **N: So what do you think, is there a solution?**

232 S: I think, when we stand in government, we are very clear that if we have policies,  
233 we also have people that can articulate those policies. It was imperative for  
234 government to say, let's make sure that the heads of department are the people  
235 that can drive the transformation process. And in doing that, we then have to  
236 affirm that we should do and implement what is practically possible ...(*recording*  
237 *unclear*)... even those who are not to be fixed ...(*recording unclear*)... to deal with  
238 some of these major challenges. It was just a question of ensuring that the  
239 policies are implemented. But in reality and in practice, even in the cause of state  
240 not everything is possible... (*recording unclear*)... there are many bureaucrats,  
241 the political mandates given, and they will implement. We need to begin to  
242 separate the manner in which we recruit for public service. Political  
243 considerations dominate everything that we do. We need technical expertise. The  
244 problem that we are facing and the fact that we cannot even lean on some of the  
245 very important policies, is at times the lack of technical expertise. We do have a  
246 lot of politicians at call, but we don't have administrators that can make sure that  
247 the nuts and bolts are in place. You have the situation that the Member of the  
248 Executive Committee (MEC) and the Head of Department are competing for the  
249 same political space. Now, Botswana has something like, what they call a  
250 Permanent Secretary, who is in charge of education in the department. Whatever  
251 happens, and those political needs that have to be met, the Permanent Secretary  
252 remains in place even if there is a change in government, but at the end it means  
253 that you are on solid ground. And it works. But if you have that very close link  
254 between the administration and the political orientation, chances are that if things  
255 change dramatically on the political front (which change anyway), then that  
256 affects your administration. And then the administrative capacity of the state is in  
257 labour ... (*recording unclear*)... struggling to perform on it's mandate by the  
258 political process. Directly so, and I'm not saying, that if you have those changes it

259 will not affect them. But if its link is so tight, then it diminishes the whole  
260 foundation on which the administration is based. Look at the example of your  
261 local governments. Most of them are just not up to it because there are more  
262 politicians that don't know what service delivery is all about.

263 **N: Earlier you mentioned that even the schools are politicised to a large**  
264 **extent. It has come to light, from previous interviews, that the high level of**  
265 **politicisation might even start at the learner representative council**  
266 **members who are identified to have political ambitions, and then it might**  
267 **go on to the union representatives that strive for a political appointment in**  
268 **administration and so it goes on as the politically ambitious try to move up**  
269 **the hierarchy. So, how do you handle, or what should be done, to address**  
270 **the high levels of politicisation at school level? .....** recording interrupted.

271

272 **Continuing with the recording of the interview with F (Top Official).**

273

274 **N: Is there a way of changing the tension between politics and technical**  
275 **expertise by starting at school level?**

276 S: For me, the fundamental problem is that we must just do the things that we are  
277 supposed to do. Learners must learn, teachers must teach, managers must  
278 manage, do those things that they should. Everybody must know their space with  
279 this whole set-up. Look, I'm all for learners having their say in the running of the  
280 school, but it also depends on the context and the environment. If this is done at  
281 the level of dysfunctionality that is in the schools, then nothing can be done. But if  
282 you have a manager who is managing his school, then there is nothing wrong  
283 with having all those parties have their say to improve the education. But it goes  
284 with a kind of leadership and management and having clearly defined roles. Our  
285 biggest problem is that, at times, some of our principals are even recruited from  
286 the very unions. Not by virtue of being capable, but because they might have  
287 made the loudest noise in their unions and because of political considerations.  
288 Now you put this man here, he has no idea what management is about. And so it  
289 goes, one example after another. So it's about everybody having the  
290 competence. It must be the starting point. Of course, there will be other  
291 considerations. You know, you cannot always have competence at 100%. But  
292 certain basics must be taken into consideration. If you say that you are competent  
293 as a manager, at least you must have some kind of management experience,  
294 including teaching. You know, all these things, you must have shown some  
295 capability. If you push it the other way, then we are really running into serious

296 problems. So there is space for democracy, but democracy needs a very  
297 controlled medium to grow in and to flourish. You need an environment that is  
298 conducive for that. Not to the extent that democracy means not doing what you  
299 are expected to do. Democracy is about everybody doing what they are expected  
300 to do, everybody being accountable, you know, being responsible for whatever  
301 they are doing.

302 **N: So are you saying that in a democracy there must be rules?**

303 S: What I am saying is that at the heart of democracy is responsibility. People shout  
304 their rights but not their responsibilities. If we have that balance, then we should  
305 be fine.

306 **N: If I can move onto school governance and school governing bodies, many**  
307 **of the school governing body members say that they have not received**  
308 **enough training and then after a year they resign and do not want to serve**  
309 **on the school governing body anymore. Then there must be by-elections.**  
310 **And then the school governing bodies are re-elected every three years. One**  
311 **of ideas is that because school governing bodies are not functioning so**  
312 **well, the suggestion is that school governing bodies be replaced by a more**  
313 **centralised structure or body at district level like a Board of Education or**  
314 **whatever you want to call it. What are your thoughts on that?**

315 S: Look, I hope it is still there that they can have one school governing body for a  
316 cluster of schools. But I don't think we have exercised that. I am all for that. But  
317 firstly, I don't necessarily agree with the Schools Act that only those parents  
318 whose children are in the school should be the only ones who can serve on the  
319 school governing body (excluding others that can be co-opted). In some areas,  
320 really we are losing a lot of experience and expertise. Parents, if you are a  
321 parent, you will always have a vested interest. That is the first thing with which I  
322 have a problem. And it doesn't mean that if you are a parent you will always have  
323 a vested interest. Even where you don't even have any knowledge. Whereas the  
324 man next door might have much more vested towards the education of your child.  
325 So, I don't think that that provision is serving us. Particularly in those areas where  
326 there is a high shortage of skilled people to serve on the governing body. That's  
327 the first thing then to expand the qualification of someone to be able to serve on a  
328 school governing body. The second one is the three year period. I don't think it is  
329 really helpful. Because from a department's point of view, you train these people  
330 during the first year. I mean, the first year is a storming and they want to know  
331 everything. Come the third year when they are actually on a roll, and now they  
332 have to exit. It's not helping us. You could build in permanency or some

333 sensibility in there in terms of one post vacancy or how to go about it. But go and  
334 measure, even from a resource point of view it is very difficult for us. Most of the  
335 time we get new groups and we train them and by the time they are getting to  
336 understand, then they are out. So, for me those are the two fundamental  
337 problems that I have with the South African Schools Act as it currently stands.

338 **N: As I understand it, the idea behind devolving functions to the school**  
339 **governing bodies is to improve participation by the parents. Now if you take**  
340 **the functions away from the school governing body by centralising it or**  
341 **making a cluster, are you not going to lose out on participation?**

342 S: Yes, but you will still be having parents. You know, in one cluster there might be  
343 ten schools. As to how you elect the members to serve at the cluster level ... you  
344 know there could be those mechanisms. For all of them, there cannot be a  
345 difference between parents from School A and parents from School B in terms of  
346 making a contribution. So, once you have a democratic process in terms of how  
347 you go about appointing school governing body members. For me it would serve  
348 us so much better than having a disjointed or dysfunctional SGB. Some of them  
349 actually work against the objectives of the school, because some of them are  
350 close to where things are happening and they also have their own vested interest.  
351 So, either way, I don't even think that the model of SGB parents has all of those  
352 benefits. At times, it's not participation of the majority of the parents; it's only one  
353 or two people who are actually serving and those contribute to the governing  
354 body and they make certain decisions. At times, the principals are using it where  
355 the parents are not knowledgeable. Some principals tend to dominate the school  
356 governing body and they are not adding any value. So, I don't think even as it is  
357 now, and I'm talking of the majority of cases. Of course, there are others, for  
358 instance around Potch, you have very strong school governing bodies. Those are  
359 fine; they don't have a problem. I don't believe in a one cap fits all kind of a  
360 scenario. If you analyse the area it could well be that this area would be best  
361 served with a kind of a cluster school governing body. And where parents are all  
362 catered for, by all means, because at least there you have parents making their  
363 contribution. But in other areas, you actually don't have democracy. You have  
364 some autocracy. You know, either the chairperson of someone else. Some of  
365 them are even more dominant than the principal. Where they are weak, then the  
366 principal takes over. So, we don't have democracy in many of our schools. So,  
367 rather use another model where there is at least a semblance of participation.

368 **N: So, if you think of possible other models, one of the ideas that has been**  
369 **mentioned is that the well functioning school governing bodies should**

370 **retain their functions, but for those school governing bodies that are not**  
371 **functioning well, one should think of a different model like a cluster or a**  
372 **Board of Education. It is similar to the provision in the Constitution that the**  
373 **national department may take over the functions of provinces that are not**  
374 **performing well.**

375 S: Ja, section 111.

376 **N: Yes, what are your thoughts on that idea?**

377 S: I think that would be brilliant, because even now, I tell my managers – you must  
378 profile your schools and those that are running well; there isn't the support that is  
379 needed and they can be left to continue. But there are those that are in ICU and  
380 they really need real support. So, you cannot paint them all with the same brush.  
381 It can't work. So that is why, instead of spending my efforts on the things that are  
382 working, why don't we concentrate our efforts of those in need, until they have  
383 reached a stage where we can say that at least now they are working. Even in  
384 the South African Schools Act, you know, you can decide what powers to give.  
385 The school governing bodies can apply for additional powers in terms of section  
386 21. So, I think we need to do that. That does not appear to be a problem. If we  
387 get then, not in terms of a one cap fits all approach, but say schools at that level  
388 that are working ...(*recording unclear*)... So, if they are at eighty and you have a  
389 governing body who thinks they can lift their functionality to ninety, then allow  
390 them that scope. So now, in this situation, just decentralise your functions as long  
391 as you ensure that you still have your powers. It should be a very flexible thing  
392 that acknowledges; it punishes and awards. That kind of a model, I would go  
393 along with.

394 **N: Some of the suggestions to change the dysfunctional climate in schools**  
395 **were to focus more on extra-curricular activities to occupy the learners and**  
396 **to develop them more culturally and in sport etcetera. Now, that would**  
397 **require of educators to work longer or for coaches to be made available.**  
398 **What do you think of that idea?**

399 S: It's a brilliant idea. Except there are some schools in situations, and this is the  
400 saddest thing about dysfunctional schools, where your educators are not  
401 residents in the area. They commute to get to work and as a result they are not  
402 part and parcel of that community, they don't identify with that community. And I  
403 think that's where many of the schools are losing touch with their immediate  
404 community. I mean, our ideal for an educator to be part of the community and  
405 they have things on Saturday and they are part of that, that is not anymore with  
406 many of our schools. So, culturally that educator cannot make a contribution or

407 be involved in sport coaching ... (*recording unclear*)... But, I think our approach to  
408 dysfunctionality, and there I would agree with you entirely, it has always been that  
409 it is only through academic progress that we can achieve things. Certainly, we  
410 can be affirmed in different ways. Some might excel in sport ...and once we excel  
411 in sport, then we are acknowledged and then it has an influence on the way you  
412 perform in academics. I think it is because you know that you are now affirmed.  
413 You know you are respected. Now, if you judge your learners by whether they  
414 can read or write narrowly within the classroom context, we are losing the total  
415 human being. And I think that is where we come very short. I mean, it would  
416 adoptable, which I think is a very good approach, and you might even within the  
417 community identify some volunteers that will coach these learners after hours. So  
418 there are many approaches and it is not just about the ABC; it is also about the  
419 other. And then where there are gaps you can get volunteers within the  
420 community, and we can even introduce a stipend. I mean, those things can  
421 happen. But I think we are still very narrow in the way we view dysfunctionality. A  
422 lot of those things outside the formal academic curriculum, actually strengthen the  
423 schools.

424 **N: So, what you have touched on is that the other function of education, apart**  
425 **from the academic function, is the social function of education. So, do you**  
426 **think that the extra-curricular activities will uplift the social function more.**

427 S: I think it would uplift the total human being. It would also add a lot of value in  
428 terms of the involvement of the community. I mean, we have brilliant ideas that  
429 never get completed. We once talked about schools as centres of community life.  
430 Now, that simply states that the community would take their active role within the  
431 way the school is managed and the way the school is run and contribute their  
432 skills. The other day I attended a conference in Durban. There were models from  
433 Papua-Nieu Guinea where the entire community ... We were told that those are  
434 very little islands, and they are challenged in terms of resources. They just bring  
435 the entire community and say that this is what we want to achieve and each one  
436 will come and say that I can do this, I can contribute that, within the broader  
437 school development plan. So we haven't explored some of the potential that is  
438 there. There are many models, but I think we are just very narrowly focussed on  
439 certain things, on our definition of dysfunctionality, our definition of achievement,  
440 our views of affirming a learner ...(*recording unclear*)... Those things are  
441 problematic. I think we need to say what other things can we bring to make this  
442 school a true centre of community life.

443 **N: You mentioned earlier that many of the mandates are not funded. If you**  
444 **think of inclusive education, the idea behind inclusive education is also**  
445 **access to resources or access to equal education. The democratic idea**  
446 **behind this is equality and fairness towards disabled learners or learners**  
447 **experiencing barriers to learning. The mandate is there but the funding**  
448 **might not be there. Is inclusive education workable?**

449 S: Conceptually inclusive education is very rich in terms of what the objectives are  
450 and I fully concur with its ideals. It is about the removal of barriers to learning and  
451 so that everybody has access to education and so forth. But you are right, when it  
452 comes to implementation ... In fact, when the White Paper 6 was published it was  
453 stated that inclusive education would be implemented over a twenty-year period.  
454 At that time, we thought twenty years was many moons to come. But twenty  
455 years is just around the corner. But, typically, we have those milestones to attain  
456 but we don't have the resources to implement some of those goals. So, inclusive  
457 education in itself is a very progressive policy, but we have never really sat down  
458 to say – Let's do it this way, so that we can realise the policy.

459 **N: What can be done to get the funding to implement the mandate?**

460 S: Look we ... I don't know what can ... But, we always try to augment what we have  
461 in terms of the public funding. We always get other people to help. But, the  
462 challenge for implementation again is having the right skills and capacity. But,  
463 you know, the biggest change is a paradigm shift about how we look at things  
464 and how we utilise whatever resources we have at our disposal, because many of  
465 the challenges that we have is not necessarily just money; it's how we look  
466 things. If we reconceptualise things I do think it might go a long way of realising  
467 some of the goals that are there. It is a very funny thing; we often think that if you  
468 bring enough money somehow the problem will solve itself. But what we need is  
469 a change of how we look at things.

470 **N: Okay, there are two more things that I would like to touch on. They are:**  
471 **learner discipline and the recruitment process. Can we talk about the**  
472 **recruitment process first? Most of the litigation in courts between the**  
473 **school governing bodies and the provincial departments has been about**  
474 **the appointment of educators and school principals and so on. Now, the**  
475 **South African Schools Act has been amended. Initially, the school**  
476 **governing bodies had to recommend one candidate and now they have to**  
477 **recommend three candidates and the Head of Department has to make an**  
478 **appointment from that. Is this not a detraction of a democratic function and**  
479 **how do you see it?**

480 S: The appointment of educators is a very problematic issue. Firstly, in an  
481 environment where you also have to balance the books, where over the past few  
482 years we haven't really brought in newcomers into the system because of our  
483 post provisioning model, where you then have people who are declared in  
484 addition ... Now, the challenge there is that if you are in addition in one school  
485 then there must be space elsewhere in another school where services are  
486 required. Now, that in itself brings some tension because the school governing  
487 body would say: "No, but this is my prerogative." How do you then bring in ... and  
488 chances are that the person that you bring in might not fit in with the culture of  
489 that school. By culture, I mean the culture of teaching and learning and just being  
490 yourself. It means, somehow it is not even a committed teacher. And once you  
491 have a lot of those people you are actually destroy what you have built, simply  
492 because you never had a say in the appointment of a certain individual. Now, that  
493 for us, from the departmental point of view, that is a challenge. If it's not confused  
494 between bringing new people into the system, then we'll have other people out. It  
495 is an unfortunate set-up but that is about the financial constraints and a number  
496 of the factors. So, I think that is where you have this ... It is not a straightforward  
497 thing, because otherwise, if you then appoint somebody to a vacancy from  
498 outside the system, in terms of your salary you then have double functions and in  
499 the end you cannot balance the books. The personnel costs can continue to  
500 escalate out of proportion. I think this is why there are these things.  
501 But, the other one, that I think also informs that position, is the fact that in some  
502 schools you see the learner profile change from mainly white to bringing in other  
503 colours. But the profile of the teaching staff is not changing and you have a  
504 school governing body that continually just appoints some white educators. That  
505 is why there are these provisions in the Schools Act. It's not a neat thing; it's an  
506 evolving democracy. But there will be those tensions in terms of appointments  
507 inasmuch as we really want to afford parents from school governing bodies their  
508 right to direct the affairs of the schools, but there are also other issues that keep  
509 coming in. Ideally, under normal circumstances where you have total  
510 decentralisation, you will also have the budget for educators at a particular  
511 school. ...(*recording unclear*)... So this is always going to be a problem where  
512 the funding for recruitment is centralised.

513 **N: If we can touch on the issue of learner discipline ... we know that many**  
514 **educators complain bitterly about the poor learner discipline in schools.**  
515 **One of the ideas or postulations was that learners also do not understand**  
516 **democracy. This is evident from the very revolutionary climate that prevails**

517 **in our schools and in society, which causes a frame of mind that actually**  
518 **tends towards anarchy rather than democracy. So we know that the ideal is**  
519 **that with Life Orientation there must be citizen education, but is that taking**  
520 **place? Is there enough education about what democracy really means in**  
521 **the schools or in the curriculum?**

522 S: No, I mean, the simple answer is, no. Firstly, even as a country, I think our values  
523 are a bit mixed-up. We don't actually know. You know, I used to teach  
524 Fundamental Pedagogics and there is so much we don't like. But in terms of your  
525 Philosophy of Education ... because we need to be saying what kind of a citizen  
526 do we want ... that is where you start. Unless you define the kind of citizen we  
527 want, we cannot even begin to conceptualise what kind of a learner we want to  
528 produce. Now, once you know what kind of a learner we want to produce, then  
529 we can go about preparing them. Now, issues of discipline eventually then come  
530 in. But until you articulate that, whether we want to produce Julius Malemas, you  
531 know, that can say anything about the State President ... and it's like it's "cool,"  
532 it's fine. You can have anybody just ranting and raving. Now what kind of a leader  
533 did we develop? You know, that Malema emerges from a student leadership ...  
534 Now what kind of a leader did we develop who at this time doesn't even know  
535 how to address the Head of State. It is not about the individual; it is about the  
536 ethics. For me the fundamental thing is the values in education. Now, even if we  
537 do have that in the curriculum, the question is, do we live those things? Because  
538 kids will follow, what their seniors do. And if something is wrong, then it's fine  
539 because it is politically correct. What message are we sending? So we are in  
540 trouble as a country and unless we have leaders who can stand up for what is  
541 right, we will never get anywhere. We can't always have faith in our political  
542 perceptions. There are certain things that must be in place. The basic  
543 fundamental values that we have to espouse, because once we have those  
544 values then everything will be measured against those values. In terms of our  
545 values of tolerance, and whatever those values are, are we living up to our  
546 values? If not, then we must do something about it. And that is why our schools  
547 are struggling in terms of enforcing discipline. The next thing again ... and I have  
548 nothing against different religions. You might say there is religious tolerance, but  
549 at times, some of the schools that people are not tolerated ... There are religious  
550 differences, like traditional clothing or symbols and the schools can't handle  
551 these things. You know these kids go to school either feeling ashamed about  
552 their religion or rebellious against the unfair system. It is here that all kinds of  
553 things go wrong ...*(recording unclear)*... And the school is the place where you

554 must try to be accommodating about this, and those are schools with different  
555 cultures. I always say that if you walk into a school you know that you're in a  
556 different environment, a disciplined environment. Education in itself; you can't  
557 have education in the absence of discipline because then it's chaos, and anarchy,  
558 and that is where we are now. If you talk about any teacher without thinking of  
559 someone who is professional, and I am not saying all teachers are not, but as a  
560 professional you must know how to conduct yourself. Because we are a  
561 democratic nation, to some extent. Now, there is a school ...*(recording unclear)*...  
562 and we have got to say hang on, is that the right thing. So, actually, just because  
563 we are a developing democracy and we say it is human nature. Somewhere we  
564 will begin to doubt. You know, even in countries where there is democracy there,  
565 these can overcome problems of ill-discipline. If you go to Britain, there is law and  
566 order there. If you go to America, whether they are doing their own thing, but  
567 there is order. So we really need discipline. The fact that we are in a democracy  
568 does not mean that anything goes. But they do whatever they like with impunity  
569 and that creates problems. I am telling you, many of our teachers, given the  
570 opportunity, would want out if possible. And many of them say, you have now  
571 taken the rod, you've taken the stick, but what have you leaving us with? Of  
572 course, we understand how we took that decision, because there were instances  
573 where people were virtually maimed and assaulted but, we have not really  
574 balanced that we need to reward and support educators that give of their best.  
575 That is a different ball game. But, we tend to reward misbehaviour. Those who  
576 misbehave are regarded as heroes. So we reinforce bad behaviour ...

577 **N: The second part of my question was about Life Orientation as a learning**  
578 **area or as a subject. The idea was that Life Orientation would address the**  
579 **issue, but that is not happening. So, how can democracy be taught in the**  
580 **schools? Shouldn't there be a subject or shouldn't there be more attention**  
581 **given to teaching those values?**

582 S: Life Orientation is one of those learning areas ... I think it is not an examinable  
583 subject. Now, if anything is not going to be examined, then you relegate it to  
584 insignificance. But teaching democracy is such an all encompassing issue that  
585 the thinking must permeate all values and we must strengthen this. But, for me, it  
586 is not actually a thing that one can deal with only at the school. One needs all  
587 members of society, all role models and leaders to contribute towards reinforcing  
588 democratic values.

589 **N: So, isn't it part of the answer that the teaching of democratic values must**  
590 **not necessarily be part of an academic programme. Should it perhaps be**

591 **taught as part of the social education programme; perhaps through extra-**  
592 **curricular activities and so forth?**

593 S: Yes, I agree. I mean, at times some of our leaders behave badly. They dish out  
594 such rubbish. In terms of how we follow our leaders demonstrate and live their  
595 values. We all have our roles, but some of our leaders do not inspire confidence.  
596 Because learners follow role models that portray the wrong values, they show  
597 disrespect, they are not accountable. So for me, I know that we can do a lot  
598 about many of these things, but at other levels, do we inspire school learners?  
599 There must be support at other levels of society. And that is how we develop a  
600 society. That is why I am saying, we haven't even answered the most  
601 fundamental question, what kind of a society do we want? Now, if you have that  
602 level of support in espousing those values, then you are giving everybody  
603 something, even as a teacher in the classroom.

604 **N: Thank you very much. Thank you for the interview. Is there anything else**  
605 **that you wanted to mention or comment on with regard to democracy and**  
606 **education?**

607 S: No, I think, this is a very useful exercise. I think it can go a long way towards  
608 getting all of us to understand what is really happening. But I think we have been  
609 at the other extreme of the message. We never really deal with notions of  
610 accountability, notions of responsibility with our democracy. I always say that  
611 democracy and poverty don't go together. If you look at those Third World  
612 countries ... You know, for them political power is about economic power. I mean,  
613 if you look, as soon as they come to power, the first thing the politicians do is to  
614 start lining their pockets, and by the time I have to start focusing on other matters,  
615 then I am out. Then we wonder why these things are not working. I like the  
616 Americans. Somehow, they are rich and they are not just there for the money. In  
617 the poor countries, some of the politicians are only looking towards fulfilling their  
618 basic needs You know, it is like Maslow's hierarchy, they never get to the self-  
619 actualisation level of doing something for society. Because how do you bribe a  
620 multi-millionaire?

621 **N: Thank you very much. If I can now just remind that I will be sending a**  
622 **transcript of this interview to you for your perusal and affirmation or**  
623 **comments. Is it right with you? Okay, thank you for making time available**  
624 **for the interview.**