AN INVESTIGATION OF THE EXTENT TO WHICH LIBERAL PRINCIPLES SHAPED THE SOUTH AFRICAN SCHOOLS ACT OF 1996

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ABSTRACT

By November 1996 the vision of an equitable South African education system moved closer to becoming a reality with the establishment of the South African Schools Act (SASA). The SASA can be seen as a definitive break from apartheid education. The perception that liberalism has generally not received a warm reception amongst South Africans might not be entirely convincing. However, we have in South Africa a Constitution and a Bill of Rights which display liberal features. I argue that liberal features of our government are also present in the SASA. It would appear that liberal principles are very generic values, but I do conclude with a typology of Gray (1986) onto which I build a framework of liberal principles for my purpose, viz. individualism, freedom, autonomy, egalitarianism, meliorism and universalism. On the basis of these principles, the purpose of a liberal education is to develop the learner into a person who is able to act freely, rationally, autonomously and who has concern for the intrinsically worthwhile rather than the solely utilitarian. The various characteristics of a liberal education, I argue, can be brought under two main principles: liberal education is anti-discriminatory by protecting learner's rights, and it develops autonomy of the individual through the development of a learner's rational, aesthetic and moral capacities. This frame of liberalism and liberal education is used in Chapter 5 to analyse the SASA. My minithesis suggests that liberal principles are implicit in the SASA of 1996.

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DECLARATION

I declare that An Investigation Of The Extent To Which Liberal Principles Shaped The South African Schools Act Of 1996 is my own work, that it has not been submitted before for any degree or examination in any other university, and that all the sources I have used or quoted have been indicated and acknowledged by complete references.

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Signed .....

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CHAPTER 1

AN ACCOUNT OF THE SOUTH AFRICAN SCHOOLS ACT (SASA)

INTRODUCTION

Subsequent to the 1994 first ever non-racial democratic general election in South Africa, post-apartheid South Africa saw the enactment of the South African Schools Act (SASA) in 1996. This new period of its political history has implications for studies in education. Post-apartheid South Africa does not, however, imply an end to the need for research in educational transformation. With the formal establishment of democracy in South Africa, viz. two fair general elections since 1994 and an adoption of a Constitution and a Bill of Rights, the discourse critiquing Apartheid education is perhaps now in 2002 in need of a broader horizon. An analysis of the extent to which liberal principles shaped the South African Schools Act of 1996 is a modest attempt at peering towards that broader horizon. Although the SASA in a legislative manner "... has consigned to history the past system of education which was based on racial inequality and segregation..." (1996:2), the task of challenging the legacy left behind by Apartheid education remains. An interpretation of that legacy is the continued quest for a more equitable education dispensation. If, according to this minithesis, the SASA is to some extent based on liberal principles, then it must be acknowledged by stakeholders in the field of education in order to continue the debates that will shape educational policy. Identifying and understanding fundamental liberal principles forms a major part of this study.

The question that Chapter 1 tries to answer is, what is the SASA? I respond by means of an exposition of the SASA and its background. Chapter 1 is divided into the following three sections: Section A, problems in South African schooling and education transformation during the 1980s and early 1990s; Section B, a brief description of the South African Schools Act (SASA); finally in Section C,

selected parts of the SASA. Some of the selected text pertaining to the SASA, will be analysed in Chapter 5.

SECTION A

Inequality in South African schooling

The majority of South Africa's school population is black[1]. With regard to the nature of unfair schooling arrangements, there is evidence over a long period of time, from among others, Biko (1978), Kallaway (1984), Hartshorne (1985) and Christie (1985) that during Apartheid, education for blacks can be seen to be inferior in comparison to white education.

> The focus is on the education of black South Africans, not because we believe that white education is any less besieged by problems or that those problems are separate from those encountered in black education, but simply because the crisis is most acute in black education. (Kallaway, 1984:2)

According to Hartshorne (1985:150), "Two-thirds of the black pupils at school come from what can broadly be described as rural environments, in the homelands, the TBVC countries and farm schools in the RSA." What can be inferred from this is that inferior education can be linked to both race and class issues – black children under Apartheid received an inferior education to whites, and poor black children (such as those living in rural areas) were even worse off. Because of the disparity in quality of education received, it points to black children constantly being positionally disadvantaged in society. This positional disadvantage had various implications for employment opportunities and general development of human capital. However, the disadvantaged have a history that extended well before Apartheid came to be formalised by the election of the National Party in 1948.

> Apartheid has been part of South African life for over forty years. As an ideology, distinct from segregation, it dates back to the 1930s when church leaders, academics, journalists and politicians of D. F. Malan's National Party

(NP) started formulating the underlying principles. In 1948 the slogan 'apartheid' helped sweep the NP into power. (Giliomee & Schlemmer, 1989:40)

The disparities in the quality of education were also reflected in the different pass rates for black and white learners. Black and white learners' school careers should last for a total of twelve years. The poor pass rate amongst blacks is a symptom of black and white groups of learners occupying unequal positions in relation to each other. This, among other things, can be attributed to a deficient primary school education for blacks (Henning, 1998).

Of course, the history of Apartheid education is complex. The minithesis does not aim to address this history, except to point to the well entrenched inequality that existed between black and white schooling.

Education transformation during the late 1980s and early 1990s

In South Africa rapid political advances have been achieved between 1991 and 1996. "The past four years have been characterised by dramatic constitutional and political change in South Africa" (Bray, 1996:150). The 1993 Constitution of the Republic of South Africa and the milieu of democracy (1994 general elections) in South Africa serve as an immediate contextual background for gaining an understanding of the SASA. According to Badat (1997), during the period between 1990 and late 1993, education in South Africa had undergone a transitional phase, and a general climate of political negotiations began to surface, with implications for education.

It is increasingly clear that political negotiations were not simply about the retention of elements of apartheid policy or a simple transfer of power to the democratic forces of the liberation movement. The negotiations were essentially to do with a negotiated political settlement underwritten by a series of agreements, pacts and accords covering a variety of social spheres...Indeed, a feature of the transition was the extent to which a variety of informal negotiating forums came into existence, often under pressure from civil society formations, around economic, housing, electricity and local government issues, alongside the formal political and constitutional forums. (Badat, 1997:9)

A transition from popular protest politics in the form of boycotts, marches and 'rolling mass action' began to give way to a more formal procedure of protest. According to Badat, that formal procedure of protest was characterized by negotiation and discussion between the South African National Party led government and important liberatory movements. Two examples of such political liberatory movements were the African National Congress (ANC) and the Pan African Congress (PAC). These movements have since 1994 changed their roles by abandoning the armed struggle, for opportunities available in the arena of formal party politics. Badat argues that a third force in this process of negotiation was the role of civil society in the form of Non-Governmental Organizations (NGOs) such as the United Democratic Front, the Institute for a Democratic South Africa (IDASA), the South African Democratic Teachers Union (SADTU), and the National Education Co-ordinating Committee (NECC). Perhaps one can claim that one of the reasons for a change from non-formal and liberatory political contestation in South Africa, to a more formal means of political contestation was that the social order based on an Apartheid ideology would imminently be replaced by a new political order based on a non-racial and non-sexist democracy, which would have implications for other spheres of social life, including that of education.

> The elections in April 1994 marked a significant shift in policy development. The installation and establishment of a legitimate non-racial and democratic national ministry of education opened the way for the enactment of official policy acts. These policy texts were decisive in character and made explicit choices. (Sayed, 1997:723)

Within that agenda setting context of political bargaining for the general purpose of improving society at large, fundamental education policy was legislated. Subsequent to the period of negotiation came the enactment of the South African Schools Act (SASA) in 1996. Considering education's 'vulnerable' position, i.e. it affects almost every aspect of society and is affected by society, it would be naïve to separate the practice of education from the field of politics given the historical evidence of events realized in the 1976 Soweto school uprising[2]. Since

educational matters affect our moral, social, political and economic spheres, its 'vulnerable' dimension is not distanced from South African community life.

> Despite the diverse ways in which 'community' is defined (territorial, religious, ethnic and political) and the problems which have been identified in the field of community education, it is accepted axiomatically by many South Africans that the 'community' should, and must participate in education. This is clearly the case in school governance structures where it is believed that the school should reflect the community within which it is located and that it serves. (Sayed, 1997:725)

Against this brief background with regard to the problems of inequality in South African schooling and the moves towards transformation, the SASA was an attempt to create an equitable and democratic system of educational organization and funding.

SECTION B

A brief description of the SASA

The South African Schools Act, No. 84 is a written ordinance of parliament enacted by the Parliament of the Republic of South Africa on 15 November 1996. It is applicable to school education in South Africa. According to the SASA (1996:4), "school means a public school or an independent school which enrols learners in one or more grades between grade zero and grade twelve". The SASA states that public schools will be governed democratically by their communities. Participants in the act of governance are parents, educators, learners and co-opted members from the community. According to the SASA (1996:14), the act of governance in "... every public school is vested in its governing body" and governance is seen to be a privilege. "A governing body stands in a position of trust towards the school" SASA (1996:14). The SASA legislates in the following areas of schooling: equality, organisation, control and finance. The laws in the SASA are aimed at structuring organization, funding and governance. "To provide for a uniform system for the organisation, governance and funding of schools; to

amend and repeal certain laws relating to schools; and to provide for matters connected therewith" SASA (1996:2).

As I shall show later, the SASA resonates with the language of democracy. The Act provides practical methods for different areas of democratic school governance. For example, one of its purposes is to legislate the practice of forming governing bodies in schools. Detailed democratic procedure is outlined in this regard. It includes procedures for voting and reaching of consensus by a voting majority. The SASA is a collection of policy contributions by government policy-makers, academics and non-government organizations. These contributors have a vision of education based on a range of shared democratic norms. However, as I shall show in Chapter 2 and 5, these interpretations of democracy do not always cohere. The SASA is an educational plan for the operational functioning of schools. By capturing this plan in its written policy form, the Act can be seen to be positioned in a semantic field[3]. The SASA is a fundamental piece of legislation in that it provides a democratic framework for school governance nationally. Discarded from the SASA are unacceptable undemocratic laws previously related to schooling in this country. "... the achievement of democracy in South Africa has consigned to history the past system of education which was based on racial inequality and segregation ..." (SASA, 1996: 2).

The SASA consists of the following: fifty one pages of text in only two (English and Afrikaans) of the eleven official languages; a preamble, seven chapters and two schedules. In Chapter 1, attention is given to definitions and the application of the Act. (Here are twenty definitions which identify some of the major stakeholders in our education bureaucracy [4].) Chapter 2 focuses on learners. Chapter 3 is a section on public schools. Chapter 4 deals with the question of funding of public schools. Chapter 5 focuses on independent schools. Chapter 6 is concerned with transitional provisions. Chapter 7 focuses on general provisions. Schedule 1 lists a number of old laws related to education. Schedule 2 contains amendments to laws.

A hierarchical order holds the SASA together. Its important sections are:

- Legislative – this would include the Constitution[5] RSA (1996) and the SASA.
- Department of Education – this would include education officials at national and provincial level such as the Minister of Education; Council of Education Ministers; Minister of the Executive Council; Head of Department; officer (an employee of the Education Department in a non-teaching administrative capacity).
- Governing Body – this would normally include the parents; principal; educators; learners of the school and members of the wider community.

SECTION C

Parts of the SASA

In order to get an overview of the SASA, I shall list the headings of Chapters 1 to 5 of the Act, and briefly discuss the main points of each sub-section. The headings of the sub-sections will be in square brackets.

- **PREAMBLE**

- **CHAPTER 1, DEFINITIONS AND APPLICATION OF THE ACT [sub-sections 1 – 2]**

- **CHAPTER 2, LEARNERS [sub-sections 3 – 11]**

- **CHAPTER 3, PUBLIC SCHOOLS [sub-sections 12 – 33]**

- **CHAPTER 4, FUNDING OF PUBLIC SCHOOLS [sub-sections 34 – 40]**

- **CHAPTER 5, INDEPENDENT SCHOOLS [sub-sections 45 – 51]**
- **CHAPTER 6, TRANSITIONAL PROVISIONS [sub-sections 52 – 57]**
- **CHAPTER 7, GENERAL PROVISIONS [sub-sections 58 – 64]**
- **SCHEDULE 1**
- **SCHEDULE 2**

[Preamble]

The preamble acknowledges the value of democracy. In the South African context, democracy rejects an education system based on racial inequality and envisages a society which values individual freedom and rights-based culture.

[1. Definitions]

There are twenty definitions listed with regard to schooling and administration in education.

[2. Application of Act]

The SASA is applicable to school education in South Africa.

[3. Compulsory attendance]

Parents are responsible for their children's education by placing them in schools. School attendance is compulsory for learners from age seven to age fifteen, or to the ninth grade, whichever occurs first. In place is a system of authority which is able to enforce compulsory education. The degree of vested authority ranges from the Minister; the Member of the Executive Council (MEC); Head of Department (HOD) and the parents. Failure to comply with the law regarding compulsory

school attendance is an offence "... liable on conviction to a fine or imprisonment for a period not exceeding six months" (SASA, 1996:6).

[4. Exemption from compulsory attendance]

In extreme cases, learners may be exempted from compulsory school attendance. The HOD has the authority to perform this task, in accordance with the SASA. A register must be kept of all learners exempted from compulsory school attendance.

[5. Admission to public schools]

Learners, including those in need of special education facilities, have the freedom to attend any public school where no school policy or governing body of such a school can hinder the process of admission. Only the HOD may refuse admission and the HOD's reasons for refusing permission must be presented in writing to the parents concerned. They in turn have the right to appeal against that decision to the MEC.

[6. Language policy of public schools]

While school governing bodies may determine the language policy of a public school, our Constitution protects the rights of learners against any form of language discrimination (including a recognised Sign Language) .

[7. Freedom of conscience and religion at public schools]

Individuals are free to associate and to express their religious beliefs without any interference from the state at public schools.

[8. Code of conduct]

All public schools are to have a democratically agreed upon code of conduct for the purpose of discipline and maintenance of a quality learning process. While all stakeholders are protected in the case of any disciplinary proceedings which may arise, learners at public schools (which they attend) are obliged by law to comply with their school's code of conduct.

[9. Suspension and expulsion from public school]

With due process taken into account, governing bodies may suspend learners as a correctional measure for no more than a week. The authority to expel a learner is vested with the HOD. Expelled learners or their parents may appeal to the MEC against the expulsion. These learners, subject to compulsory attendance, are compelled by law to be placed in another school.

[10. Prohibition of corporal punishment]

Any act of corporal punishment at a school to a learner is unlawful and will be regarded as an offence. On conviction the perpetrator may be charged with assault.

[11. Representative council of learners]

Public schools must have representative councils. MEC's may determine guidelines for these councils. Learners with special education needs are exempt from forming such councils.

[12. Provision of public schools]

The provision of public schools for learners i.e. the school buildings and human resources is the responsibility of the provincial government. The MEC responsible for education in a province is also responsible for providing the infrastructure for special education needs (provision of schools and training centres for learners with disabilities).

[13. Public schools on State property]

Provision is made within this act, by means of due process, that immovable property (land and buildings) owned by the state receives priority by making it accessible for educational purposes in poorer areas where such facilities are in demand. This includes land or buildings held in trust on behalf of a tribe.

[14. Public schools on private property]

Within very specific guidelines of the law, "... a public school may be provided on private property" (SASA, 1996:12).

[15. Status of public schools]

Every public school is a juristic agent. Schools are legally constituted and can sue another party or be sued by a third party. This means that a public school can legally carry out its function as a school in its own name like a bank, university or a company (Potgieter et al, 1997:12).

[16. Governance and professional management of public schools]

Governing bodies have to carry out their function of governing their schools while principals are entrusted with the duty of managing schools. Governing bodies act in the interest of the whole school community.

[17. Governing body serving two or more schools]

A governing body of a public school, with the MEC's permission, may govern two or more schools.

[18. Constitution of governing body]

School governing bodies of public schools must carry out their duties within the boundaries set out in their school's constitution. Joint meetings between parents, learners, educators and other staff members are to take place at least once a year. A thorough record of the minutes of all meetings must be kept.

[19. Enhancement of capacity of governing bodies]

At a provincial level funds are made available through the HOD for enhancing the capacity of governing bodies through in-service training. Principals are obliged to assist governing bodies in their task of acting on behalf of the school community and in that community's interest.

[20. Functions of all governing bodies]

The function of a governing body at a public school is to promote school development through its vision in terms of providing quality education; the adoption of a constitution; the adoption of a mission statement and a code of conduct for learners. Governing bodies may use the school's facilities for fund raising, for the purposes of general school development and improving the quality of education.

[21. Allocated functions of governing bodies]

Governing bodies are obliged to apply in writing to the HOD for any of the allocated functions: improving and maintaining school property; extra-mural and subject options; payment for services to the school; other functions. Depending on the HOD's decision (in writing), decisions taken against a governing body regarding allocated functions, may be appealed to the MEC.

[22. Withdrawal of functions from governing bodies]

Governing bodies may have their functions withdrawn by the HOD if deemed necessary by means of due process. Any person may appeal an HOD's decision to the MEC.

[23. Membership of governing body of ordinary public school]

A governing body of a public school comprises elected members (parents, learners in the eighth grade and higher, educators and non-teaching staff), the principal and co-opted members. Co-opted members have no voting rights. Parent members must exceed the combined total of the other governing members (who have voting rights) by a voting majority of one.

[24. Membership of governing body of public school for learners with special education needs]

A governing body of a public school for learners with special education needs must comprise of the following: parents, learners in the eighth grade where practically possible, educators and non-teaching staff. Disabled persons have

greater representation on governing bodies, either by themselves or by experts in the field of special education needs.

[25. Failure by governing body to perform functions]

An HOD has the power to appoint persons to carry out the functions of a governing body which has ceased its functions, renewable for three months and up to a maximum period of one year.

[26. Recusal by members of governing body]

A governing body member who has a personal interest in any issue with regard to school matters of any nature being discussed at a governing body meeting, must withdraw her / his presence for the duration of that meeting.

[27. Reimbursement of members of governing body]

No governing body member may be remunerated for her / his duties. Governing body members may be reimbursed for expenses incurred.

[28. Election of members of governing body]

A set of procedures governs the election process of members to a governing body in a public school. There are specific guidelines for election in the following categories: parents of learners at the school; educators; other members of staff and learners. Governing bodies have to formulate procedure regarding the highest practical level of representation and also, procedure for the removal of a member should such a need arise.

[29. Office-bearers of governing bodies]

Office-bearers of a governing body are the chairperson, treasurer and secretary. The position of chairperson of a governing body must be held by a parent who is not employed at the school.

[30. Committees of governing body]

Governing bodies may establish committees of governing bodies (including committees on special education needs, where the need arises). Non-governing body members may be appointed to these committees on grounds of their expertise.

[31. Term of office of members and office-bearers of governing bodies]

Office-bearers have a limited stay, not exceeding one year. If a learner holds such office, she may only stay for one year. Members of a governing body may stay for a period of up to three years.

[32. Status of minors on governing bodies of public schools]

Minors who serve as governing body members are limited in terms of the service which they are allowed to render. They incur no personal liability as members of the governing body. They cannot engage in contractual arrangements on behalf of the school. They do not exercise full voting rights as other governing body members.

[33. Closure of public schools]

Public schools may be closed by an MEC after democratic procedures have been followed. Such procedures would include: notifying the governing body, receiving a reply from the governing body and listening to representations made by the school community. With regard to assets of a school in danger of closure, such a school's assets and liabilities immediately becomes the property of the state until further notice.

[34. Responsibility of State]

The state is committed to equitable funding of public schools from public revenue. The emphasis on equity is to balance the unequal allocation of educational resources. This form of inequality is part of the legacy of Apartheid education.

[35. Norms and standards for funding of public schools]

The Minister of Education determines in a democratic manner, with the Council of Education Ministers, funding for public schools.

[36. Responsibility of governing body]

Governing bodies of public schools are obliged to supplement the school's budget received from the state.

[37. School funds and assets of public schools]

Public schools must have a school fund into which all monies received by the school are paid. In this case, a normal bank account would have to be opened and maintained by the governing body. Proceeds of a school fund are to be used for educational purposes at the public school concerned.

[38. Annual budget of public school]

A governing body of a public school must prepare a projected financial budget each year, showing estimates in income and expenditure for the following year. Such a budget must be approved at a general parent meeting with a notice period of 30 days.

[39. School fees at public schools]

School fees are determined by means of democratic procedure. The majority of parents must agree on the amount at a general meeting where the school budget for the following year is presented to them, depending on the results of votes cast. A set of fair criteria must be worked out for parents who cannot pay school fees.

[40. Parent's liability for payment of school fees]

Parents who pay school fees may appeal to the HOD to work out an equitable system which carries the liability of non-paying parents.

[41. Enforcement of payment of school fees]

Governing bodies of public schools may resort to legal means in order to get parents to pay their children's school fees.

[42. Financial records and statements of public schools]

Governing bodies of public schools have to keep records of assets and general financial transactions.

[43. Audit or examination of financial records and statements]

A governing body of a public school must appoint a registered accountant to audit the school's accounts. The results of the audit must be handed to the HOD within six months after the end of a financial year.

[44. Financial year of public school]

For public schools the financial year begins on 1 January and ends on 31 December of each year.

[45. Establishment of independent school]

Any person may establish and maintain an independent school. Such a school has to comply with the SASA and provincial laws.

[46. Registration of independent school]

Independent schools have to be registered in the Provincial Gazette. Independent schools have to be registered by the HOD. Failing to do so is an offence (fine or three months imprisonment on conviction).

[47. Withdrawal of registration of independent school]

Withdrawal of registration of a private school comes into effect only after the process of consultation between the HOD and the owner of a private school has been exhausted. Any negative decision against the owner of a private school may be appealed to the MEC.

[48. Subsidies to registered independent schools]

Subsidies to independent schools may be appropriated from a provincial budget by an MEC. Through due process an HOD may reduce or terminate a subsidy if all the conditions governing it were not complied with. Owners of independent schools may exercise their right to appeal against an MEC's decision.

[49. Declaration of independent school as public school]

Independent schools may be declared public schools after an agreement has been reached with the owner of an independent school, the MEC and MEC for finance of a particular province.

[50. Duties of a Member of Executive Council relating to independent schools]

The MEC must determine (in the Provincial Gazette) the admission requirements to exams conducted by or under supervision of the education department; general administration criteria; the manner in which they receive subsidies and any other matter pertaining to independent schools covered by the Act.

[51. Registration of learner for education at home]

Parents may apply to the HOD for a learner to be educated at home. It is assumed that the parent will educate the learner at home. Registration for home learning may be refused or granted. In the case of a refusal, parents may appeal a negative decision by an HOD to the MEC.

[52. Transitional provisions relating to schools other than private schools]

All schools, except private schools established in South Africa prior to the SASA enactment in 1996 are public schools. Such a school is responsible for assets and liabilities connected to it.

[53. Transitional provisions relating to private schools]

All registered private schools deemed private before the commencement of the SASA, are deemed private.

[54. Transitional provisions relating to governing bodies]

In retrospect, this section sets dates for all public schools in a province to have completed the election process for the establishment of governing bodies.

[55. Transitional provisions relating to immovable property of certain schools]

The immovable property of a school (state-aided school) devolves upon the State. Compensation claims from a third party with regard to the devolved property are to be formulated within the ambit of the Constitution.

[56. Transitional provisions relating to schools on private property]

Public schools may exist on private property by agreement between the party concerned and the MEC within six months of commencement of the SASA.

[57. Transitional provisions relating to private property owned by a religious organization]

Owners of private property who accommodate a public school on their property may retain the religious ethos to which they might subscribe, in such a school.

[58. Expropriation]

Land may be expropriated for the purpose of school education. The MEC has the power to proceed provided that notice is given in the Provincial Gazette. Compensation for expropriated land is negotiable between the third party and the MEC.

[59. Duty of schools to provide information]

A school (public and private) must not restrict the access to information by any person where this information is required for the protection of individual rights.

[60. Liability of State]

The state is liable for any damage or loss related to educational activity at a public school.

[61. Regulations]

The Minister has the power to enforce the content of the SASA.

[62. Delegation of powers]

A Member of the Executive Council may delegate to the Head of Department or an officer, powers and duties which he would normally have to exercise, except publishing a notice in a gazette or deciding on a lodged appeal within the scope of the SASA.

[63. Repeal and amendment of laws]

Schedule 1 contains a list of repealed Apartheid laws and the extent of the repeal which had previously underpinned national education policy. For example, Act No. 47 of 1963; Coloured Persons Education Act, 1963; Sections 1A, 8 to 20, 26 and 28 to 31. Schedule 2 contains amendments of the Educators' Employment Act, 1994 (Proclamation No. 138 of 1994).

[64. Short title and commencement]

The SASA of 1996 came into effect on 1 January 1997 by Presidential Proclamation.

Conclusion

The main thrust of the SASA is contained in these 64 sub-sections. For the purpose of this minithesis, not all of these sub-sections will be discussed in Chapter 5. I will however, group sections of the SASA together so that they link with the conceptual framework based on liberal principles. The conceptual framework appropriate for an analysis of the SASA is dependent on the findings emanating from the next three chapters. The fundamental issue of that framework will now be discussed in Chapter 2, viz. liberal principles.

CHAPTER 2

FUNDAMENTAL FEATURES OF LIBERALISM

INTRODUCTION

In Chapter 1, I gave an account of the SASA. Now I will show that identifying the fundamental features of liberalism is not an easy task. It is not always possible to discuss an aspect of liberalism within set boundaries. For example, in Section A below I will discuss the "earliest" use of the word liberal and also refer to liberal education in order to illustrate some liberal principles.

The purpose of this chapter is not to define liberalism or to give a detailed historical account of its development. It would be naïve to attempt defining that which liberalism represents in a few paragraphs. According to Mulhall and Swift (1995:viii), identifying that which liberalism stands for "... is not as easy as it sounds for, as we shall see, there is a great deal of disagreement about what exactly one has to believe in order to qualify either as a liberal or a communitarian" [1]. Reference to a limited number of authors on liberalism does not suggest this chapter to be a comparative study of different liberal views and interpretations. Rather, in order to focus on a clear aim, I had to make a decision about which texts to include for the purpose of Chapter 2, viz. identifying some basic liberal principles. Through discussion and interpretation of selective texts, I aim to list a few basic liberal principles. My investigation will not necessarily cover liberal debates chronologically or in the detail they deserve. Under the following sections then, commencing with Section A, I will discuss liberalism's general historical context. In Section B, I will focus on various interpretations of liberalism. I will conclude in Section C by discussing a few worked out liberal principles as a basis for analysis of the SASA in Chapter 5.

So, my references to liberalism and liberals will of necessity be general. In a modest way my mode of investigation will involve threading together interpretations from well established sources. But even to give a

general description of liberalism has not been an easy task. According to Gray (1986: x), there are "... variants of the liberal tradition ..." stemming from a single tradition. An important dimension to this single tradition is the quest for **freedom** from a feudal political system in the context of sixteenth and seventeenth century western Europe. According to Gray (1986:xi), "Liberalism constitutes a single tradition, rather than two or more traditions or a diffuse syndrome of ideas ... composing the liberal conception of man and society which were earlier sketched".

Before going on to discuss in Section C what according to Gray are the four constitutive elements of liberalism, I want to highlight the difficulty of capturing what liberalism comprises. In doing this I will be able to bring across to the reader some of the different meanings attached to liberalism since the sixteenth century at least. "Liberalism was, in its various aspects, an attitude of mind before it became a self conscious theoretical exposition. Seen in total its history reveals many deviations and transitions" (Manning, 1976:12). Liberalism has a rich tradition according to Siedentop (1979). Liberalism, as does any political system, centres around people and the nature of their interaction with the rest of society and the political environment. Our conceptual understanding of liberalism has been influenced by specific social conditions which according to Siedentop, found expression in important political events such as the French Revolution 1789. According to Siedentop, liberalism has been a dominant ideology throughout a large part of the twentieth century.

SECTION A : LIBERALISM'S GENERAL HISTORICAL CONTEXT

"Earliest" recorded use of the word liberal

Our contemporary notion of liberalism has roots dating back to antiquity, "... modern liberalism ... a tradition of **free–thinking** ... extends back at least as far as Socrates" (Hirschberger, 1976:2). According to Mckay (1983:724-727),

liberalism implied ideas about **equality and freedom** which have roots in ancient history i.e. in the historical periods of the Greek and Judaeo–Christian traditions. Identifying a single date alone is not possible if one is searching for the "earliest" use of the word "liberal". Any date would have to be qualified with contextual evidence of what "liberal" meant. For some (Gray, 1986) it starts in the seventeenth century. For others (Lucas, 1972) it starts in ancient Rome. "As a political current and an intellectual tradition, an identifiable strand in thought and practice, liberalism is no older than the seventeenth century" (Gray, 1986:ix). According to Mckay, liberalism's link with antiquity is connected to a notion of freedom and equality. Liberalism was not an established intellectual discipline in ancient Greece or Rome. According to Mckay (1983: 724-725) **freedom** and **equality** are central features of classical liberalism during the Enlightenment of the eighteenth century.

Classical liberalism is synonymous with a notion of negative freedom[2], implying more freedom rather than less freedom. Scottish Enlightenment thinkers such as Adam Smith challenged the status quo by a desire to replace a tradition preoccupied with virtue. In its place they saw an opportunity for a drive towards wealth creation. Smith and his followers developed a liberalism of limited nature, i.e. in its infant state. "In doing this they [the Scottish Enlightenment thinkers] were able to presuppose familiarity with the common law conception of justice and with the ideals of the rule of law and of government under the law which were little understood outside the Anglo-Saxon world ..." (Hayek, 1975: 57). Stemming from this limited liberalism the call for **individual rights** became more vocal; as well as a call for a new kind of government, the right to **self determination**, and **expression** of beliefs and speech .

The following reference to liberal education serves as background in support of the "earliest" recorded use of the word "liberal" for now (Chapter 3 is devoted to liberal education). From Lucas (1972), in his account of the Persian education system in 530 B.C. , Xenophon in his *Anabasis*, recorded that: "all the sons of the Persian nobles are educated at the Royal Palace, where they have an opportunity of learning many a lesson of **virtuous conduct**, but can see or hear nothing disgraceful" (Lucas,1972:29). Referring again to Lucas: "Listen to me," one of Cicero's characters in the *Republic* says, "as one not wholly ignorant of Greek ways and yet not inclined to prefer them to our traditions. Thanks to my father, I got a liberal education, and

from childhood I have eagerly sought to instruct myself ..." (Lucas, 1972:113). A desire for **autonomous learning**, according to Lucas, can be regarded as a liberal characteristic.

Furthermore, if Lucas's evidence is an isolated case of a Roman citizen willing to transcend cultural boundaries by learning Greek, it provides us with basic evidence of liberal values practised in the ancient world. Associating the concept liberal with open-mindedness by accepting other cultures, with a desire to perhaps learn a little of the language, according to Lucas, is an example of how a liberal principle (**tolerance**) transcends historical time boundaries and still be relevant in contemporary society. According to Lucas this citizen utilized his individual freedom when he consciously chose to learn more about Greece by learning to speak the language.

It is not surprising then to find elements of the liberal outlook dating back to antiquity. In an example referring only to the use of the word "liberal", Marcus Fabius Quintilian (35 – 95A.D.) an educational thinker of note during Rome's period of Hellenization referred to "Cato's book *Of Liberal Education*, called the first Roman work on pedagogy ... was intended to show what a *vir bonus* ought to be – orator, physician, husbandman, warrior, and jurist " (Lucas, 1972: 117).

Use of the word "liberal" from the Middle Ages to the nineteenth century

According to Vincent (1992:22) there are four main meanings of "liberal". In its first sense, it referred to a **wide ranging education** in the Middle Ages (5^{th} – 15^{th} century Europe)[3]. Education in the context of the Middle Ages implied a general education. Vincent's claim supports Lucas's understanding of a liberal education. Such an education entails the development of a wide ranging general capability of an individual. That notion of **general education** as a characteristic of a liberal education is emerging and will be investigated in Chapter 3 of this minithesis.

Vincent suggests that the meaning of "liberal" must have undergone some kind of degeneration since the Middle Ages. By the 1500s, "liberalism" in its second sense was perceived as a ***carte blanche*** **freedom**, which included promiscuity and implied "... both sexual license, lack of regard for moral laws, or addiction to antinomian opinions in religion" (Vincent, 1992:22). Vincent proceeds in his discussion of liberalism at a conceptual level by considering its " third sense" which includes "... a series of values **(liberty, individualism, tolerance, progress)**, which pre- date the *word* liberal by centuries, but are none the less seen to be characteristic of the 'liberal mind' from the nineteenth century " (Vincent, 1992: 22-23). These liberal values will be discussed in more depth later.

According to Vincent's fourth sense of the word liberal, in its modern party political use (as opposed to its use in education or general moral behaviour), the term liberal is linked to "*Liberales*", the name for a Spanish political party (1812), just over two decades after the 1789 French Revolution. Vincent's claim is supported by other authors e.g. "the term (liberal) first came into use in the Spanish Cortes 1820" (Enslin, 1986:40). " The epithet 'liberal' is used of a political movement for the first time, indeed, only in the nineteenth century, when in 1812 it was adopted by the Spanish Party of Liberales" (Gray, 1986:ix).

The idea of liberalism, according to Hayek (1975:55), was "... developed in England from the time of the Old Whigs in the later part of the seventeenth century to that of Gladstone at the end of the nineteenth". Also it is a political stance in favour of **individual freedom** which **presupposes a system of law**. Liberalism is in this sense concerned with how much power a system of government has. According to Gray, liberalism's unique intellectual tradition starts in the seventeenth century and "at the same time marks it off from other modern intellectual traditions and their associated political movements" (Gray, 1986:ix). For the purpose of this minithesis the seventeenth century will be regarded as the beginning of modern European liberalism. "As a political current and an intellectual tradition, an identifiable strand in thought and practice, liberalism is no older than the seventeenth century" (Gray, 1986:ix). By the end of the eighteenth century, an intellectual tradition had been established and it included writers and thinkers such

as John Locke (1632-1704), Voltaire (1694-1778), Montesquieu (1689-1755) and Adam Smith (1723-1790). Norberto Bobbio (1996) also supports the seventeenth century date as the beginning of the liberal tradition by referring to 1690, the year in which John Locke's *Two Treatises on Civil Government* was published. According to Bobbio, John Locke is regarded as one of the fathers of modern liberalism, a view supported by Enslin. According to Enslin (1986:23), "Locke, who did not describe his ideas as liberal, spoke for those opposed to the Stuarts' attempt to extend their authority by raising a tax on property without the consent of Parliament, in violation of the Common Law tradition", even though John Locke is linked to the English liberal tradition. The liberal values of **progress, liberty, individualism, breadth of mind and generosity of spirit** were not novel. According to Vincent (1992:22), those values "... pre-date the *word* liberal by centuries". Enslin's "liberal point of view" is also drawn from the classical tradition of John Locke and John Stuart Mill (1806 – 1873). Locke, according to Mulhall and Swift (1995:xii), is the best known example of a person associated with classical liberalism.

Other authors argue for a later emergence of liberalism as a political tradition. According to Ashley (1989:29), traditional liberal philosophy refers to the concepts of **freedom and equality**, as conceptualized in the eighteenth century social transformation of America (1766) and later, in France (French Revolution 1789).

> Historically it emerged in Western Europe, whence it was transplanted to North America and Australasia, its successful expansion deriving from the colonial dominance of west European societies in the nineteenth century and the economic dominance of North America in the twentieth. (Johnson and Welsh 1998:376)

Bertrand Russell (1946:577) refers to England and Holland as the genesis of early liberalism. According to Russell, who differs from other authors on the issue of the date, eighteenth century Enlightenment is referred to as the period of classical liberalism in which the **principle of individual freedom** i.e. **equality of freedom** under a **system of law**, was generally advocated.

Nineteenth century European liberalism, the so-called golden age of liberalism, implied a political stance in favour of free trade. In a century prior to that age, Adam Smith (1723 – 1790), a classical liberal and Scottish professor of philosophy, " first, persuasively formulated the idea of a **free economy**" (Mckay 1983:805). This can be seen as Adam Smith's expression of liberalism's eighteenth century economic foundations. This would enable all citizens to enjoy practising their talents so that they could earn a greater income. Mckay notes that he advocated the doctrine of *laissez-faire* which called for unrestricted commercial private enterprise with no government infringement. "Adam Smith was a spokesman for general economic development, not narrow business interests" (Mckay,1983:806). Based on this understanding of Smith, a central feature of liberalism is **freedom to the means of earning a living** and it provides space for **competition and ambition**. Butler (1987), writing in a South African context, argues that the fundamental principle of individual freedom, although not in its entire form, can be traced in the history of South African liberalism.

> South African liberalism, like liberalism elsewhere, has been centrally concerned with freedom. However, participants[4] generally rejected the notion that liberals in South Africa were concerned solely with the freedom of the individual. While many South African liberals have vigorously defended individuals against unjust laws and abusive administration, they have rarely been animated by an atomistic view of society; nor have they believed that only individuals have value, and hence rights. Under the influence of Christianity and social humanitarianism, much liberal thinking and action has been concerned with the recreation of communities shattered by industrialization, urbanization and Apartheid. (Butler, 1987:4)

Two centuries after the "genesis" of liberalism and on a different continent, South African liberalism at the end of the twentieth century assumes a racial character of surprising dimensions (Johnson & Welsh, 1998:293, 337 – 339) which I will discuss in more detail in Chapter 4.

Problems with a chronological approach

As I have mentioned in my introduction, approaching the topic of liberalism from an entirely chronological perspective is difficult because liberal themes often

overlap. Liberal themes span from Hirschberger's and Mckay's discussion of the earliest recorded use of the word "liberal" (in ancient history), as: free thinking; Lucas's account of liberalism in ancient Persia, as education in virtuous conduct; its economic use as freedom to compete in pursuing one's commercial interests; to its political use by the Spanish Cortes in the early 1800s; and its development in the American colony. There is more than one approach to the interpretation of liberalism.

SECTION B: INTERPRETATIONS OF LIBERALISM

Texts about liberal themes are generally abstract. "Liberalism is the most complex and intricate of political ideologies" (Vincent, 1992:22). Intellectual history, it is generally agreed, is one of the most difficult kinds of history to write" (Saunders, 1985:101). John Gray (1993: vii), a scholar of liberal philosophy "brought together a selection of papers written over a dozen years on the foundational aspects of liberalism".

According to Thompson (1995:784) the word "liberal" suggests " **...giving freely ... open-minded ... not prejudiced ... for general broadening of the mind ... not professional or technical ...**" However, as the previous brief historical overview has signaled, liberalism is a much more complex concept than a dictionary definition indicates. I will try to show that liberalism is a complex political stance based on the following general principles: **freedom, equality, meliorism** and **universalism**. "For, whereas liberalism has no single, unchanging nature or essence, it has a set of distinctive features which exhibit its modernity and at the same time marks it off from other intellectual traditions and their associated political movements" (Gray, 1986: ix). Liberalism is a political stance, "perhaps a perspective" [5]. According to Russell (1946:577), liberalism has

> "certain well-marked characteristics". "It stood for **religious toleration**; it was Protestant; it regarded the wars of religion as silly...It **valued commerce and industry**, and favoured the **rising middle class** rather than the monarchy and the aristocracy; it had immense respect for the rights of **property**, especially when accumulated by the labours of the **individual possessor**. The heredity

principle... was restricted...the divine right of kings was rejected in favour of the view that every community has a **right**, at any rate initially, **to choose its own form of government**. Implicitly, the tendency of early liberalism was towards **democracy**. There was a belief... that **all men are born equal**...". (my emphasis)

Different kinds of liberalism

Liberalism has a wide semantic field. For Mulhall and Swift (1995:viii), a vague reference to "... autonomy of the individual ... freedom of conscience, of expression or association ..." is not sufficient enough reason for a claim to the liberal political perspective. According to Mulhall and Swift (1995:viii), the meaning of liberalism differs also because of geographic location and the way that liberals perceive concepts such as freedom and equality. "Unfortunately this is not as easy as it sounds for, as we shall see, there is a great deal of disagreement about what exactly one has to believe in order to qualify as either a liberal or as a communitarian" Mulhall and Swift (1995: viii).

European interpretations of liberalism, according to Siedentop, span from individualist to communitarian based notions of liberalism. According to Siedentop (1979: 153), " the richness of liberal thought in the nineteenth century" suggests an earlier support for liberalism's communitarian component, especially in France, which means that the revisionist notion of liberalism in a more communitarian vein during the 1970s is not novel[6]. According to Siedentop (1979:153) "...the contrast commonly drawn between 'liberalism' and 'socialism' ...has become *simpliste* and misleading". It would then be erroneous to assume that liberalism is socially naïve. Because of ignorance in some instances and perhaps, because of liberalism's most explicit principle, viz. the individual's right to **freedom** for the purpose of making **autonomous informed choices**, the danger always exists whereby individuals risk impoverishing themselves by not being aware of liberalism's rich heritage. According to Siedentop (1979:154) " the fundamental or root concept of liberalism is equality, and its commitment to liberty springs from that". Siedentop (1979) argues that there are two kinds of liberalism from Europe. The first tradition inspired a form of liberalism from England / Scotland and in

America. This tradition emphasized an individualist notion of liberalism. The second tradition is prevalent in France and emphasized a more communitarian notion of liberalism. Both traditions, however, advocated limitations on government powers and advanced powers to the majority, in the tradition of Rousseau. Siedentop argues that the French communitarian tradition, with its roots in English liberalism, can be regarded as the modern ancestor of socialism.

In North America, liberals are supportive of "a generous redistributive welfare state" (Mulhall & Swift, 1995:viii). According to Ryan (1998:95), "... the United States was the first modern state to base itself on distinctly liberal principles – **equality before the law**, **accountable government** resting on the consent of the governed, **separation of church and state**, and an acceptance of **cultural plurality** within a unified political order – the principles that the founders relied on the **educational system** to inculcate in the rising generation were necessary liberal principles".

According to Butler (1987:3), a person is considered to be a liberal when she subscribes to values such as "...**limitations on the power of government**, holding it to strict adherence to the **rule of law** and demanding **protection of minorities**, individuals, and non governmental entities like the **press**..." in a South African context. There are many interpretations of liberalism, making it "a **broad, varied** and **pragmatic tradition**" (Butler, 1987:7). Enslin supports the view that there are difficulties involved in giving an account of what the liberal point of view is because "characterizing what makes a view liberal is not a simple matter..." (Enslin, 1986:22). In general, however, **democratic liberalism** in South Africa implies an insistence on the **universal franchise**, adhering to the **procedure of free and open elections** and the presence of **black influence in government** (Butler, 1987:3) [7].

Our concepts of liberalism such as **individual freedom**; the right to **protection of private property;** "a spontaneous order based on **abstract rules**" (Hayek, 1975:58), are products of a particular milieu. Our concepts come from out of our lived social conditions and are also shaped by them. Studying an aspect of

liberalism can become a complex task because of the possibilities that exist for interpreting liberal themes. According to Gray (1993:285), "to affirm the liberal identity of a liberal intellectual tradition spanning Mill and Rawls is *not* to deny that it is a very complex tradition..." It is not surprising that people's perceptions of liberalism can be vague and at times confusing. My impression of liberal discourse is that it draws from an extremely complex tradition, sometimes contradictory as in the case of Gray, yet argued for at length with great convincing strength and in rich detail. According to Gray, liberalism has a single tradition: "For all the rich historical diversity which liberalism yields to historical investigation, it is none the less a mistake to suppose that the manifold varieties of liberalism cannot be understood as variations on a small set of distinctive themes. Liberalism constitutes a single tradition ..." (Gray,1986:xi). Just what this "single tradition" is has proved to be very difficult to pinpoint.

A typology of liberal principles

Liberalism, as I have already stated, is a complex political ideology. Nevertheless, there are fundamental liberal principles. Principles for the purposes of this study can be seen to embody 'rules' and consistent publicly shared experience[8]. According to Gray (1986:x), there are four broad elements common to all the variants of the liberal tradition. First there is **individualism** – a social stance which advocates that individual interests in society undergird the social priorities of communities, the latter assuming a secondary position in relation to the individual . The "individualist" element of liberalism accommodates **personal freedom** of which there are concrete forms, e.g. **freedom of speech** and **freedom of association.** Noberto Bobbio (1996:43), in his discussion of rights points to examples of concrete freedoms of: **conscience**, **thought**, the **press** and **assembly**.

The other three elements, according to Gray, are **egalitarianism, meliorism and universalism. Egalitarianism** refers to the principle of equal rights meaning that "it confers on all men the same moral status and denies the relevance to legal or political order of differences in the moral worth among human beings" (Gray,1986:x).

Meliorism is a doctrine that the world may be made better by human effort, implying a sense of hope for general progress in any liberal regime. **Universalism**, Gray's fourth liberal element, means belonging or common action (that which is done by all persons) in the world. Gray regards universalism as the most important constituent to any liberal view because it transcends cultural boundaries. Universalism drives a message to political regimes that there are publicly accepted methods and means of political life of which all people should be aware. Gray's notion of universalism, I think , attaches importance to the basic issue of respect for human dignity.

In order to find a conceptual framework in terms of which to group all the divergent interpretations of liberalism, I have relied on Gray's typology of the four main principles of liberalism. I have grouped under these the various references to liberal concepts, as emerged from my foregoing discussion, which I highlighted in bold. In this way, I want to develop a broad, yet specific, framework in terms of which I can analyze the SASA – the task of chapter 5.

1. **Individualism, freedom and autonomy**

1.1 Individual freedom, freedom of individual choice.

1.2 Individual rights.

1.2.1 The right to private property.

1.2.2 The right of conscience.

1.2.3 The right of expression and association (including academic freedom).

1.3 Economic individualism, the space for competition and economic individual ambition in a free market system, coupled with minimum state interference in the dynamics of free market forces.

2. **Egalitarianism**

2.1 Equality of freedom under a system of law.

2.2 Democratic practice – sharing of power within a constitutionally organized form of government. Procedural organization.

2.3 Accountable government resting on the consent of the governed.

3. **Meliorism**

3.1 Progress through human effort.

3.2 Generosity of spirit.

3.3 Tolerance / cultural plurality / breadth of mind.

3.4 Rejection of teleology.

4. Universalism

4.1 Social order based on abstract rules.

4.2 Separatism of church and state.

SECTION C: A DISCUSSION OF LIBERAL PRINCIPLES

As I proceeded with more reading about liberalism, the task of completing this minithesis became more complicated. Reading more about liberalism did not necessarily assist me with the development of my research project. I have found the readings to be very demanding. The reason being a combination of difficult texts and different writing approaches to specific liberal themes. However, in this section I shall try to articulate what might seem to be some of the common principles that different authors on liberalism highlight. Although many of these principles may overlap, I shall try to discuss them systematically.

Individual freedom: a central feature of liberalism

Fundamental to the liberal point of view is the principle of individual freedom "...its central and most fundamental feature of liberalism is the defence of the principle of individual freedom" (Enslin, 1986:ii).

According to Gray, liberalism is **theorizing of political institutions** under a system of law for the purpose of serving an **individualist** society (1986:back cover). Enslin (1986:ii and 22) defends her liberal stance in what she regards as liberalism's most fundamental principle, the right to individual freedom.

Freedom : a central feature of liberalism

This emphasis by Mulhall and Swift of liberalism's identification with the notion of individual freedom or varieties of individual liberties as being insufficient to be labeled liberal, is confusing. Penny Enslin defends her liberal stance in what she regards as liberalism's most fundamental principle, the right to individual freedom[9]. Perhaps the notion of individual freedom can be defended if one considers the dangers of collective right and collective guilt in relation to the possibilities of individual freedom. In a liberal society collective categories such as guilt would be perceived as unacceptable and rejected by free individuals. The principle of individual freedom provides critics of liberalism with space for constructive criticism of the free agent i.e. the liberal as identified so far for the purpose of this minithesis.

Isaiah Berlin's concept of freedom

According to Berlin (1969:121), liberalism is linked to the word liberal which denotes a form of **freedom**, of which there are "... more than two hundred senses of this protean word recorded by historians of ideas." For Berlin, freedom implies that person's actions and space within which to act is not interfered with by other individuals. "To coerce a man is to deprive him of freedom ... almost every moralist has praised freedom ... Like happiness and goodness ... the meaning of this term is so porous..." Berlin (1969:121).

Despite its "porous" meaning, freedom is interpreted in two main ways by Berlin. He distinguishes between negative freedom or negative liberty and positive liberty. In short, positive liberty emphasizes "freedom to" , whereas negative liberty focuses on "freedom from". Debates about freedom have centred mainly on the negative liberty in liberalism with its emphasis on the non-interference in an individual's autonomous choice. The notion of negative freedom, "as freedom from" is a compelling view of the individual as one who has preferences of **autonomous choice.**

> I am normally said to be free to the degree to which no man or body of men interferes with my activity. Political liberty in this sense is simply the area within which a man can act unobstructed by others. If I am prevented by others from doing what I could otherwise do, I am to that degree unfree; and if this area is contracted by other men beyond a certain minimum, I can be described as being coerced, or, it may be, enslaved. (Berlin, 1969:122)

Berlin's defence of freedom does not imply a *carte blanche* notion of the principle of freedom and neither is it a substitute for "equality, justice, happiness" culture or security. Negative freedom according to Berlin implies that constraints be in place in order to maximize freedom. Hobbes too was cautious about excessive freedom: "A free man", said Hobbes, (as cited in Berlin, 1969:123) "is he that ...is not hindered to do what he hath the will to do. Law is always a 'fetter', even if it protects you from being bound in chains that are heavier than those of the law, say, some more repressive law or custom, or arbitrary despotism or chaos".

The right to private property and the space for economic individual ambition in a free market

For John Locke (1632 – 1704), the right to private property had a connection with the idea of freedom and hence liberalism. According to Gray (1986), for Locke the right to private property presupposes liberalism. Enslin (1986:23) also holds a similar view "... the right of the individual to his property is a crucial aspect of Locke's argument ... all men have a natural right to life, liberty and property"

According to Hayek a key liberal thinker of the twentieth century, Locke's interpretation of property is not limited to the material sphere. Hayek makes the point that the word property could include other meanings. One such meaning is that property could include demarcating the limits of that which is allowed or not allowed, i.e. the protection of an individual's domain as property (material) and other personal freedoms such as the freedom to associate with other people or economic freedom. Hayek (1975: 63-64), makes the following remark, "Since the time of John Locke it is customary to describe this protected domain as property

(which Locke himself had defined as 'the life, liberty, and possessions of man'). This term suggests, however, a much too narrow and purely material conception of the protected domain which includes not only material goods but also various claims on others and certain expectations".

Academic freedom

Academic freedom at a university has limits in that here again it does not imply a *carte blanche* in terms of expression. According to Strike (1982:103), academic freedom is a privilege. According to Strike "academic freedom ... is not a civil right nor is it a very general right ... Academic freedom, however, is not absolute. It is a right extended to a particular group of people for a particular purpose. It is a right of a university faculty because it promotes the growth of knowledge". The limit of that freedom is confined to the boundary of the individual's academic competence, her ambition for inquiry and the claim's general coherence with the pursuit of truth and justice. According to Strike (1982:103), freedom in this context cannot be considered "an absolute fundamental right of individuals". Rather, it is the protected space for an academic to pursue truth and justice without interference.

Egalitarianism

The complexity of liberalism as practice, based on a common concept e.g. of individual freedom, can be demonstrated by the way in which individual freedom is interpreted and applied by different societies, all possibly claiming an allegiance to this creed. If one assumed that a concept of liberalism meant a form of democratic government as a way in which individuals can exercise their right to individual freedom (e.g. voting) under a system of law, then a democratic government claiming allegiance to liberal principles can be one in which there is an egalitarian distribution of power.

However, the concept democracy and liberalism though compatible, are not the same because they have different meanings attached to them. For Hayek (1975:56), the difference between liberalism and democracy becomes more evident when one takes into account and compares their opposites: "The first is concerned with the extent of government power, the second with who holds this power. The difference is best seen if we consider their opposite meaning: the opposite of liberalism is totalitarianism and the opposite of democracy is authoritarianism". So in effect, one could imagine a democratic government that is not necessarily liberal. For example, the voters could democratically vote in a dictator who curbs their individual freedoms. In such a case I would argue that this is an illiberal state (the example above) since it both curbs individual freedom as well as having a (eventual) non-egalitarian distribution of power. The source of power in a dictatorship rests solely with the ruler. Thomas Hobbes (1588 – 1679), who in his *Leviathian* broke away from conventional feudal thought of the Middle Ages, argues that "sovereignty is ultimately derived from the people, who transfer it to the monarchy by implicit contract" (Mckay, et al 1983: 580).

Procedural organization

Locke also conceptualized a notion of a system of organization. Locke's concept of liberalism based on the respect for people and for private property is to a certain extent bound by rules, "The Law of Nature consists of a self-evident set of rules, which are rationally justified, and which all social beings must accept" (as cited in Enslin, 1986 : 23). Locke's notion of property includes the person's right to benefit from her own labour. According to his notion of the Law of Nature the right to life, liberty and property should be regarded as a natural right for all people.

> According to Locke's version of social contract theory, society had been established by free and equal individuals in a state of nature who, because of the insecurity of the state of nature, freely agreed to leave it and enter into civil society in order to better serve their rights. The individual men who consent to enter society give up freedom, equality and independence which they had in a state of nature in exchange for the greater security of civil society, the main purpose of which is the preservation of its member's property. In a society established in this way the legislature is the supreme power. (Enslin,1986:24)

According to Welsh (1998:1-2), the state's function differs from that of government. Some of the fundamental principles of the organization of the state should be beyond the reach of any temporary government. Enslin (1986:24) expands on Locke's ideas about liberalism which makes provision for the devolution of power within a system of procedural regulations, "For although men agreed to form a society for mutual advantage, all states are potentially tyrannical. In this respect the main enemy is the executive, which must be kept subject to the law and held in check by the legislature". The liberal stance with regard to egalitarianism can perhaps be linked to its position of being critical of **government action** in a way that prevents it from abusing its power. The limitation of government power is possible through a system of law.

Meliorism

Meliorism within liberalism indicates the idea that human progress is achieved through human (and in particular, individual) effort. The discussion of individual freedom focused on the extent of power and of non-interference, and the discussion on egalitarianism looked at the source of power and its political organizational form. The discussion about meliorism in liberal thinking looks at conditions of social interaction and characteristics, that promote the individual's maximum development.

Tolerance as a liberal principle

According to Sandel (1984), liberals are **tolerant**. For example, if an individual is opposed to a particular kind of behaviour e.g. indulging in pornography, the liberal moral agent will nevertheless tolerate pornography despite her/his opposition to it by other moral agents. The liberal perceives pornography as a minor inconvenience and payment for supporting the principle of freedom. For Sandel, support for the principle of freedom should be based on substantial justifications. We cannot simply like the "sound" of freedom. Supporting a principle of freedom should not be based on arbitrary preference by the individual. If a principle such as freedom is

reduced to this way of making choices, then people will not have arrived at qualitative choices. By this I mean that choices made without careful consideration could have negative implications for the individual in the long term. For Sandel, any support for freedom should rest on a moral base and is therefore not the same as licentiousness. Everybody should enjoy as much freedom as possible, but such an extent of freedom must be limited in the sense that it does not intrude substantially on the freedom of others. (As Berlin and others have pointed out there is no such thing as unlimited freedom.) Liberalism, then, according to Sandel is classically committed to the value of toleration based on the freedom of choice.

The anti-teleological position

Liberalism rejects the concept of a social blueprint, viz. political teleology, "The founding texts of the tradition of liberal political philosophy are intransigently anti-teleological. Both Hobbes and Locke, distancing themselves from what they see as the scientifically sterile and politically incorrect Aristotelianism of the schools, insist that there is no *summum bonum*, but as many human goods and conceptions of virtue as there are separate individuals" (Salkever, 1990:167).

Liberalism is anti-teleological, given that teleology is understood as a theory or position which advances a particular (usually predetermined) outcome or good. According to Salkever teleological explanations are an attempt at explaining events in terms of purpose as opposed to the function of its features. These kinds of explanation are useful but are not complete explanations since a blueprint of final aim in advance does not necessarily explain the dynamics leading up to the final goal. The founding texts of liberalism are based on a theory of explanation which is anti-teleological. Liberal theory is against the prescription of final causes in terms of which design (means) are prescribed by purposes (ends). Liberalism, however, recognizes the problematic traditional philosophical relationship between purpose and design, or means and ends.

Salkever suggests that liberal theory is associated with "...claims about virtues and good lives." Since the way in which virtues and the pursuit of the good life can take many different forms, there is no one prescribed way in which citizens of the liberal state should pursue their own happiness. Hobbes and Locke address the issue of people's preferences and the means which they can use in acquiring those preferences. "This variety of pursuits shows, that everyone does not place his happiness in the same thing, or choose the same way to it..." (Locke as cited in Salkever, 1990:170). The appraisal of neutrality of Hobbes and Locke embrace preferences which they claim individuals will have no difficulty with in identifying as necessary requirements for normal living. These comfortable preferences include " ... security, protection, peace and the regulation of property" (Hobbes as cited in Salkever, 1990:171).

Universalism

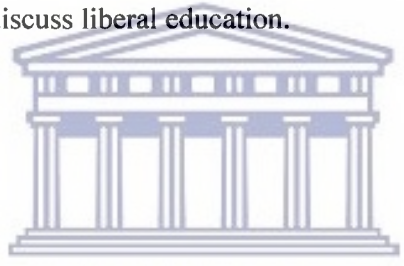
In a liberal political system associations of individuals freely choose to adhere to an organizing procedure which allows for the least form of restriction on its independent members. Freedom in this sense can be applied to government policy, communities, and individuals in society. Freedom also implies that if individuals are to enjoy a sense of choice, that choice will include a sense of responsibility.

Hence liberalism, with its commitment to freedom, is an organizing principle for governments, communities and individuals – a way of living in the west or modern world, but not necessarily the only way of living. What then is the nature of Hayek's arranged social order?

According to Hayek (1975), central to liberalism is the enforcement of fair universal rules which would result in a society experiencing the protection of private property; the spontaneous complex flourishing order of human activity , which is of increasing stature and complexity in comparison to a social order produced by deliberate arrangement. Liberalism then, is a "spontaneous" order of a free society based on universal rules of an "abstract" nature. In the section on individual freedom I referred to the kind of universal laws that govern autonomous choices as universal human rights. In the section of meliorism, I noted how despite

the variety of individual preferences, there are also universal basic values such as security and peace. The universalism of liberalism relates to the way in which individuals can choose to live. The devolution of government power according to these fair universal rules, is synonymous with a liberal society.

In summary, in this chapter I have developed a general framework of liberal principles. In Chapter 5, I shall discuss how some of these principles are embodied in the SASA. But before moving onto this analysis of the SASA, I want to look at the way in which liberalism and liberal education have been interpreted in a South African context. As I noted in this chapter, the geographical location and the historical period in which liberalism is interpreted shapes its meaning. In Chapter 4, I therefore shall look at some of the dynamics within the debates on liberalism in South Africa, but within the broad liberal framework I developed in this chapter. In my next chapter, I will discuss liberal education.



CHAPTER 3

LIBERAL EDUCATION

In Chapter 2 my aim was to identify a few fundamental liberal principles for an analysis of an educational policy i.e. the SASA. It would be useful to first establish, for the purpose of this minithesis, a notion of education. The main thrust of this chapter is to establish from sources the essential but not necessarily sufficient characteristics of a liberal education and to draw from those sources, together with those established liberal principles from Chapter 2, an interpretation of a liberal education. This chapter consists of three sections. Section A: Towards an interpretation of a liberal education. Section B: Justifying liberal education. Section C: Content of liberal education.

SECTION A: TOWARDS AN INTERPRETATION OF LIBERAL EDUCATION

Wary of not sounding too apologetic about drawing on just a few interpretations of liberal education, I will use them to gain at least some understanding of liberal education. It is my intention to tread cautiously because I have found some readings on liberal education to be similar, others slightly contradictory and at least two illuminating. Eminent scholars have spent years of study in an attempt to give an account of that which in educational studies is understood to be in line with a liberal education.

Educational theorists have been wrestling with the question of the nature of a liberal education, what the place of science, classical literature, modern literature, history, and linguistic competence in such an education must be. Some have been wrestling with the question of how far to sacrifice the pleasures of individual scholarship or deep research to the demands of teaching, just as others have been arguing about what education can achieve, and for whom – whether it is to put a polish on an elite, to open the eyes of the excluded or to permeate society with an old tradition. The fact that there has been argument about the same problems for a very long time is only half-comforting, since it suggests that no consensus will be

reached for many years yet, if at all. On the other hand, according to Ryan (1998:94), it offers a mild comfort that our condition today is not an especially fallen one, and that even in the absence of general agreement about what we are doing and why, we can do a great deal of good.

The changing nature of educational theory, i.e. theory that articulates the values and aims of education, may complement educational practice when the former informs the latter, by either adopting or discarding fresh ideas and conventions. According to Bailey (1984) an attempt to educate learners by proceeding with the assumption that theory and practice are not integral to each other, and that practice may never influence theory, borders on the naïve. This relationship is not cast in stone and neither ought it to be misconstrued, yet it should command a sophisticated appreciation from the educational thinker of a wide range of possibilities and perhaps, exceptions to the rule. Theories require a sound justificatory argument based on coherence and consistency. Justification of the aims and values of education is a sophisticated exercise and a praiseworthy attribute which people should strive for. By giving reasons for beliefs which are "coherent, consistent and valid" (Bailey, 1984:12), we avoid recourse to unethical forms of persuasion. Education by definition is worthwhile and need not be justified; rather, the kind of education and its particular aims need justification. So too then, a liberal education.

Liberal education is a particular kind of education. I would hope to be vigilant when writing this minithesis to guard against presenting a view of liberal education which slides into naiveté by being either too broad or too simplistic. However, for the purpose of proceeding, I shall discuss some of the main characteristics of a liberal education which in general:

- Steers the individual to greater freedom of choice.
- Enables the individual to use this freedom wisely and creatively in order to solve newly encountered problems (i.e. the development of rational and aesthetic capacity).

- Appreciates knowledge and develops an understanding of intrinsic values.
- Aims to teach the fundamentals, i.e. universal principles, rather than predetermined outcomes and processes.
- Is anti-teleological.
- Is an involvement "with a life of reason" Bailey (1984:20).
- Is an education that "sustains a free society" Ryan (1998:35).
- Is concerned with fundamental knowledge for general applicability.
- Is concerned with justifiable belief and action.
- Is concerned with respect for the person as a human being.
- Is concerned with actions which give a rich sense of meaning – not only with truth / falsity of propositions, but also with that which is justifiably to be valued.

In summary, for Bailey, a liberal education is acquired when: a person is able to act freely, rationally and autonomously; liberal education attaches importance to fundamentals so that it can serve a wider application; it has concern for the intrinsically worthwhile rather than for the solely utilitarian. The above two main characteristic principles of a liberal education are that it is anti-discriminatory by protecting a learner's rights and it develops autonomy of the individual through critical thinking.

I cannot comment on all the issues related to the practice of education and neither am I proposing to formulate a concept of education. Let me first acknowledge that education is inherently good because there are many benefits for society in general when it can be demonstrated that people are educated. In a free society people can, for example, exercise the right to make informed choices which suit their preferences. Education is not only instrumentally beneficial, it is also a good-in-itself, i.e. constitutive of one's humanity. Education should be seen as worthwhile and good in terms of acquiring it and sharing it with others.

I will now proceed by quoting a few authors regarding their notion of education. These disconnected notions of education I will use as a basis for the opening

section of my discussion. According to Rawls (1971:7), education is a complex social practice, a product of historical change and a part of the "social arrangements". Ruth Jonathan (1997:1) considers education to be "that social practice most central to the evolution of value and of circumstance". Jonathan (1997:182) argues that public education is the means by which autonomous persons are formed. Education is an essential practice for the sustenance of people. Education as a social institution should always be seen as being connected to people and their actions. According to Ryan (1998:97), education is important amongst other things for the purpose of enabling an individual to earn a living. Essentially for Ryan (1998:131), "education is a matter of transmitting a society's ideals and culture to its offspring".

Educational practice can be very specific in its outcome or it can be less specific and more general in its outcome. For example, education can be a means of learning a particular vocational skill (specific) or of achieving the goal of democratic citizenship (general). The benefits of education appeal to both public and private interest. This practice should be balanced with regard to the passing on of knowledge from one generation to the next. By this I mean that the education of young minds about the people with whom they are to interact in an environment should be conducted in a morally responsible manner.

I am going to start with the assumption that education is inherently good. Through education, the essence of being human is developed. If one considers it a process substantive of one's humanity, education offers one the potential for such continuous development in one's life.

SECTION B: JUSTIFYING A LIBERAL EDUCATION

Justification in the pursuit of rational knowledge assumes a commitment to concepts which are publicly acceptable and accessible according to accepted criteria (tried and tested in the case of scientific experiment or historical experience). Based on an established liberal principle, viz. individual freedom, as

discussed in Chapter 2, it would appear that in a liberal society the individual occupies a priority position in relation to society generally. A liberated individual is free through education since an education would play a role in shaping that freedom. According to Ryan (1998:97-98), a liberal education is not vocational training. For Ryan it is a form of education that is not identified with rote learning. It does however assist the learner in an appreciation for factual information and its reliability. A liberal education has a multicultural component. "Any education that makes people less interested in another society's vision of the world has gone badly wrong. Any student decently taught and allowed to look at the world will be curious about what happens beyond his or her front door" (Ryan, 1998:177).

A liberal education defends the principle of freedom of choice on grounds that it is the best way to contribute to the general welfare of society. The notion of individual interests, priorities and concerns, strongly sanctioned under the liberal principle of freedom, conjures up a sense of division between the individual person and the rest of society. This is seemingly unproblematic if one sees the environment and the way people interact from the perspective of the liberal. Individuals, after identifying something which they share in common, make up smaller groups. The private self impacts on a small community because it forms that community by being its member. The broader society provides the space for smaller communities within which to flourish by not infringing on their individual rights to express themselves as minority communities. A liberal education, according to Ryan (1998:95-96), "looks to an education in self-reliance and autonomy" of individuals for the political purpose of "creating good liberal citizens". For Ryan then the question of whether an individual is more important than society is a non-question. Such a question reveals the mistaken assumption that individuals are somehow different and in opposition to society. As Ryan, I think rightly, points out, individuals are liberal citizens, that autonomous individuals and their social lives and practices are conceptually linked.

According to Jonathan, freedom can be constrained both internally and externally. The internal constraints, according to Jonathan (1997:183) result from "ignorance,

prejudice or unfamiliarity with possible ways of life and sources of satisfaction or commitment". The external constraints, according to Jonathan, are those within the social structure which hinder the individual's opportunity of self improvement.

Apartheid education as an external constraint blocked the individual's experience of freedom. According to Jonathan, acquired freedom provides the individual with the opportunity to exercise her freedom. With the eradication of Apartheid education policy, greater space now exists in society for a qualified notion of autonomy. By means of a public liberal education, instead of mere Apartheid socialization and training, more individuals are acquiring skills to deal with internal and external constraints which might stand in the way of their freedom.

Different forms of education require different forms of justification. For example, an instrumental education (as opposed to a liberal education), would depend for its justification on: an end outcome (if the skill of fixing shoes is the outcome then an individual should be able to fix shoes after a period of training for and acquiring this skill); proof of effective training given to the apprentice; and employment prospects after having served the apprenticeship of an instrumental nature. Liberal education, in contrast, cannot be justified by using the same criteria for justifying instrumental education. This is because liberal education does not directly envision a specific instrumentality. As mentioned earlier, one of the basic characteristics of liberal education is that persons should be free from the restrictions which could negatively constrain their freedom of autonomous choice. Moreover, this freedom implies that an unexplored range of possibilities exists to which to apply this autonomous informed choice. Since freedom of choice by definition excludes having to choose a predetermined outcome, liberal education in its basic premise is different from a kind of instrumental education.

A justification for liberal education as teaching fundamental principles rather than predetermined and prescribed processes, is based on the premise that human experience is intrinsically worthwhile. Therefore, the flexibility of applying these

principles to different situations allows for enrichment of experiential possibilities.

According to Bailey, a liberal education is concerned with generally useful (but non-instrumental) education for a people. The knowledge acquired when involved with a liberal education must be of a fundamental nature so that a possibility for its general applicability exists. Fundamental knowledge refers to primary knowledge or knowledge from which other knowledge is derived. Bailey expands on this point in the following way. All of us human beings are capable of reacting to our "present and particular environment" (Bailey,1984:20). People react to their environment based on deliberation. Animals also react to the environment but their reaction is not based on deliberation. According to Bailey the basis for animal reaction is stimulus response. He further claims that individuals rise above the level of brute stimulus response when reacting to their "present and particular environments". He is implying that people can approach their wide ranging challenges by exercising reason. When people successfully escape the "tyranny of the present and the particular", that escape is a rough measure of the way in which they can exercise reason based on fundamental principles – the very thing that a liberal education hopes to develop in learners.

The questions which follow justification of a liberal education are: how can one overcome the difficulty between the relationship of fundamental knowledge / understanding and the need for particular activities? How can liberal education avoid becoming merely instrumentalist? Here Bailey uses an example of a cookery lesson where the adherence to a recipe is of importance. Getting the correct objective outcome, e.g. an edible cake or bread, is important. If the recipe is not available, according to an instrumentalist kind of education, the objective result would not be achieved. This instrumentalist education does not promote experimentation. According to Bailey, the same method can be seen in bad mathematics teaching. In contrast to this closed follow-the-recipe approach, he argues for a liberal alternative which would discard recipe-based work and instead opt for the understanding of fundamental principles based on "human biology,

nutrition, the response of food materials to heat" Bailey, (1984:31). This approach offers greater flexibility and its range extends beyond the recipe-book, allowing space for innovation. "Principles are higher level rules of greater generality of application than the rules subsumed under them" (Bailey, 1984: 33). He argues that when you learn principles, and you understand that it is that which you are doing, you are able to learn vast amounts of different content for different purposes, and this is a worthwhile end within the understanding of our human experience. Bailey advocates the emphasis on understanding principles which are coherent, and their use to be wide ranging as opposed to rote / drill learning of facts and applications because mastery of all the facts and applications which one might need is not possible. He refers to his own schooling and states that in his drills in old English weights he never applied them because the social context of that time changed faster than his teachers realized [1].

Another justification for a liberal education is based on the aim to develop the rational and aesthetic mind. In order to explain this kind of justification, Bailey quotes from Hirst. "To ask for justification of the pursuit of rational knowledge itself therefore presupposes some form of commitment to what one is seeking to justify" (Hirst as cited in Bailey, 1984:360). There are different forms of knowledge, i.e. different in for example science and knowledge in humanities such as history. Justification in the pursuit of rational knowledge assumes a commitment to concepts which are publicly acceptable and accessible according to accepted criteria. Liberal education thus seeks to develop rational and aesthetic virtues in learners.

Liberal virtues, rules and practice in education

Based on Salkever (1990), one could make the claim that liberal virtues are habits of mind and body. Salkever points out that when a person **chooses thoughtfully** and **acts deliberatively**, then she displays the qualities of liberal virtues. According to Salkever (1990), liberal theory obscures from view certain practices (law and higher education) necessary

for the development of virtues needed for a flourishing liberal political system.

From Salkever's thesis one can draw a parallel with Dunlop's (1979) argument that there are principles which have to be followed in the practical world of party politics. According to Dunlop it is impractical for school children to be concerned with a notion of participatory democracy when it would serve their immediate and long term interest if they focused on mastery of reading, writing and arithmetic. If according to Dunlop's notion of participatory democracy, liberalism is generally committed to the principle of freedom, the devolution of power which may suggest a notion of democracy, and an appreciation of adhering to a system of broad constitutional rules, then according to Dunlop, liberal tenets are not useful in schools. Dunlop considers democratic exercises to be "anti-educational". He argues that it is inappropriate for children to engage at too young an age with the dynamics (decision-making activities) of democracy because they risk "to prematurely whet the appetite for power and intrigue, and [this will] distract from more important tasks" (Dunlop, 1979:46). Besides, he asks, where would they find the time for these activities at school? Their time would probably have been better spent in acquiring essential reading and arithmetic skills. More important for him is the notion that democratic participation, a quality on its own, *presupposes* other qualities viz. "...making a person, or a school pupil, reasonable, orderly, truthful, and so on " (Dunlop, 1979:45). Therefore, one could argue that Dunlop's development of these virtues is a necessary pre-condition for a democratic (and liberal) education.

SECTION C: CONTENT OF A LIBERAL EDUCATION

In order to structure the discussion about the content of a liberal education, I shall use three of Bailey's concepts:

- the integrative idea
- serving competencies
- values

The discussion about the content of a liberal education assumes that principles argued for must be coherent and justifiable. Furthermore judgements about content would be questionable if they had no empirical or pragmatic base.

Before proceeding with Bailey's (1984) framework, let me recap the ideas central to a liberal education. The following are flexible guiding principles: liberating learners from the restrictions of the particular; concerned with fundamental knowledge for general applicability; fostering the development of reason; concern with justifiable belief and action; respect for the person as a human being; concern with actions which give a rich sense of meaning – not only with truth / falsity of propositions and concern with that which is justifiably to be valued (Bailey, 1984: 105).

The integrative idea according to Bailey focuses on the notion of a person trying to make sense of living in an environment which can be both accommodating and hostile. Persons are born into a world of established meanings and practices. These are shaped historically and they have to be understood by young persons. Liberal education has to manage and accommodate this task. The systematic engagement with these by young people is Bailey's understanding of integration as opposed to the random joining together of subjects.

The role of serving competencies in a general liberal education is explicitly functional where skills or technique are required. One gets a sense of the instrumental purpose at work. The quest for knowledge and understanding as a valued end offered by a general liberal education does not necessarily preclude the role for any form of instrumentality. Examples of such language serving competencies are the ability for a pupil to speak in a confident manner, to debate with reason, or to write a composition coherently. The same function of a serving competency can be extended to an area such as mathematics. Who would argue that it is not in that child's interest to learn about numbers, what they represent, how they look and their meaning? These are cogs in acquiring that which is

valued and worthwhile as an end. According to Bailey, serving competencies are to be clearly identified and ought to occupy a very large section of a child's early general liberal education. This serves as preparatory ground for more substantive inquiry and activity. He argues that if one is to embark on acquiring knowledge / principles of a fundamental nature, then mastery of rudimentary skills is important. That which is judged necessary for inclusion in a liberal education should be gauged in terms of its value of and for the human experience. According to Bailey, the following are examples of such worthwhile experiences: practice involving socio/political and economic institutions; mathematics and the natural science; literature and drama; art/music and the human sciences; religion and physical activities. These human practices involve all pupils by affecting their lives in a general way. It is not the task of liberal education to produce poets, musicians, mathematicians or scientists as such. Learners, rather are made aware of the world around them and how they relate to and use opportunities which may cross their path. Since the teacher does not know which opportunities may cross the learners' paths in the future, she needs to give them a broad understanding of various aspects of the world. A general and liberal education includes knowledge / understanding from both the sciences and humanities. "As part of a liberal education understanding from inside is valuable because it is participatory. Its purpose is to make us owners of the cultures we inhabit and the traditions we inherit" (Ryan, 1998: 35).

The third concept, that of value, also guides the content of a liberal education. Teaching with the intention to liberate pupils, not to restrict them and to ensure that they respect people and are respected, means teaching to care. Attached to care is an intuitive disposition towards a feeling of value and attachment. To care for a person implies that one values that person for whatever she / he represents or is. A liberal education does not only include coming to care about other people, but also coming to care about reason itself. Proponents of liberal education ought to be concerned if pupils do not care about reason. Not caring about reason means that one could so easily slide into accepting indoctrination or propaganda. Since indoctrination by definition is a view that does not hold up to rational scrutiny and

is a view that aims to distort, a liberal education is anti-indoctrinatory. It is an education that values critical engagement and the truth through rigorous investigation.

In conclusion then, a liberal education is an education of general applicability, one which fosters individual freedom and rational critical thinking. It is an education based on a knowledge of principles. A liberal education serves the interests of individuals who in turn, should benefit society in general. In the light of a liberal education benefiting society as a whole, it does not sanction any form of discrimination. With a conceptual framework which is partly in place and based on liberal principles and principles of a liberal education, I will now investigate, in Chapter 4, some aspects of liberalism in the South African context.

CHAPTER 4

LIBERALISM AND LIBERAL EDUCATION IN SOUTH AFRICA

In Chapters 2 and 3 I gave an account of some of the fundamental features of liberalism and liberal education respectively. From those accounts it was established that liberalism is a political perspective based on especially the principles of individual freedom, autonomous choice, egalitarianism, meliorism, universalism, and liberal education is anti-discriminatory and embodies the development of rational and aesthetic capacities. It was also established that liberalism rejects the concept of a social blueprint, i.e. it rejects political teleology. A liberal view of education is anti-teleological because it does not envisage in advance a particular outcome[1]. Given these broad features, I now want to look at how liberalism and liberal education developed within a South African context and what kind of interpretations of liberalism and liberal education arose because of particular historical developments. I shall discuss this by looking at some of the historical developments of liberal political practice in South Africa. Because liberalism is a complex topic, I do not intend giving the chronological detail it deserves. In a modest way, the different sections also demonstrate the scope of liberal themes. I shall touch on some criticisms leveled at liberalism from a radical perspective. This will be followed by a brief discussion of the 1996 Constitution with an emphasis on a culture of rights. In the penultimate section I will discuss liberalism's influence on education and conclude with a summary of the four sections.

SECTION A

The historical development of liberal political practice in South Africa

According to a South African academic[2] Ashley (1989:29), liberalism refers to the concepts of individual freedom as conceptualized in the eighteenth century (1776) social transformation of America and later, in France (French Revolution 1789)[3]. Other academics are in general agreement with Ashley's account regarding the

"genesis" of liberalism. "Historically, it emerged in Western Europe, whence it was transplanted to North America and Australasia, its successful expansion deriving from the colonial dominance of west European societies in the nineteenth century and the economic dominance of North America in the twentieth" (Johnson and Welsh, 1998:376). According to Ashley, liberalism has two phases. The first phase is classical liberalism. In late 19th century Western Europe classical liberalism implied less government interference in the individual freedom of people and more state protection of the free market. Democratic liberalism was the second phase which emanated from classical liberalism. "Classical liberalism gave way during the late 19th century to democratic liberalism which did not accept the view that the wealth would be distributed spontaneously as a result of individual activities" (Ashley, 1989:29). From Ashley's research it would appear that democratic liberalism would include a notion of the concept equality[4].

According to Davenport (1987:21), "... our reflections would be badly amiss unless we related it to European liberalism; for Cape liberalism, like Cape Calvinism, was initially an exotic plant. There are European origins of liberal thinking in the four fundamental fields: access to justice in the broadest sense of the term, to freedom of speech, economic freedom and political rights". The European liberal tradition based on these four "fundamental liberal fields" was absent from political life in the early Cape, "...equality before the law did not exist in the Cape during the period of Dutch East India Company rule between 1652 and 1795" (Davenport, 1987:22). Moreover, he argues, there was little freedom of speech, limited economic freedom and severely restricted political rights[5]. Liberalism's fundamental principle i.e. individual freedom, through historical circumstance, found its way to the shores of the Cape only later. I will now proceed with some observations connected with liberalism in South Africa between 1800 and 1900.

Liberalism in the Cape from 1800 to 1900

Legassick (1973:2) also argues that South African liberalism was influenced by liberal practices abroad. Between 1888 and 1920, there was an export of liberal policy, viz. a concern for "friend of the native", from Britain. After World War I, according to Legassick, the Labour Party's influence of a notion of individualism found its way to the Cape.

According to Rich (1984), South African liberalism has its roots in the Victorian Cape liberal tradition, prior to 1900. This liberal tradition was based on a work ethic which encouraged people to help themselves, i.e. to be autonomous. If one takes into account the research conducted by Trapido (1980), liberal trends in Britain would later serve as a basis for British interests in the Cape. It is not surprising though, that the establishment of the African franchise received the priority it did during the 1850s. Afrikaner political rights presupposed African political rights.

> Liberalism in the Cape is best known for the suffrage it created...But it also permitted the much wider enfranchisement of Afrikaners which (though it is taken more for granted by historians than the enfranchisement of Africans), when compared with the franchise then applying in Britain, requires as much explanation as African enfranchisement. This enfranchisement of Afrikaner and African peoples was intended to restore to the colonial state the stability and authority which had been disturbed by the events of the 1840s. (Trapido, 1980:248)

Other influences such as the liberal institution of the press in Britain also had an impact on liberal developments in the Cape. For example, in 1827 the liberal institution of the press celebrated a victory. According to Davenport (1987:25), the stand taken by George Greig and John Fairbain against Lord Charles Somerset "to publish without a permit" can be seen as a victory in favour of press freedom. This general victory for press freedom at the Cape coincided with attempts at press freedom in Britain outside of Parliament. According to Davenport, there were examples of the establishment of both the Afrikaans and African press within short

periods of each other, in the mid 1870s and in 1884 respectively. *Die Afrikaanse Patriot,* was soon followed by Tengo Jabavu's 1884 *Imvo Zabantsun.*

Liberal developments in the Cape were in tandem with more significant events linked to the liberal principle of freedom in Britain. For example, in 1807 Britain banned slave trading and the importation of slaves ended (Saunders, 1988:78). Within just over two decades (1807 – 1828), Cape liberalism was again in tandem with liberal developments in Britain. In 1828 the indigenous Khoikhoi people of the Cape were granted their freedom under Ordinance 50. Granting the Khoikhoi their personal freedom was a practical application of the fundamental liberal principle of individual freedom.

In 1852 a group of Afrikaners rallied behind the liberal call for a non-racial franchise. Perhaps one should appreciate the group effort of those Afrikaners because they took a bold stance in favour of individual freedom without the political support of an institution such as Parliament. According to Andre du Toit (1987), it is a myth to disregard the role of Afrikaners from the general Cape liberal discourse. Liberalism in the Cape did not preclude Afrikaners from the liberal political activity in which black people and English-speaking white people participated. According to du Toit (1987:36), " It belongs to one of the most neglected periods of Afrikaner and South African history; it does not seem to fit with the familiar story of trekboer settlement and familiar conflict or the subsequent rise of Afrikaner nationalism..." du Toit argues that the sustenance of liberal discourse after the establishment of an imminent representative Cape government in 1853, did not entirely take place in the formal halls of parliament. This liberal discourse also took place in educational institutions and in the Dutch Reformed Church (DRC).

In 1853, liberals in South Africa were opposing racial discrimination. Their victorious opposition was based on the defence of a fundamental liberal principle – individual freedom and rights. Liberal opposition reflected a desire for the democratic

right to vote and a rejection of racial discrimination. Perhaps 1853 can be seen as the high point of Cape liberalism because liberals would later continue to oppose racial discrimination for dubious reasons[6]. William Porter, the liberal attorney-general of the Cape Colony in 1852 stated that he would prefer that the Khoisan people vote rather than to fight with them, "Now, for myself, I do not hesitate to say that I would rather meet the Hottentot at the hustings, voting for his representative, than meet the Hottentot in the wilds with his gun upon his shoulder" (McCracken as cited in Welsh, 1998:4).

Between 1860 and 1880 political attempts were made by government officials, viz. Governor George Grey, to promote an economic notion of liberalism. "Sir George Grey (governor from 1854 - 1861) attempted to inculcate bourgeois values among Africans... the individualism promoted by Grey was exceptionally rugged and was hardly motivated by thoughts of African welfare in the short term ..." (Davenport, 1987:27-28). Despite the "ruggedness" of this notion of liberalism, it does illustrate a commitment to a universal application of universal values. Cape liberalism reflected various degrees of progress in different spheres of life. Black peasant farmers, for example, enjoyed economic success between 1860 and the 1870s. According to Davenport (1987:27), "British policy at the Cape had been moved steadily toward economic liberation which had been as good as achieved by 1860..." Bundy (1979) argues that economic liberalism reached a high point in the Cape during the 1870s because of the entrepreneurial genius of the black peasantry. He notes that black peasant farmers were marketing wool and they were hiring farmland. Saunders too notes the growing black middleclass.

> It was not only as crop-growers that peasants in places such as Peddie, Bedford, Glen Grey, Stutterheim, Victoria East and Queenstown excelled; many of them also became successful wool farmers. Initially the Peddie district set the pace, selling 17 000 pounds of wool in 1864. Other areas soon followed – and by the 1870s increasing numbers of Africans were selling cattle to buy sheep. (Saunders, 1988:206)

From the discussion so far, it appears as if liberalism in South Africa achieved a measure of success during the second part of the nineteenth century. In the following section I will discuss aspects of liberalism in the twentieth century.

Liberalism in South Africa after 1900

According to Rich (1984) and Trapido (1980) who both referred to the pioneering work of Dr. John Philip, missionary activity sometimes worked counter productively to the basic liberal principle of individual freedom and its associated principle of equality. "Whilst the idea of keeping African societies separate from the colonial white society in the Cape was not a new one – indeed it can be perceived in many respects in one of the pioneering tracts of Cape liberalism … the phase of British imperial intrusion marked a growing racialisation in political discourse" (Rich, 1984:2). By means of this quotation, Rich is suggesting that because of its link to British imperialism, Cape liberalism in its infancy was discriminatory. Legassick supports Rich's view that liberalism was characterized by a creeping racism.

> Like "segregation", "liberalism" has many meanings. It is sometimes applied to those who give priority to the freedom of the "individual" and thereby cherish those institutions of bourgeois society – the rule of law, an independent judiciary, a free press, freedom of speech and association etc. … In South Africa "liberal" , too, has acquired another meaning … that of "friend of the native", … a force trying on the one hand to minimize or disguise the conflictual and coercive aspects of the social structure, and on the other to convince selected Africans that the grievances they felt could be ameliorated through reforms which liberals could promulgate. (Legassick, 1973:1)

I am in no position to contest their wisdom in this regard, but I do feel that it is difficult to say whether it was liberalism that caused racism. What is important is to note that it is difficult to separate race issues from liberalism in the Cape over any period and in general in South African history. In principle, liberalism cannot support an action that promotes the opposite of freedom. Any form of racial discrimination violates individual freedom. I have established so far that individual freedom is a

liberal principle. Later in this chapter I will refer my readers to specific texts where liberals themselves oppose racism in South Africa. Given these two positions in which liberalism finds itself, (either as a purveyor of racism or as an opponent of racism), an association between liberalism and racism in the South African context exists. Dr John Philip's 1828 research places into context the changing role of Cape liberalism and its assistance from missionary activity.

> While our missionaries beyond the borders of the colony of the Cape of Good Hope are everywhere scattering the seeds of civilization, social order and happiness, they are by the most unexceptional means, extending British influence and the British empire. Wherever the missionary places his standard among a savage tribe, their prejudices against colonial government give way; their dependence upon the colony is increased by the creation of artificial wants; so confidence is restored, intercourse with the colony is established, industry, trade and agriculture spring up; and every genuine convert among them made to Christian religion becomes the ally and friend of the colonial Government. (Dr John Philip cited in Trapido, 1980:249)

From the above quote it would appear that there is a conceptual association between liberalism and racism. How one interprets the link between liberalism and racism is to an extent made easier if one examines an aspect of liberalism in retrospect, i.e. by looking at a liberal theme in South African history over a long period of time. It would appear that the passing on of liberal principles through missionary activity was perhaps of secondary importance in the light of the political agenda which prevailed. In the context of Dr John Phillip's text, it would appear that liberal practice implicitly favoured the white "cultured" racial group at the expense of the "savage" blacks, making liberal practice an accessory to inequality. The association between Britain and the Cape Colony of Good Hope can perhaps be understood as the beginning of an emerging South African liberalism with future implications. One such implication can be seen as the ideologically based agenda of separating people which was to surface explicitly in the field of education, only to be seriously tackled at national government level with the enactment of the South African Schools Act in January 1997. Rich links South African liberalism to missionary activity with a Victorian

vision of social improvement. Through this notion of liberalism, it was perceived that Africans, through a puritan work ethic and etiquette would improve their position in the civilized world. In this endeavour, Rich traces the path of a liberal agenda at different historical periods.

For example, in 1913 Frederick Bridgman and his wife established recreational facilities for both African mineworkers and African female domestic workers. According to Rich, this American Board Missionary couple's intervention was used in the form of providing film shows to the mine workers which, however, diverted their potential for industrial unrest, so preventing them from joining the white miners strike on the Witwatersrand in 1922. Bridgman's wife established the Hand Club for Native Girls, its main purpose was to provide training as domestic servants to the lower and middle-class white suburbia. According to Rich (1984:1), the main influence of this kind of liberalism came from the nineteenth century Cape which was in turn influenced by the "mid-Victorian ideal of social upliftment through the instilling of the values of hard work and self-help."

Rich researched the topic of a South African concept of liberalism from a critical perspective by addressing racial segregation infused with economic power relations. Rich's studies indicated that in the South African context, economic power could be identified as being within the white section of the population. Rich labels South African liberals such as white educationalists, missionaries, philanthropists, social workers and businessmen as tolerating those power relations. He provides detailed evidence of the co-option of Africans who aspired to the liberal stance. In 1921, according to Rich, South Africa had a petty African bourgeoisie population of 9756, consisting of African teachers, ministers, chiefs and headmen, and more than one thousand interpreters. In Rich's view this petty bourgeoisie group was the necessary human resource for any future urban missionary project. His investigation covered the phase of South African liberalism from the period after the First World War (1919) to the establishment of the Liberal Party after the 1953 general election.

According to Rich, South African liberalism was a reflection of the group priorities, i.e. the interests of blacks generally took a secondary position in comparison to the interests of whites. By taking into account the position by Legassick (1973) regarding South African liberalism, it might clarify the position adopted by Rich (1984), viz. liberalism in South Africa served as a buffer between the two rising forces of Afrikaner and African nationalism by exerting influence on race thinking through institutions such as the church and schools.

A distinction exists between fundamental liberal principles and the application or expressions of those fundamental liberal principles. Fundamental principles are at less risk of arbitrary change by people than for instance, the application or expression of those fundamental principles. Historical conditions such as frequent periods of war or lengthy periods of peace and political stability may influence the way in which individuals might interpret a range of principles, including liberal principles, to suit social conditions and human preferences in any particular milieu. The following two quotations draw to attention the distinction between the fundamental and an expression or association of that deemed to be fundamental. This distinction should be borne in mind since it forms part of my analytical model.

> I have already made it clear that for the liberal it is the defence of individual freedom which is central and definitive of her position. To this I should now add the observation that defence of this principle will in general be more fundamental to the liberal position than defence of any other. I have argued that there are various associated principles in terms of which the liberal will interpret the central, and I now add fundamental, one of defence of individual freedom. (Enslin,1986:65)

> It will be recalled that I suggested there that we need to distinguish between 'liberal' in the mistaken sense of the liberal tradition, characterized by its concern to defend individual freedom, with variations in its expression depending on the context. (Enslin,1986:81)

After the 1948 election into power of the National Party government the liberal element in South African party politics was reflected in the convictions of its opposition. " The United Party stood for the preservation of principles and methods

historically associated with the Western liberal tradition – minimum government interference with the rights of the individual, the rule of law, the inviolability of the constitution, and the independence of the judiciary" (Robertson as cited in Enslin, 1986:81). According to Enslin (1986:82), the United Party did not campaign for the political rights of blacks as it did for "for the existing privileges of coloureds". Vigne (1997:1), notes that Leo Marquard founded the Liberal Party of South Africa in 1953 but by the middle of the twentieth century South African liberalism was still battling to defend its former claim as a defender of individual freedom because of its perception in society, especially amongst blacks. Enslin (1986:82) argues that the Liberal Party which stood for general liberal principles such as "human dignity, human rights and democratic participation, did not embrace universal adult suffrage until 1960."

SECTION B

Clarifying historical and contemporary interpretations of the word "liberal" in South Africa

According to Davenport (1987), any contemplation about liberalism in a South African context would require an appreciation of the possibilities for interpreting the different meanings that could emerge from the term, "liberalism". Liberalism is neither interpreted nor practiced by people in a universally homogenous way. The interpretation, application and expression of liberalism may therefore at times be problematic because of the tendency for people to approach it in different ways. An individual might have difficulty with the interpretation of liberalism at a conceptual level. For example, a person may not be able to distinguish between that which is fundamental, i.e. individual freedom, and an application of the principle of individual freedom, i.e. freedom of association. Because of its wide semantic field, liberalism is interpreted or practiced by people in a variety of ways.

What then are the main interpretations of liberalism? According to Legassick (1973), there are many meanings that could be associated with liberalism. He raises two interpretations. First, liberalism is associated with the freedom of an individual, and second, with a political economy where the state has minimal influence in the dynamics of free market forces. Legassick argues that liberalism aligns itself to the market forces which is understood to be free for commercial competition, viz. capitalism. Liberalism is seen as a system of minimal government interference with free market forces or capitalism.

According to Johnson and Welsh (1998: 377), South African liberalism typically rejects racism, whereas others again (Rich, 1984 and Trapido, 1980) argue that liberalism was supposed to have paved the way for racism. I have, however, argued that liberalism as representing individual freedom *in principle* does not sanction any form of discrimination.

Butler et al (1987), hold that the following are central fundamental liberal principles, viz. freedom, equality, individual rights and justice. For Butler et al (1987:3), being a liberal means the following: "...demanding limitations on the power of government...government must adhere to the rule of law...government must protect minorities...government must protect individuals and entities like the press..." In the South African context, according to Butler et al (1987:8), "the word 'liberalism' ... affirms the rights of individuals, of minorities and of institutions against the power of the state; it asserts freedom of speech and assembly; and above all, it affirms the rule of law, the insistence that no government official is above the law which is ultimately created and sustained by the people's will". Welsh (1998:1-2), in his contribution to the subject of liberalism in South Africa, adds the following core values of liberalism, viz. "a commitment to constitutionalism; compassion; and individual social improvement..." Principles of liberalism, i.e. individual freedom, access to justice, economic freedom and political rights, according to Davenport (1987:21), are linked to institutions of freedom such as the liberal media, the independent courts, the

freedom to participate in what is understood as the "free market", and the institution and practice of democratic government.

Some criticisms directed at liberalism

I will now discuss some of the criticisms directed at liberalism. According to Kline (1985:139), there is a tendency to attach a negative connotation to liberalism in South Africa "As a result, neither the uncompromising Afrikaner Nationalist nor the demanding Africans and revolutionaries have supported liberalism, and those South Africans in the middle have been discouraged by its vacillating nature". Kline generalizes when he claims that certain political groups did not support liberalism. For those Africans who supported a political party such as the ANC, they certainly did support liberal principles like non-discrimination and still do. The same cannot be said for extremist right wing Afrikaner nationalists who openly supported racial discrimination. The liberal principles of non-discrimination and individual freedom get "lost" when sweeping statements are made as to which political parties supported liberalism. Support for liberal principles can be found in the ANC's history.

> Indeed there are strong grounds for arguing that the most clearly liberal political organization in South Africa in the mid-twentieth century was the African National Congress. This is reflected in the Bill of Rights of 1945, calling for, among other things, one man, one vote, equal justice, freedom of residence and movement and the removal of discrimination against blacks. (Enslin, 1986:83)

Nevertheless, Leatt et al (1986:54) claim that liberalism as a political philosophy has not received a "warm reception" in contemporary South African society. This is because liberalism is perceived to be linked to racism.

Liberalism in the South African context is usually associated with the white section of the population. "Liberalism ... was inaugurated in South Africa by people of European descent, some of whom, wittingly or unwittingly, gave the concept an

unwarranted stench because of their frequent lapses into illiberal attitudes and practices even while claiming to be liberals" (Sono, 1998:294).

Research conducted by Enslin (1986) points to nuances of racism in South African liberalism. Liberals, it would appear, opted for the reticent position towards black enfranchisement. This happened between the 1948 election and 1953, when the Liberal Party was formed.

Steve Biko, regarded as the founder of the Black Consciousness Movement (B.C.M.) in South Africa, rejected liberal principles by sloganeering anti-liberal sentiment. "Black re-groupment required the B. C. Movement not only to declare its unequivocal opposition to *apartheid*, but also to distance itself from white liberalism. Biko referred to the white liberal presence 'amongst us irksome and of nuisance value' " (Hirschmann,1990:5).

It is naïve to recoil from the term "liberal" when the symbolism of liberalism is reflected in South Africa's past and present history. The moral stance against apartheid in South Africa has often been based on strong liberal convictions about basic human rights. Liberalism holds that it is inhumane to discriminate against another person and, therefore, in principle rejects racism. One could argue, therefore, that the vision of freedom by liberation movements such as the African National Congress (ANC) is intrinsically linked to liberal values. Leatt's observation seems to support Kline's claim that Africans in general rejected liberalism. It does not mean that if Africans did not outwardly support the Liberal Party, they effectively rejected the liberal principle of individual freedom. The thought of connecting African liberal political aspirations to their being or not being members of a particular party – the Liberal Party – somehow seems unconvincing. The first assumption that I think one needs to consider is that claiming to be aligned to the Liberal Party, does not necessarily mean that one is a liberal (or, conversely, if one is not a member of the Liberal Party that one is illiberal.). The fundamental moral stance against apartheid in

South Africa is based on strong liberal convictions about the basic rights of individuals, rejecting discrimination based on race.

The second assumption that needs clarification is the myth that liberals are white or non-African. In order to practice liberal values, one has to believe and be convinced that the doctrine or system of beliefs is justifiably good for all persons and that it will not be harmful to engage in such practices. Du Toit (1987) argues that in South African society there has always been this mistaken assumption that liberalism was not welcome amongst popular black political sentiment. Liberalism has drawn political support from both black and white people in South Africa. He shows that liberalism has had the unique potential of drawing political following and strength from both black and white populations in South Africa. Major political forces such as the National Party (NP) representing the conservative right; the ANC representing the radical left and "probably the most liberal political party in South Africa" (Enslin, 1986:83); and the most popular South African leader of the growing Black Consciousness Movement, Steve Biko, all *claimed* to have rejected liberalism, yet there is *evidence* of how some of these political forces adopted liberal principles. In the era of negotiations in post 1990 South Africa, there was a diplomatic effort from the side of the NP led government to abandon apartheid policies. This level of diplomacy was matched by the ANC as a liberation movement. According to Johnson (1998:378), "...most striking of all, the NP and the ANC found common ground in liberal constitutionalism. True, the constitution that was finally adopted contained elements that some liberals cavilled at, but it was in many ways a liberal document with a Bill of Rights occupying a central role within it". It would appear to be the case in South African liberalism of a general adherence to liberal principles despite a rhetoric that claimed to reject liberalism.

Another criticism leveled against liberalism is that liberalism equals capitalism. As I have shown from the literature, individual freedom is regarded as a key principle of liberalism. One can extend this principle of freedom or non-interference to the

economic practices of a person's life. If one viewed liberalism as an economic system that is not restrictive of an individual's pursuit of financial growth, then it can be linked up with capitalism. In turn, capitalism as an economic system can thrive on unequal power relations which seems to undermine the liberal principle of equality.

Recent research[7] conducted by Schlemmer (1998) suggests that the economic dimension of liberalism is becoming more visible amongst certain sections of the South African population. This economic aspect then often conjures up notions of class interests in society. Earlier in this chapter I have referred to Ashley (1989) and Legassick (1973) who both included economic freedom as an important aspect of liberalism. This understanding of liberalism would be misplaced if it were not accommodating to the mechanism of free trade or capitalism. One aspect of capitalism as an economic system is that it is not restrictive of an individual's pursuit in financial growth. The system is however, capable of generating disproportionate economic power relationships amongst individuals. Schlemmer's survey suggested that people identified as belonging to the middle class, supported economic freedom with some reservations. Those reservations reflected a concern for the economically marginalized section of the population. The results of his survey indicated that the economically privileged were concerned about the high incidence of poverty and unemployment in South Africa.

Despite the criticisms leveled at liberalism, Enslin suggests that South African society ought to change its perception about liberalism. The reason for such a "change of heart" is that individuals in our society already engage in liberal practices, viz. exercise of the universal franchise and a legislative rejection of racial discrimination. South Africans utilize liberal institutions such as the Constitutional Court. This court takes on very sensitive cases which impact on our Constitution. It is an example of a liberal institution because its nature of practice is the defence of individual freedom. Cases ranging from Apartheid crimes, redistribution of land, AIDS and labour related issues have been vindicated in the Constitutional Court. Liberal beliefs ought to

appeal to the vast majority of South Africans because we are all to some extent the victims of an illiberal historical past. Here I refer to both the victim and the perpetrator of any form of discrimination, be it on an individual level or larger group level.

According to Berlin (1969:121), because "the meaning of this term is so porous", there is little interpretation that the term liberty or liberalism seems able to resist. People might use the term differently, i.e. for the purpose of rejecting or defending it. Others may only refer casually to it, or the convictions which they hold might be obscured from them. It is possible for individuals in the South African political context, to think that they are opposed to liberalism as a political stance, when they continue to pursue liberal aspirations. In the following section I will discuss some issues related to a rights based culture in our Constitution.

SECTION C

The 1996 Constitution

South Africa's Constitution is designed for common citizenship and the Bill of Rights protects democratic values of human dignity, equality and freedom. This for Enslin (1986), makes it a constitution based on liberal principles and would therefore make South Africa a liberal democracy. According to Enslin, other liberal democracies elsewhere in the world also celebrate this notion of democratic citizenship. Two examples of countries which are regarded as liberal democracies according to Adam et al (1997), are Britain and South Africa. "The classical elements of a liberal democracy can be found in the final Constitution. Some of the conventional procedures of a liberal democracy are that adults who qualify to vote may do so under secret ballot; a free press is allowed to publish; and all constitutional parties are allowed to register in order to raise funds" Adam et al (1997: 82-83). One of the reasons why South Africa is regarded as a liberal democracy is because of its liberal Constitution based on a Bill of Rights. In our Constitution we have a Bill of Rights

(section 7 – 39) which enshrines values of human dignity. The Constitution of the Republic of South Africa (1996:5) endorses the following: "There is a common citizenship. All citizens are equally entitled to the rights, privileges and benefits of citizenship and equally subjected to the duties and responsibilities of citizenship...Everyone is *equal before the law* and has a *right to equal* protection and benefit from the law. Equality includes the full and equal enjoyment of all *rights and freedoms*" (my emphasis). According to Enslin (1997), the new South African Constitution adopted in May 1996 affirms the right to democratic citizenship. She notes that other liberal democracies such as in Britain and in the United States of America also celebrate democracy on the basis of citizenship. The values of human dignity, non-racialism and non-sexism, the authority of the Constitutional Court and universal adult suffrage feature as priories in the Constitution (RSA,1996:5): "Everyone has a right to basic education (29). No citizen should be deprived of citizenship (20). Everyone has the right to freedom of expression e.g. freedom of the press (16)". The principle of the right to life (11) makes South Africa's Constitution one of the most liberal in the world because of the abolishment of the death penalty. Since1994 the South African government has been committed to the ideal of fostering individual freedom.

The ability to enjoy freedom from discriminatory restrictions and freedom to flourish in terms of human development is inherently good for human beings. The reason for attaching to a concept of freedom a sense of value, i.e. the good, is that freedom by definition provides human beings with the space and opportunity to make rational choices. This does not mean that all individuals will make rational choices. Liberalism aims to create conditions that are conducive to freedom. Individuals will be better equipped to exercise an expression of individual freedom, e.g. freedom of speech, in a democratic society governed by constitutional laws, equality for all people before the law within its territorial boundaries, than in a society ruled by a dictatorship.

SECTION D

Liberal education in South Africa

Given that defining a liberal education is no easy task, its basis should be drawn from basic liberal principles. It has been established that a liberal education is characterized by its two main principles, viz. it is anti-discriminatory by protecting a learner's rights; and it develops autonomy of the individual through critical thinking. Liberal education, therefore, defends individual freedom. From this one would then proceed to the ability to exercise freely, autonomous responsible choices. According to Enslin (1986:iii), a liberal education is "primarily concerned with the development of the autonomy of the individual". She suggests that one of the reasons for the negative perception of a liberal form of education is because of the application of different expressions of the basic principle (defence of individual freedom). This is sometimes misunderstood and incorrectly applied. For Enslin, there is a distinction between liberal studies in education and a liberal education; the main difference between the two lies in their purpose. A liberal education is a general education which equips one with general and essential abilities. One example is that it encourages independent autonomous choice. Liberal studies in education are characterized by their descriptive activity of investigation. What they investigate is very often the nature of black education and comparing resources between black and white education.

The historical roots of liberal education in South Africa can be traced to the first forms of missionary education. Victorian missionary activity emerged in the Cape in the early nineteenth century, synonymous with the development of an emerging South African liberalism, which by 1921, had reached a formal level, according to Rich (1984:1), whereby "... missions such as Lovedale and Healdtown had been strongly influenced by the mid Victorian ideal of work and social upliftment through the instilling of the values of hard work and self-help".

The Cape liberal tradition was closely linked to missionary involvement and the social improvement of people's lives. According to Beck (1989), missionaries first arrived at the Cape in 1799. Initially, those who received a missionary education, received an opportunity to learn universal human values because of the mission's principled foundation. According to Legassick (1973:2), "Similarly the mission societies, some of whom had in the first part of the century been major advocates of a policy of formal non-racial equality, were now strongly influenced by the Booker T. Washington approach to education, stressing the training of the many in vocational skills rather than the training of the few for equal participation in the society. Education, they argued, must be shaped for local conditions and for the specific needs of the African". According to Legassick, missionary education then took on an instrumentalist understanding of education in South Africa. By concentrating on the training aspect of skills, missionary training became more a form of vocational training of African people.

Despite its perceived "illiberal" roots in missionary education, the educational aims of critical thinking and respect for cultural identity are concerns of liberal education (Enslin, 1999:183). The illiberal nature of schooling under apartheid legislation, however, did not accommodate the liberal education principles of critical thinking and respect for cultural diversity. One of the reasons for the neglect of liberal principles in South African education in general, according to Enslin, can be attributed to the fact that schooling was characterized by authoritarianism. This kind of practice in turn discouraged questioning in the education environment. The illiberal nature of schooling promoted rote learning and it did not genuinely respect cultural diversity. According to Enslin (1997:81), the so–called appreciation of cultural diversity in the apartheid era was a "manipulation of the notion of culture in order to justify racial segregation".

Liberal education today is linked to the notion of a constitution, and citizen. For Enslin (1997), certain liberal expressions which have been derived from the

fundamental liberal principle of individual freedom, have been ensconced within the South African context, in institutions such as the government and education. The acquisition of reading and writing skills forms part of a liberal education. Although these skills are an essential, they are obviously not exclusive to a liberal education. However, it is not possible to exercise autonomous choice based on rational decisions, for example, at a voting station if a person cannot read.

The role of universities

Higher education became the responsibility of the Union of South Africa Act in 1910. All universities had to seek state approval before establishing new courses, departments or facilities. The South African system of higher education was established by the Universities Act of 1916 which recognized three universities, viz. University of Cape Town, University of Stellenbosch and the sole examining university – University of South Africa (UNISA). UNISA originally had six other universities affiliated to it, viz. Rhodes University, Natal University, Orange Free State University, Pretoria University and the University of the Witwatersrand. Universities received state subsidies as early as 1922. A decade later, in the middle of the Great Depression, universities had to submit detailed information about their financial affairs, to the extent that academic salaries had to be reduced by between 5 and 9 percent. Before 1948, the year in which the National Party took government office, South African residential universities fell into three categories, viz. the English –speaking universities, Afrikaans medium and the black tertiary institutions. UNISA was a bilingual and multi-racial university.

Universities were witness to a series of apartheid legislation which was passed by Parliament during the 1950s, viz. The Suppression of the Communism Act 1950; The Public Safety Act 1952; the Criminal Law Amendment Act 1953; and the Extension of the University Education Act 1959. The 1953 Criminal Law Amendment Act was a repressive act used for the enforcement of apartheid legislation. The purpose of the 1959 Extension of the Universities Act was to prohibit the existing white universities

from admitting black students. Its second purpose was to establish new university colleges for blacks, i.e. one for the Indian population, one for the Coloured population and three for the different language - groups among the "Bantu" people. The names of the colleges which are now universities are: University of Durban/Westville (UDW), University of the Western Cape (UWC), University of the North, University of Zululand, and the University of Fort Hare.

The English-speaking universities were perceived to be leaning to a more liberal position. It would appear that one of the reasons for certain universities to take on a liberal image was that for some it appeared to be "easier" than for others. The word liberal is not so easily associated with the Afrikaans language in comparison with English. This is the first edge that the white English-speaking universities had over the traditional Afrikaans-speaking universities.

The relationship between the apartheid state and the liberal universities was complex because it was based on both conflict and co-operation. Moodie (1994) explores the opposition role of universities against apartheid legislation. Moodie claims that mainly the liberal universities in South Africa opposed the national government and its apartheid policies. The universities which Moodie mentions in this regard are the English-speaking universities, i.e. the University of Cape Town, the University of the Witwatersrand and Rhodes University. The opposition role adopted by these universities was based on the power and authority which the universities have as institutions. Universities are supposed to exercise autonomy and academic freedom. However, as Moodie points out, these universities were not engaged in a state of continuous battle with the South African government. The relationship between the so-called liberal universities and the government was a complicated one because they were being funded by government and at the same time, liberal universities were challenging the government's discrimination policies.

The National Union of South African Students (NUSAS) was formed at its inaugural meeting in Bloemfontein in 1924, in response to an international call to "promote national organizations of university students" (Kline, 1985:139). By implication this meant that its agenda was confined to "the academic community". According to Kline, white students automatically became members of this liberal organization when they registered for classes at the following universities: Cape Town, Witwatersrand, Natal, Rhodes, Stellenbosch, Pretoria, Grey (Bloemfontein) and Potchefstroom. The NUSAS organization in 1933 made the political move to extend the agenda beyond purely academic concerns, thus extending the mission of NUSAS to incorporate a wider field of political aspirations. The policy of NUSAS by 1945 enabled students from non-white universities and colleges, i.e. Fort Hare and Hewat Training College to be admitted. Its policy had by then shifted to "defend democracy, and to encourage the promotion of educational and economic opportunity to all South African with special attention to the underprivileged" (Kline, 1985:140). The 1948 political victory for the National Party led government forced NUSAS to adopt a different line. However, NUSAS came to be seen as a form of liberal opposition and resistance to both educational and social apartheid policies.

SECTION E

Summary

In this chapter I have tried to show that liberalism as a western influence to South Africa, particularly between the 1800s and 1900s, affected the lives of ordinary citizens at the Cape. Liberalism, one could argue, took on an ambivalent nature at the Cape. While on the one hand, liberals campaigned for the non-racial franchise in 1853, on the other hand it steadily pushed forward an agenda of white political power via liberal institutions. The liberal agenda became more visible from the 1900s onwards. Some theorists argue that interests of white political power and mining interests took priority under the smokescreen of opposition to racial discrimination.

Moreover, they claim, education in South Africa was mistakenly assumed to have taken on a liberal nature. The radical left who assumed that they were in opposition to the liberal stance, however, placed themselves in a paradox because they were fighting among other things, for individual freedom. Despite the uneasy alliance between liberalism and the historical past, South Africa has one of the most liberal constitutions in the world.

A liberal education is a social practice through which any individual who subscribes freely to its dynamics, will have the greatest probability of unlocking social opportunities than were she or he without it. A liberal education frees the individual from internal constraints such as ignorance of the world or oppressive social context and frees her for the opportunity to develop as an autonomous independent individual. A liberal education supports a liberal society in that it respects the liberal ideal of freedom for all, equally. A liberal education partly shapes an individual's ability to choose responsibly.

Education is an example of a social practice in one of society's procedural arrangements for access to social opportunities. The procedural arrangements of school governance as outlined in the SASA has been negotiated democratically. Democracy is not of necessity a principle of liberal education or liberalism, yet they are reconcilable. The SASA has a vision for the democratic progress of society, "…. the achievement of democracy in South Africa has consigned to history the past system of education…. By a strong foundation for the development of all our peoples talents…advance the democratic transformation of society….." (RSA, 1996:2). The background has now been set for an analysis of the SASA based on a conceptual framework of liberal principles.

CHAPTER 5

THE WAY IN WHICH LIBERAL PRINCIPLES UNDERPIN THE SOUTH AFRICAN SCHOOLS ACT

I am going to analyse the SASA by first repeating the worked out liberal principles drawn from Chapters 2, 3 and 4 of this minithesis. These liberal principles make up the conceptual framework necessary for an analysis of the SASA. I will link sections of the SASA to the framework and discuss their connections to liberal principles. Here again is my framework of liberal principles.

1. **Individualism, freedom and autonomy.**

1.1 Individual freedom, freedom of individual choice.

1.2 Individual rights.

1.2.1 The right to security of private property.

1.2.2 The right of conscience.

1.2.3 The right of expression and association (including academic freedom).

1.2.4 The right to take a "neutral" stance.

1.3 Economic individualism, the space for competition and economic individual ambition in a free market system.

2. **Egalitarianism**

2.1 Equality of freedom under a system of law.

2.2 Democratic practice – sharing of power within a constitutionally organized form of government.

2.3 Procedural organization.

2.4 Accountable government resting on the consent of the governed.

2.5 Devolution of government power.

3. **Meliorism**

3.1 Progress through human effort.

3.2 Generosity of spirit.

3.3 Tolerance / cultural plurality / breadth of mind.

3.4 Rejection of teleology.

3.5 A spontaneous, flourishing and increasingly complex diverse social order.

4. Universalism

4.1 Social order based on "abstract" rules.

4.2 The respect for fair humanitarian rules.

4.3 The separation of church and state.

5. A liberal education

5.1 A liberal education is a general education based on knowledge and principles.

5.2 It fosters freedom and can be said to be non-discriminatory and rights based.

5.3 It develops the rational, aesthetic and moral capacities of learners.

5.4 A liberal education is useful for society.

6. Liberal education principles in a South African context:

6.1 Liberalism, coupled with liberal education, sustains a free democratic society like South Africa because it provides for the greatest possibility of improved social opportunities for all people. Liberal education is based on the principles of non-discrimination (including learner's rights) and individual autonomy through the development of rational thinking, aesthetics and universal human values.

I shall group the relevant sections of the SASA (indicated with a number in square brackets) under the main liberal principles I have developed. These liberal principles overlap throughout the SASA. I shall attempt to link the liberal principles and the SASA text, but not necessarily following the order of my conceptual framework.

Rights-based education and the right to education

The history of South African education is littered with a skewed concept of education where the government's vision prior to the 1994 democratic election, was less focused on the development of black people in general. South Africa has undergone transformation in spheres of politics, education, economics and amongst most of its citizens. Political transformation via the Constitution of 1996 could imply a change in the national schooling system. Education has the potential to contribute to the transformation of society. In many ways the SASA represents an aspect of education for the people by the people. The SASA has roots in our liberal Constitution and Bill of Rights. "Education for all, by public action, is an accepted feature of modern liberal democracies" (Jonathan 1997:183). The SASA envisages a non-discriminatory and rights-based education. From the perspective of black children who received Bantu Education before the enactment of the SASA in 1997, the education policy outlined in the SASA is more egalitarian because it eradicates racial discrimination constitutionally.

A rights-based culture and individual freedom are liberal principles found in the SASA and it is expected to be practised in South African schools. In the [Preamble] the rights-based foundation of education is clearly stated. It conveys that every learner has the right to receive an education, to be admitted to a school and to engage in different learning areas with a teacher in the classroom.

The sections dealing with admission to any school [5] and payment of school fees [39] imply that a learner has the right to attend a school of choice and that a learner also has the right to education, even if his / her parents cannot pay the prescribed school fees. Those who represent their learners' interests at public meetings where school fees are to be determined have the opportunity to publicly empower their collective interests as far as school admission is concerned. By using one's right to voice one's opinion

about a matter such as school fees, one can lobby one's cause in a democratically organised way. In this way the right to access schools which might otherwise seem out of reach for those who feel that they might not be able to meet the admission criteria, is extended.

The rights-based school culture as outlined in the SASA includes the choice of language [6] and religious expression [7]. In this instance the application of the right to choice as a liberal principle applies. In the case of language, a learner has the right to be taught in their language of choice where possible, including sign-language. This means that the learner has the right to expression in the language of choice where this is pragmatically possible. The same right applies to expression of religious beliefs (or the right to abstain from participating in the religious practices of others). The right to choice of religious ethos also finds expression in the right to establish a school based on a particular (accepted) religious belief. These freedoms of expression and association which many individuals may enjoy are, of course, constrained by the Constitution as a safeguard. While the freedoms enjoyed by some individuals are allowed, at the same time, the freedoms of other individuals may not be violated in the learning / teaching environment of schools. In other words, there is no right to express a religious belief that practices child sacrifice. That would be in violation of the Constitution and its right to life and human dignity.

Another example of the rights-based thrust of the SASA is section [59] which states that schools must furnish information for the protection of human rights. What this implies is that if the school possesses information about a learner or teacher that may point to a violation of rights (e.g. knowledge of a teacher's sexual abuse of learners) then the school is obliged to forward this information to the relevant authorities. Again, the basic human rights as enshrined in the Constitution override other secondary concerns.

Lastly, section [12] points to the right of schools to provision of resources by the state. In other words, schools with an impoverished parent body, have the right to call on the state to provide necessary resources for the effective running of the school.

Non-discriminatory (egalitarian)

According to the SASA parents are responsible for placing their children in a school. This is compulsory for learners between ages seven and fifteen. If according to my conceptual framework, a liberal education is non-discriminatory, then the SASA implicitly calls for a liberal education because it does not sanction discrimination. "A *public school* must admit *learners* and serve their educational requirements without unfairly discriminating in any way" (SASA, 1996:2).

The rights to appropriate expression of religion [7] and language [6] were discussed as liberal principles which promote a rights-based education as conceptualised in the SASA. These two rights can also be understood under the liberal principle of non-discrimination and the principle of egalitarianism. If, for example, a Muslim girl was refused permission to wear a scarf at school because of the school's policy which stipulates a very specific uniform, the Muslim girl would be discriminated against if she was forced to remove her scarf at school. Even with a school's dress policy in place, according to the SASA, it will be expected from the school to re-examine its dress policy so that it at least complies with the principle of non-discrimination.

Racial discrimination can creep in under the veil of a school language policy. While a school governing body is free to determine its language policy, it must proceed within the constraints of the Constitution so as not to discriminate against any individual. I have argued that a liberal education is non-discriminatory. In other words, it would be regarded as discriminatory

under the SASA, if a Xhosa speaking learner were refused entry into an English school. This, of course, is an area of contestation for in some cases schools may refuse admission on *educational* grounds, i.e. on arguments that the learner could not cope, whereas in other cases such refusal may be interpreted as being driven by *racial* concerns, i.e. the white / English school does not want black / Xhosa learners.

The SASA is directed at achieving an equitable education system within the reach of all South African learners with priority given to the disadvantaged learners who are mainly black. Equity as referred to earlier in this minithesis, implies fairness with regards to righting inherited unfair imbalances. So egalitarianism can, paradoxically, imply discrimination in favour of disadvantaged groups, but always with the aim of working towards an equitable balance between all groups. Non-discrimination is taken up also in [34] and [40]. Section [34] makes provision for equality in terms of the state's responsibility to fund public schools in an equitable manner. The state is obliged to not discriminate against schools who, through the uneven distribution of resources in the past, are continuously in a precarious position. Another application of non-discriminatory policies, section [40], in as far as funding is concerned, is that parents who continue with their commitment to paying school fees may feel that they are "carrying" non-paying clients (parents who continually fail in their duty to keep up with school fee payments). This situation can be seen to be discriminatory against "paying" parents. The SASA acknowledges this kind of discrimination and provision for resolving this situation is outlined in [40].

Freedom of choice

Individual freedom and autonomy are liberal principles. Section [5] which deals with school admission implies freedom for parents and learners to

choose which school they want to be admitted to. There shall be no encroaching of any individual's freedom with regard to school admission.

In sections [45-50] the SASA makes provision for the establishment of independent schools. In our South African context and elsewhere in the world, independent schools can be associated with the right to self-expression. This right to self-expression, in turn, is only possible in a context where freedom of choice is allowed to operate. Those individuals who choose to make use of independent services should openly enjoy the opportunity to exercise the freedom of choice, even if it means that people make choices based on what they can afford. The SASA's provision of independent schools links with its commitment to freedom to educate within the language of one's choice. Interestingly enough, this can also have the consequence that independent schools can be established along class lines. The freedom for well-resourced independent schools to function in a society where access to them is not possible to a larger section of the population because of financial constraints, is recognised by the SASA. Sections [45-50] which deal with the establishment of independent schools also address the issue of private property. According to the SASA, independent schools have their right to private property safeguarded. Again, this is an illustration of the liberal thrust that underpins this legislation.

The SASA section [51] provides a wider freedom of choice by making provision for home schooling. Parents may choose to educate their children at home. Of course, home schooling is not immune from corrupt actions by parents, such as indoctrination at home under the guise of schooling. However, it is a demonstration of SASA's support for freedom of choice, to make the home schooling option possible. This commitment to freedom of choice also finds expression in section [57] which provides for the establishment of a particular religious ethos in a school.

Another example of SASA's to freedom of choice is in section [20] which stipulates that schools should form their *own* mission statements. In other words, the state through the National Department of Education, does not impose the particular vision the school may formulate for itself. The mission of the school is, however, one which hopefully is sensitive to the particular community needs in which it is located, and is one which, of course, cannot violate the Constitution in any way.

Due democratic process

Liberal democracy does not mean that there is no structure or set process. Indeed, as I argued earlier on, there is a strong link between liberalism and due democratic process. The SASA spells out, quite extensively, the due democratic processes that need to be followed with regard to decisions about school attendance, placing and expulsion (sections [3], [4] and [9]; with regard to a code of conduct for teachers and learners (sections [8] and [20]); with regard to school representative councils [11]; with regard to the legal constitution and regulation of schools [15]; with regard to the election and roles of office bearers as well as the management and functions of School Governing Bodies (sections [16-37]; with regard to the management of school budgets (sections [37-38] and [43]); with regard to state allocation of funding [35]; with regard to the determination and payment of school fees [39-41]; and with regard to the establishment and management of private schools [45-56]. In each of these, the decision making procedures and procedures relating to the appeal of these decisions, are spelt out.

More specifically, with regard to school representative councils [11], learner representation can be seen as an application of democracy in practice, where democratic participation by learners in the school decision making process is encouraged. The sphere of formal party politics is not the only context in which to expect the dynamics of democratic practice, for example, voting procedure and elections. The SASA has examples of such applications of democracy in schools amongst learners . The implication of extending

democratic principles at school level where learners are free to choose their representatives is a form of democratic education which is deemed appropriate for promoting a democratic, participatory context of decision making. This, as I have shown, has strong links to liberalism.

Other examples in the SASA where it is expected of schools to apply liberal democratic principles is in the way in which a code of conduct is to be adopted. Codes of conduct for teachers and learners, [8] and [20], need to be developed through a democratic process.

Perhaps the most extensive section of the SASA relating to due democratic process are sections dealing with School Governing Bodies (SGB). Sections [16] to [32] focus on school organization in terms of the election and different roles of school governing body members, office bearers , management and function of school governing bodies. There is heavy emphasis on democratic voting procedures, accountability, transparency and proper channels to follow in cases where challenges are raised or appeals lodged.

Meliorism , cultural plurality and tolerance

The liberal principle of tolerance again finds expression in the sections relating to freedom of choice regarding language, [7] religion [6] and the establishment of independent schools [45-50]. The SASA creates equitable space for the practice of cultural differences. The extent to which these differences can be practiced is constrained by both pragmatic reasons (there may just not be sufficient resources to have schooling in Sotho being offered in, say areas of the Western Cape) as well as the Constitution which prohibits practices that may undermine the rights of others, such as the right to life or human dignity. A reason, I think, for the support of the principle of tolerance in the SASA, is the recognition by the state of South Africa's

complex diverse social order. This recognition too finds resonance with a liberal stance.

An aspect of liberalism which I have classified under meliorism, is the notion of progress through human effort. The SASA not only promotes the idea of social progress through educational effort of teachers, parents and youth, but is also aware of the wider role schools can play in encouraging social progress. Section [13] specifically deals with the use of school buildings for educational purposes outside the formal school schedule. This section makes provision for schools to be used as community resources which offer education to a much broader body than just enlisted school pupils.

Anti-teleological

Anti-teleological does not mean that there is no plan. That would mean plain chaos. School governing bodies have set regulations that govern their processes, but school governing bodies' decisions and outcomes are not predetermined. According to [19 (b)] and [16 (2)] governing bodies act on behalf of school communities. School governing bodies, in this way, do not work according to a specific blueprint when they act in a position of trust or adopt a mission statement on behalf of the wider school community.

Respect for human dignity and humanitarian rules

Corporal punishment is illegal in South African schools [10]. The notion of an individual inflicting pain on another in order to educate that person is in violation of the liberal principle of respect for human dignity. A display of corporal punishment can be seen as an expression of oppressive power. Such a relationship is an inherently unequal one in which the physically stronger individual dominates the weaker individual. Not only would that undermine human dignity but it would also be in violation of the liberal

principle of equity and fairness. The intention of inflicting pain by means of corporal punishment so that an individual can learn a skill in a classroom appears to be against the spirit of liberalism. The intentional infliction of pain by one individual to another is a violation of human dignity. There can be no justification for such an action in a liberal education system.

Summary

The SASA outlines in its preamble a vision of education which is good for the development of people. The education policy outlined in the SASA eradicates discrimination from school education at a constitutional level. By means of this legislation, the attainment of a transformed education system, based on a range of values and liberal principles, makes the SASA a liberal document.

Schools are not to shirk their role of fostering the acquisition of the principles of non-discrimination, tolerance and human effort. Knowledge, according to the SASA, is the foundation for the development of human talent. This liberal stance suggests that resourceful human beings, in terms of talent and abilities, are nurtured and supported through the provision of quality education. It is a move away from the inhibiting perspective that it is only those individuals "born" with talent, who are the ones most likely to succeed in life. It is a liberal principle to acknowledge human endeavour and to develop each individual learner's capability to its fullest. Coupled with the principle of non-discrimination, the recognition of individual effort makes it possible for a liberal education to create space for previously disadvantaged learners to develop their capacities. For example, a learner from a poor background should be able, according to SASA, to enjoy the benefits of quality schooling made possible by equitable re-distribution of resources to previously disadvantaged schools. The principles of non-discrimination, progress through effort and equity make this SASA stance a substantially liberal one.

The provision of education is guaranteed to the learner which also implies that it is the learner's right to have access to an education. This guarantee is partly a shared one between the parent/s whose responsibility it is to place the learner in school and the state who is the provider of education.

In this minithesis I have tried to show that the foundation of the SASA is grounded in basic liberal principles. These principles are mainly individual freedom and rights, egalitarianism, a rejection of any form of discrimination, democratic due process, tolerance and progress through individual effort. These principles have to be nurtured through learning experiences over time. The purpose of such principles when applied to education, is to promote the flourishing of each learner and to sustain a free democratic society in that a liberal education provides for the greatest possibility of improved social opportunities of all people. These, I have argued, are the main liberal principles which shape the SASA.

NOTES

CHAPTER 1

[1] When I use the contentious term "black", I shall mean it to include Africans, Coloureds and Asians as used in the racial population categories of Apartheid ideology.

[2] The 1976 Soweto school uprising can be traced to a political matter around language. Black learners were forced by bureaucratic means to learn academic content in the Afrikaans language. Their objection to that invasion of a language boundary eventually erupted into the 1976 uprising.

[3] According to Taylor (1985:15), meaning also underpins human action, "Interpretation, in the sense relevant to hermeneutics, is an attempt to make clear, to make sense of, an object of study. This object must, therefore be a text ... seemingly contradictory – in one way or another, unclear". Meaning underpins interpretation of text and human action. For the purpose of this minithesis the word "liberalism" should perhaps be understood in its wide semantic field which includes concepts such as democracy and freedom.

[4] Wally Morrow in *Chains of Thought*, suggests that teachers include themselves as part of 'the bureaucracy of the schooling system" (1989: 136).

[5] Our Constitution is regarded as one of the few extremely liberal constitutions globally. It is the highest law of the Republic and laws inconsistent with its guidelines can be regarded as unconstitutional.

CHAPTER 2

[1] Michael Sandel (1984), first elicited the label "communitarian" .

[2] According to Isaiah Berlin (1969), there are two concepts of freedom: negative freedom and positive freedom. Negative freedom does not imply less freedom. It refers to the extent of non-interference in a certain area of an individual's life in which the central power of government id curbed. From these positions the individual freedom of an individual is developed. Positive liberty is concerned with the source of power, whereas negative liberty is concerned with the extent of power.

[3] A term for a period from about the fifth to fifteenth century in Europe. According to Mckay et al (1983:254 & 284) , the "period from 1050 to 1300 has often been called the High Middle Ages" .

[4] In 1986, from the 29 June to 2 July a group of scholars knowledgeable in the South African liberal tradition met at Houw Hoek near Cape Town.

[5] One of the comments made by Professor Wally Morrow about liberalism during a seminar for Masters students in 1998.

[6] See Stephen Mulhall (1995:1) " ...the publication of Rawls' *A Theory of Justice* was the single most important stimulus to the renaissance of political theory during the 1970s and 1980s...Both communitarian critics and defenders of versions of liberalism other than that offered by Rawls have formulated their positions in terms that make explicit reference to his theory, so that in many ways Rawls simply *did* define the agenda and continues to do so".

[7]An insistence on black influence in government as a form of equality will have an implication for an understanding of liberalism in the South African context and for the purpose of this minithesis. It will form one of the key aspects for consideration when analyzing the SASA in chapter five.

[8] According to Charles Bailey (1984) principles are 'super rules'. These 'super rules' are a substitute for the every conceivable rule that could be applied to so many different occurrences, needs or life requirements.

[9] Penny Enslin, *In Defence of a Liberal Theory of Education,* (unpublished Ph.D. thesis, University of the Witwatersrand), 1986 p ii, "...it is argued that what characterises the liberal point of view is that its central and most fundamental feature is the defence of the principle of individual freedom".

CHAPTER 3

[1] A parallel which I can draw on is the internet. A web page advertising a service or commercial product for example, would be different to a web page containing knowledge in a particular field of inquiry, and also, depending on the concept 'knowledge' being used. A web page of the Department of Education might access one to information which is not in line with current developments in

education. The other aspect of my discussion deals with teachers who do their daily work, viz. teaching. They impoverish themselves by continuing to dismiss the fact that the age of computers and use of the internet is crucial to teaching practice. It is an example of how social change was impacted on by means of technology and its success does not depend on how teachers use it. Rather teachers' success will be determined on how well they can apply themselves to the new demands of technology, new demands in terms of language ability in multilingual classrooms of post-Apartheid South Africa.

CHAPTER 4

[1] The current South African Education Ministry has sanctioned an Outcomes-Based Education (OBE) policy. It is known as Curriculum 2005. The Ministry intends to have completed the phasing in of this approach to education on a national level by the year 2005. In June 2001, a Review Committee lead by Professor Linda Chisholm presented a draft document to the Education Minister, Professor Kader Asmal, recommending a simplified version of Curriculum 2005 while still retaining its critical outcomes. One of the difficulties for me about this OBE approach is the emphasis on specific outcomes. However, in line with the OBE practice at schools, what normally follows a designated outcome is another link between that specific outcome and an integration of different learning areas. Reference to so many learning opportunities stemming from one specific outcome does lean towards a liberal conception of education. Liberal in the sense that an opportunity for widening the learning horizon and opportunity for a learner is made possible. In other words, despite its specific outcomes, OBE is a broad-based education. The OBE approach in South Africa is not a national vocational education program. On the contrary, content from the wide variety of OBE text books is available. In the case of Mathematics, there is a link between Programme Organizers (PO) e.g. Understanding Numbers, and the various specific outcomes (SO) for Mathematical Literacy, Mathematics and Mathematical Sciences(MLMMS) at Grade 4 level - see K Morrison et al (2000:

11-13). The link covers more than one (SO) for a particular learning area and it points to other learning areas where, by means of this link , it is proposed that more learning is possible. This kind of approach to learning is a general one, in line with a liberal education. Anti-teleological does not mean that there is no plan. That would mean plain chaos – a case of "anything goes". If one is to use the voting analogy, there are strict rules, constraints and procedures governing the process of voting, but this does not mean that the outcome of the voting is predetermined! Just so, I want to claim, with schooling. School governing bodies have set regulations that govern their processes, but their decisions and outcomes are not predetermined. I have used three examples here viz. an OBE outcome, voting and the democratic procedures of school governing bodies as a basis for arguing the anti-teleological stance.

[2] Michael Ashley, was a former Dean and Head of the Education Department at the University of Cape Town. He previously taught at Rhodes University. His interest is in Educational Theory. According to Ashley's claim, equality is a central feature of the liberal stance.

[3] The following is an appropriate quotation from Davenport (1978:27) to illustrate the Trans - Atlantic liberal influence of liberalism: " The ideological revolution which erupted on the opposite sides of the Atlantic in 1776 and 1789 was essentially a movement of the human spirit which embraced in its area of concern a variety of underdogs: the victims of the French religious persecution and the English owned slaves, the Russian serfs and the inmates of Italian prisons, as well as others. Its inspiration derived partly from the non-dogmatic rationalism of the *philosophes*, partly from the humanitarianism of the evangelicals, partly from a new democratic enthusiasm among disciples of Locke and Rousseau".

[4] The position on equality in relation to liberalism will be clarified later in this chapter with a quotation from Enslin. She refers to equality as an associated liberal principle of the fundamental liberal principle. I think that Enslin regards equality as a secondary liberal principle. I also think that equality in a very general sense provides no hindrance for individual freedom. According to Enslin (1986:18), a commitment to upholding the principle of individual freedom is

central to the liberal tradition. For her individual freedom can be expressed in terms of "...rights, tolerance and equality..."

[5] According to Davenport (1978:27) there was an account of a slave dispute in the Cape viz.: the Buytendag incident which eventually received "expression in the American and European spirit of liberalism". According to Davenport, Buytendag was a cruel slave employer. After his arrest by armed slaves, reminiscent of the Sparticus slave uprising against Rome, he was banished to Batavia without trial.

[6]For now, the explanation with regard to the agenda of liberals, based on the research of Legassick's unpublished paper (1973) and that of Rich (1984), is that liberals would oppose racial segregation by means of the slow process of appeasement while at the same time invite the Africans with education to participate in the process. "Liberals have tended to present the story of South Africa as an idealistic battle between the forces of evil and the valiant minority of good" (Legassick, 1973:1). The process in very general terms would be characterized by a move away from idealism towards a direction in favour of white interests such as mining capital. "Rule from above by a constant adaptation and concession to those below was the hallmark of liberalism in metropolitan Britain" (Trapido, 1980:248).

[7]See Schlemmer (1998:354-359), Schlemmer conducted the research in conjunction with MarkData (Pty) Ltd in December 1994. Individuals categorized as belonging to the middle class were either professional or semi – professional. They occupied positions as teachers or nurses. The research sample was 2200 of which 1500 were African.

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