

Teachers' participation in policy making: The case of the South African Schools Act

**University of the Witwatersrand, Johannesburg, South Africa**

**TEACHERS' PARTICIPATION IN POLICY  
MAKING: THE CASE OF THE SOUTH  
AFRICAN SCHOOLS ACT**

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A thesis submitted to the School of Education of the Faculty of Humanities  
in fulfillment towards the degree of Doctor of Philosophy

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**DECLARATION**

I declare that this thesis is my own original work except where otherwise acknowledged. The thesis is being submitted for the degree of Doctor of Philosophy at the University of the Witwatersrand, Johannesburg, South Africa. This thesis has not been submitted before for any other degree or examination at any other university.

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**Loganathan Velayudam Govender**

June 2008

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## THESIS ABSTRACT

This dissertation presents an historical analysis of teachers' participation in policy making with specific reference to the South African Schools' Act (SASA) of 1996. The central aim of the study was to explore the opportunities, extent and outcomes of teachers' participation in the development of SASA and the various factors that attest to its complexity.

### *Main argument and claims*

While acknowledging the broader political, ideological and economic context of teacher-state relations in policy making, this study contends that macro-forces in themselves are insufficient in explaining the dynamics of policy making and teachers' role in it. Teachers' participation in policy making is shaped, as powerfully, by factors such as partisan alliances and policy capacity, and by specific school contexts. Fundamental to this argument is the importance attached to the notion of 'historical specificity', which provides the overall thread that binds the diverse forces and factors that shaped the nature of teachers' participation in policy making.

In making the above argument, this thesis posits the following main claims:

- Teachers' participation in the development of SASA was historically-determined and shaped by the ambiguous and political nature of teacher-state relations, underpinned by ideological allegiance and flexibility. Key factors that shaped this relationship were government and teacher unions' harnessing of the ideologies of unionism and professionalism, the ability of teacher unions' to resist state cooptation and teacher unions' agency in the cultivation of policy networks, especially partisan and non-partisan alliances;
- Teachers' participation was influenced by the specificity of South Africa's transition to democracy, particularly the developmental tendency of the post-apartheid education state and the politics of compromise that underpinned the

political transition. Thus, in spite of 'global' forces, 'local' dynamics were ultimately more instrumental in determining the nature and impact of teachers' participation in the policy making process;

- The 'stakeholder' or 'representative' form of participation which characterized SASA's development has underlined the limits of participation founded on a western, liberal model of democracy and stressed the value of direct (participatory) and deliberative models of democracy. Teachers as individuals, therefore, experience 'dual marginalization' in the policy arena, firstly, because state policy makers do not consult or engage them, and secondly because teacher unions themselves are often unable to adequately involve grassroots' members in policy formulation activities within their organisations;
- Teachers' participation in the development of SASA has been dominated by the adoption of a rational and expert-driven model of policy making, wherein the views and contributions of experts are more highly valued than those of ordinary citizens, including teachers. At the same time, the study underlines the importance of a strong organisational basis for teachers' participation in policy making, particularly the need for well-functioning organizational structures and policy expertise within the ranks of teacher unions themselves; and
- Teachers' participation in policy making is not confined to hopes of influencing policy outcomes. It is about social and policy learning and its implications for teachers' daily practice and for the organizational development of teacher unions.

#### *Main theoretical and methodological contributions*

The study offers an eclectic conceptual framework for research into teachers' participation in policy making, drawing on the disciplines of history, political science and education policy, which can be considered by researchers undertaking similar studies especially in transitional contexts. In so doing, the study makes the following contributions:

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- It presents teacher unions and policy makers with a more comprehensive perspective to consider when formulating policy;
- It contributes a novel perspective for examining the relationship between education, civil society and the state in South Africa and countries undergoing transition worldwide; and
- It provides substance for comparative discussions on teachers' participation in policy formulation globally.

Finally, the study reclaims history as a method of social enquiry in policy analysis and in contrast to existing studies with its largely a-historical policy implementation bias, refocuses the empirical analysis on the policy development process and dynamics.

**KEYWORDS:** 'Stakeholders' Participation; Policy Influence, Networks and Learning; Teacher-State Relations; History.

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## ACRONYMS

ANC	African National Congress
APT	Association of Professional Teachers
ATASA	African Teachers' Association of South Africa
CATU	Cape Association of Teachers Union
CEPD	Centre for Education and Policy Development
CODESA	Conference for a Democratic South Africa
COSAS	Congress of South African Students
COSATU	Congress of South African Trade Unions
CTPA	Cape Teachers Professional Association
DA	Democratic Alliance
DP	Democratic Party
DAE	Association for the Development of African Education
DNE	Department of National Education
ECTA	Eastern Cape Teachers Association
EDUPOL	Education Policy and System Change Unit
ELRC	Education Labour Relations Council
FEDSAS	Federation of State Aided Schools
FF	Freedom Front
FRRP	Farm Workers' Research and Resource Project
GEAR	Growth, Employment and Redistribution Strategy
GNU	Government of National Unity
HEDCOM	Heads of Education Departments Committee
HSRC	Human Sciences Research Council
IFP	Inkatha Freedom Party
MDM	Mass Democratic Movement
NACL	Network against Child Labour
NAPTOSA	National Professional Teachers Organisation of South Africa
NATU	Natal African Teachers Union
NBI	National Business Initiative

NECC	National Education Crisis Committee
NEPI	National Education Policy Investigation
NETF	National Education and Training Forum
NEUSA	National Education Union of South Africa
NP	National Party
PTSAs	Parent-Teacher-Student Associations
RDP	Reconstruction and Development Programme
REF	Rural Education Forum
Review Committee	Committee to Review the Organisation, Governance and Funding of Schools
SA	South Africa
SAAPAWU	South African Agriculture and Plantation Allied Workers Union
SAAU	South African Agricultural Union
SACE	South African Council of Education
SACP	South African Communist Party
SADC	Southern African Development Community
SADTU	South African Democratic Teachers' Union
SANCO	South African National Civics Organisation
SANSCO	South African National Students Congress
SAOU	Suid-Afrikaanse Onderwysersunie
SAPs	Structural Adjustment Programmes
SASA	South African Schools Act
SASOO	Suid-Afrikaanse Stigting vir Onderwys en Opleiding
SATA	South African Teachers Association
SGB	School Governing Body
TASA	Teachers' Association of South Africa
TFC	Teachers Federal Council
TO	Transvaalse Onderwyserunie
TUATA	Transvaal United African Teachers Association
UDF	United Democratic Front
UTASA	Union of Teachers' Association of South Africa
Wits EPU	University of the Witwatersrand Education Policy Unit

**PART 1: INTRODUCTION, THEORY AND METHODOLOGY**

- ❖ **CHAPTER ONE: A READERS MAP**
- ❖ **CHAPTER TWO: A CONCEPTUAL MAP FOR LOCATING TEACHERS' PARTICIPATION IN POLICY**
- ❖ **CHAPTER THREE: A RESEARCH STRATEGY FOR POLICY RESEARCH: CONJOINING HISTORY WITH CASE STUDY**

## **PREAMBLE**

Part 1 of the thesis comprises three chapters, Chapter One: A Readers' Map, Chapter Two: A Conceptual Map for Locating Teachers' Participation in Policy Making, and Chapter Three: A Research Strategy for policy research: Conjoining history with case study. Whereas Chapter One provides an overall introduction to the thesis, Chapters Two and Three deal with the literature review and research methodology, respectively.

Chapter One begins with a background on the conceptualisation of the thesis topic and provides a biographical sketch of the author's research interests. The chapter outlines the aims and rationale for the study, and distills the main arguments of the thesis. It concludes with an overview of each chapter.

Chapter Two provides a review of the relevant literature. It argues for a comprehensive literature survey that encompasses state-civil society relations and teacher-state relations as the basis for locating a study on teachers' participation in policy making. This body of literature suggests that the limits and opportunities of teachers' participation is largely a function of teacher-state relations; further, that teachers' agency constitutes a key dimension of the relationship with the state and has historically been shaped by adherence to two ideologies, namely teacher professionalism and teacher unionism. The review then considers the mainstream literature on education policy with a view to isolating those features and dynamics of the education policy process that illuminates teachers' participation in policy making. The literature on theories of democracy is examined in an attempt to acquire a deeper understanding of the notion of "participation". The survey also reviews the literature on teachers' participation in policy making on the African continent. Although this body of literature is rather limited in comparison to that available on European or Western policy experiences, it provides a relevant geographical backdrop to the study. The chapter concludes with an extraction of the main analytical tools from the literature survey that guided the study.

Chapter Three posits the argument that historical and case study methods together constitute a useful tool in education policy research, notwithstanding its empirical

obstacles and challenges. As such, the study locates itself firmly within the qualitative research tradition. The chapter begins with a conceptual and theoretical exploration of the research strategy, followed by a description of the research design and a discussion of the data collection strategies used in the study. It then highlights the main empirical challenges encountered in the course of fieldwork, paying particular attention to problems relating to the access of key informants, interviewees and institutional archives. The chapter also examines the study's stance on the critical issues of reliability, validity and generalisability before offering some reflection on the data analysis and writing up process.

## CHAPTER ONE

### A READER'S MAP

*The relevance of history...is itself subject to the principle of historical specificity. 'Everything,' to be sure, may be said always to have 'come out of the past', but the meaning of that phrase-'to come out of the past'-is what is at issue. Sometimes there are quite new things in the world, which is to say that 'history' does and 'history' does not 'repeat itself'; it depends on the social structure and upon the period whose history we are concerned (C.W. Mills, 1959:156).*

#### 1.1 Background

It was while working at the Education Policy and Planning Unit of the Human Sciences Research Council (HSRC) between 1994-1996 that I started to conceptualise a PhD research topic that would bring together a long-standing interest in teachers and a more recent interest in policy analysis. It would be many years later, five to be exact, that this initial idea would germinate into a fully-fledged research proposal. As I continued to think about the possibility in the mid 1990s, I became drawn to the notion of "participation" and its location in the context of South Africa's transition to democracy. The notion of "participation" in public policy matters and decision-making had acquired widespread relevance in those days, much of it a legacy of the democratic struggles of the previous decades. I became particularly interested in how earlier expectations of "participation" had come to be realized, or not realized, in the open and transparent political environment after 1994. Given my interest in teachers and policy analysis, and the desire to problematise the notion of "participation" in the transition, the key dimensions of my PhD study had started to percolate. Eventually, due to the need to be more focused and keep one's study to manageable limits (the "PhD supervisor factor"), I settled on the topic: *Teachers' participation in policymaking: The Case of the South African Schools Act.*

My interest in teachers, and specifically teachers' unions, can be traced to an earlier period. I had studied at the University of Durban-Westville (1977-1980) to become a teacher; and taught at various Indian schools in Kwa-Zulu Natal from 1981-1985. As a result of my frustrations with the system of apartheid education, especially the administration and management of education for Indians under the then Department of Education of the House of Delegates, I resigned from teaching and pursued a career in educational book publishing. However, I was soon drawn to the mainstream of education developments in South Africa in the late 1980s when I took up a post in the Teachers' Association of South Africa (TASA) (1989-1992). The membership of TASA was confined to Indian teachers in line with the apartheid government's separate education policies. Within this context, my interest in teacher union struggles and education policy matters more broadly started to take root. I became especially interested in the debates around teacher unity, teacher unionism versus teacher professionalism, and the transformation of education in South Africa; issues that had become quite prominent during that period. Simultaneously, I had become fairly active in the broader socio-political struggles of that era, both as a community activist in Isipingo, south of Durban (1985-1991) where I was born and raised; and as a political activist in the Natal Indian Congress (NIC), United Democratic Front (UDF), and the local structures of the African National Congress (ANC) (also from about 1985-1991). However, with the prospect of political transformation in South Africa, following the unbanning of the ANC and the release of political prisoners from 1990 onwards, my career interest turned more seriously towards academia and research. After completing a Masters degree in Applied Linguistics (1991-1992), I joined the HSRC, where I was to spend the next nine years of my life before resigning to become a full-time doctoral student at the University of the Witwatersrand, Johannesburg (2002-2004). I returned to the HSRC at the beginning of 2005 as a Senior Research Specialist.

These earlier experiences combined to shape my career aspirations and research interests in particular. My involvement with TASA was significant as I joined the teachers' organization at a time when it was grappling with redefining its identity, from a conservative professional teachers' association to an organization that also reflected the

broader socio-political concerns of its members. As it turned out, and this fact is seldom highlighted in the writing of teacher unions' history in South Africa, TASA was the only established teachers' association that disbanded in this period so that its members could join the South African Democratic Teachers' Union (SADTU) which had been launched in 1990. This marked a complete break with its apartheid past and was a powerful political and educational statement at the time. I was part of the TASA delegation that attended the SADTU launch, which was addressed by both Nelson Mandela, as head of the unbanned ANC, and Jay Naidoo, then General Secretary of the Congress of South African Trade Unions (COSATU).

Research relating to teachers' unions poses formidable challenges, especially in the context of political contestation and transformation. Teacher unions are wary of researchers who may not be sympathetic to their philosophy and policies; therefore, gaining access to key informants and organizational archives has to be done with tact and sensitivity. Moreover, the nature of teacher unions' participation in policy making, which includes both overt and "covert" strategies, makes it difficult to access all relevant evidence as some information is closely guarded and not easily released for academic or public consumption. My earlier involvement with teacher organizations, though, served as a useful entry point to introduce my study and gain access to organizational records and officials, although once access had been granted, several more challenges had to be surmounted. These challenges are dealt with in greater detail in the Methodology Chapter of the thesis.

Although teachers and their unions have participated in policy making processes of various pieces of post-1994 legislation, I chose to undertake a case study of the Schools' Act of 1996 for very particular reasons. The South African Schools Act (SASA) was the centerpiece of school legislation through which the post 1994 ANC-led Government of National Unity (GNU) intended to transform the school system. The policy development process of SASA came to be regarded by many stakeholders in education, including teacher unions, as one of the most 'democratic' in years. I believed it would be a sound case study to investigate my research interests as expressed above. My own research at

the HSRC had indicated that prior to 1994 under apartheid rule teachers in South Africa were largely excluded from participating in education policy development. Education policy making since the early 1990s, however, had marked a shift towards an inclusive, democratic policy process, in which teachers were recognised as important role players. Teachers' unions, namely, the South African Democratic Teachers Union (SADTU), the National Professional Teachers Organisation of South Africa (NAPTOSA) and Die Suid-Afrikaanse Onderwysersunie (SAOU) had become prominent in representing teachers' interests in the last decade. Arising from a realization in education policy circles in the late 1990s that the notion of participation in policymaking needed to be problematised, I wanted to explore what teachers and unions' participation in policy making entailed and whether their participation impacted policy making in any way.

## **1.2 Aims and research questions**

This dissertation presents an historical analysis of teachers' participation in policy formulation in South Africa, with specific reference to the South African Schools' Act (SASA) of 1996. It reviews the context, organisational basis and outcomes of teachers' participation in policy making; and illustrates that teachers, whose cooperation and support are relied on by government and other stakeholders in education, constitute an important actor in the policy domain. Teachers often participate in policy making initiatives, especially curriculum and teacher education policies. It is widely acknowledged, both in the literature and education policy circles (see Chapter Two) that teachers' participation in policy making is confined largely to officials of teacher organizations. What is not very clear, however, is the exact nature of teachers' involvement and whether their participation has an impact on policy making.

### *1.2.1. Aims and objectives*

The central aim of the study was to explore the opportunities, extent and outcomes of teachers' participation in policy making, and the various factors that attest to its complexity. The following specific objectives informed the central aim of this study:

- to acquire an understanding of the nature and content of teachers' participation in policy making;
- to acquire an appreciation of teachers' role in shaping education policy making and the factors that mediate their role;
- to explore the outcomes of teachers' participation in policy making for teachers, their unions and teacher union-state relations; and
- to explore the nature of teachers' participation in policy making in the context of South Africa's transition to democracy.

### *1.2.2. Key Research Questions*

Key questions that guided the investigation were:

*Main question:*

- What is the experience of teachers' participation in policy making and what insights can be extracted from it?

*Sub-questions:*

- What forms did teachers' participation in the education policy process of SASA take and which of these forms were most effective in shaping policy outcomes?
- How did competing interests and power relations mediate teachers' participation in the policy process? What other factors influenced teachers' participation in the policy process of SASA?

- How did teachers' organisations and teachers benefit from their participation in the policy process?
- What does the case study suggest about the limits and possibilities of participation in the policy process?

SASA represented the ANC-led government's attempt to fundamentally transform the organisation, governance and funding of schools. As such, it constituted a major undertaking in the government's programme of democratic transition, in which the notion of 'participation' would be explored. The study therefore traces the involvement of teachers, particularly teachers' unions, in the various phases of SASA's development, from its genesis in the early 1990s through to its legislation in November 1996, with specific reference to the following issues:

- The historical trajectory of teachers' participation in policy development and how this trajectory found expression in the context of South Africa's transition to democracy;
- International debates relating to teachers' participation in policy making, for example, the ambiguous and political nature of teacher union-state relations;
- The organizational basis for teachers' participation and the factors, both internal and external to teachers' unions, that mediated teachers' participation;
- Teachers' agency, such as the cultivation of strategic partnerships with other civil society interest groups, and the outcomes of participation, such as individual and organizational learning in policy making ; and
- Methodological and theoretical insights that have emerged from the study.

### **1.3 Rationale/Contributions of the study**

The extent to which teachers, and other stakeholders within civil society can influence the outcomes of policy making, remains a contested question. In recent times, this contestation has taken on new and complex proportions as policy making processes have been subjected to the forces of globalisation and the dominant framework of neoliberal ideology. These have had serious ramifications for the building of democracy, the nature of state-civil society relations and, in the policy arena, for the value and effectiveness of participation. At an empirical level, research relating to teachers' participation in policy processes has tended to focus on 'implementation' issues with little focus on 'formulation' or 'development' of policy. This is surprising given the widespread acknowledgement in the literature of the influence and agency power of interest groups in the domain of education policy making.

With the above in mind, several theoretical and methodological reasons were advanced as rationale for the study. Firstly, it was intended that the study should contribute to the literature and knowledge on participation in policy processes, with specific reference to teachers and the 'formulation' of policy. Secondly, by drawing on the disciplines of history, political science, specifically theories of democracy and state-civil society relations, and education policy, the study sought to enhance the body of knowledge on interdisciplinary research. Thirdly, by focusing on policy formulation and policy implementation as interrelated processes, the study hoped to extend an understanding of issues relating to policy implementation.

From a methodological perspective, there were three main motivating factors, namely, to endeavour to reclaim history as a method of social enquiry in education policy analysis; contribute to the empirical knowledge on research methodology by exploring an integrated approach which combines historical and case study methods; and, thirdly, in contrast to existing studies, refocus the empirical analysis on the policy formulation process and its dynamics.

#### **1.4 Argument**

While acknowledging the broader political, ideological and economic context of teacher-state relations in policy making, this study contends that macro-forces in themselves are insufficient in explaining the dynamics of policy making and teachers' role in it. Teachers' participation in policy making is shaped, as powerfully, by factors such as partisan alliances, the threat of state cooptation and issues of policy capacity, expertise and learning, all of which constitute the diverse dimensions of teacher-state relations in the policy arena. Fundamental to this argument is the importance attached to the notion of 'historical specificity', which provides the overall thread that binds the diverse forces and factors that shaped the nature of teachers' participation in the development of SASA.

The concept of teachers' participation that emerges from the study is a historically-determined stakeholders' form of participation in which teacher union representatives, not grassroots members, are largely active. This brand of stakeholders' participation is shaped by teacher unions' adherence to particular ideologies, namely, unionism and professionalism, by their partisan and non-partisan alliances and the extent to which teacher unions are coopted or not coopted by the state. In spite of a strong organizational basis for teachers' participation, teachers and their unions were not able to influence the content of SASA as much as they would have liked. Instead, teachers' participation in the development of SASA revealed a strong learning dimension. The study, following Hartwell (1994), contends that teachers' participation in policy making should be regarded as an exercise in social learning, with implications for teachers, their unions and policy makers.

It is also argued that teachers' participation in the development of SASA was mediated by powerful discourses rooted in South Africa's colonial history. Foremost among these were the discourses of globalization and education de/centralization, which became entangled with the two broad competing agendas that characterized the making of SASA, namely the reconstruction and development agenda of the ANC Education Alliance and the elitist, neo-liberal agenda of the Model C lobby. The most powerful agendas,

however, were the South African state's agendas of compromise and consensus-seeking that characterized its 'developmental' inclinations. This thesis, therefore, recognizes the central role played by the state in mediating the participation of teachers and other policy actors. However, teachers and their unions are not passive recipients of policy - they may resist or cooperate with state agencies and are guided by public and/or private interests in their responses to policy making.

In making the above argument, this thesis posits the following key claims:

- Teachers' influence on policy making is historically determined. Historical legacies have shaped policy actors' notions of participation, and these legacies manifested themselves specifically in the nature of participation by teacher unions;
- Teachers' participation in the development of SASA was influenced by the specificity of South Africa's transition to democracy, particularly the developmental tendency of the post-apartheid education state and the politics of compromise that underpinned the political transition. Therefore, in spite of 'global' forces, 'local' dynamics were ultimately more instrumental in determining the nature and impact of teachers' participation in the policy making process;
- Teacher unions enjoy ambiguous relations with the state, which are shaped by adherence to two ideologies, namely teacher professionalism and teacher unionism; teacher-state relations are also shaped by unions' understanding of their 'civil society' identity, specifically their degree of independence from the state or their ability to resist cooptation by the state;
- Intense bargaining, trade-offs and political betrayal came to characterize the policy making process of SASA. The influence of teachers' participation in policy

making, therefore, is mediated by the nature of 'politics' and power relations that underpin the policy making process;

- Teachers' participation in the development of SASA was constrained by a rational approach to policy making, in which policy making is seen primarily as the domain of government policy makers and policy experts, and policy implementation as the responsibility of teachers. Adopting a rational approach to policy making has resulted in government's privileging of the notion of 'policy as expertise';
- Teachers experience 'dual marginalization' in the policy arena, firstly, because state policy makers do not consult or engage them, and secondly because teacher unions themselves are often unable to adequately involve grassroots' members in policy formulation activities within their organisations. In this regard, teachers' marginalization from policy making underlines the limits of participation founded on representative democracy; and
- Teachers' participation in policy making has a strong social and policy learning dimension and is not confined to hopes of influencing policy outcomes. Policy lessons have ramifications for teachers in their daily practice and for the organizational development of teacher unions. There is therefore a strong educational dimension to teachers' participation which this study has highlighted.

The key claims of the study's argument are elaborated on in the ensuing paragraphs.

#### *1.4.1. Historical legacies that have shaped the emerging concept of teachers' participation*

Organizational identity, shaped by the unionism-professionalism dichotomy, teacher union fragmentation, and levels of policy knowledge and experience constitute some of the historical legacies that have shaped the nature and content of teachers' participation in

the development of SASA. The recasting of teacher unions' organizational identity appropriate to the transitional context and the changed nature of teacher union-state relations was a critical challenge and was shaped by the tension of balancing membership interests with a concern for the 'public good'. This tension was coloured by historically divergent attitudes to the ideologies of professionalism and unionism, which also defined the nature of union-union relations. As such, teacher unity, which historically had fragmented on racial, political and ideological grounds, continued to splinter along similar lines in the midst of SASA's development.

The legacy of the professionalism-unionism division, moreover, meant that 'professional associations', with a history of engagement with government in the policy domain, were better positioned to engage with the development of SASA and policy making generally, than teacher unions that were born in the womb of political struggle and resistance to the apartheid government. There was therefore a clear discrepancy in the levels of policy capacity and expertise that resided within teacher organizations with very different historical experiences in relation to educational policy and reform. This was particularly significant as the education department privileged the notion of 'policy as expertise', a tendency which empowered 'professional' unions, and which exacerbated the isolation of many teachers from policy making.

#### *1.4.2. The context of the transition and the politics of compromise*

South Africa's negotiated political settlement ensured that various interests would be accommodated in the political process. This was symbolized by the Conference for a Democratic South Africa (CODESA), the Constituent Assembly (CA) and the Government of National Unity (GNU) – all of which included political parties and movements across the political spectrum. As a result, both majority and minority political interests were accommodated to some extent. In particular, White economic interests, such as property ownership guarantees, and decentralized political decision making mechanisms, were important concessions made by the ANC in the transition period.

While consensus seeking and compromise shaped the state's policy-making agenda, the state was equally conscious of its political responsibility to the majority of its citizens. As a result, concessions to minority constituencies were balanced by a long-term policy position aimed at redress and equity for the country's Black majority. The state's policy agenda, therefore, located itself fundamentally within the context of a developmental state which sought to transform society without in any way creating serious ruptures that would threaten economic growth and socio-political stability during South Africa's political transition.

#### *1.4.3. Teacher-state relations*

Overall, teacher unions enjoy ambiguous relations with the state. On the one hand they cooperate with government in policy development, and on the other hand they oppose those aspects of policy that might compromise the interests of their membership and what unions consider as being in the interest of the 'public good'. With regard to the latter, teacher unions have contested the allocation of educational resources and the values and principles that should underpin a democratic education system. Teacher-state relations in the policy domain are also shaped by teachers' ideological choices. In this regard, teacher unions may invoke their claims to professionalism as a means of impacting the policy making process. Alternatively, they may adopt unionist strategies and challenge for a more structured and influential role in policy development.

An important mediating factor of teacher unions' participation in policy making is their understanding of their identity as part of civil society, which impacts the nature of their independence from the state. This is especially relevant in the context of political transitions where teacher unions have forged strong alliances with specific political movement or parties. One of the consequences of not defining a clear and unambiguous identity as part of civil society is the possibility of cooptation by the state or party-political machinery, a situation with the potential for stifling teacher unions' influence in the policy making process. It is argued in this thesis that SADTU, in particular, became vulnerable to the possibilities of state cooptation.

#### *1.4.4. The 'politics' of policy work and teachers' influence in policy making*

Although teachers' participation in policy making has the potential to influence the final shape and content of policies, they are often not able to because of the politics and power relations underpinning policy making. In particular, competing agendas of different policy actors and the role of the education state can mediate the degree of teachers' influence. In the case of SASA, White parents, supported by White teacher unions presented a formidable opposition to key policy issues, and, aided by the politics of compromise and consensus-seeking, managed to wrest significant concessions from government. This led to accusations of government betrayal of majority political and economic interests by SADTU. As a result, intense bargaining, trade-offs and political betrayal came to characterize the policy making process of SASA.

Actual influence often occurred behind closed doors, in private meetings between teacher union leaders and policymakers, or through the lobbying of partisan allies and key individuals in the policy cycle. It also occurred when policy interventions were made at crucial points in the policy process, for example, when legislation was being debated in Parliament. At the same time, teacher unions which had the organizational capability to access policy making mechanisms were in the strongest position to influence the policy outcomes of SASA.

#### *1.4.5. A rational and linear conception of the policy process.*

In spite of a huge body of literature and research which suggests that policy formulation is an ongoing, interrelated process wherein policy making and policy implementation are closely linked, policy formulation in South Africa has come to be conceived as a rational and rigid process, in which policy making is seen as distinct from policy implementation. Therefore, policy formulation in the school sector has become the domain of government policy makers and policy experts, while policy implementation is seen as the responsibility of teachers. As such, a very useful, broader framework of analysis of

education policy appears to have been lost, which was evident in the policy making process of SASA. This has resulted in government's privileging of the notion of 'policy as expertise', conceived narrowly, as the expertise of academics and policy experts.

The knowledge/expertise of teachers, therefore, was not given preference, in spite of their pivotal location in the policy cycle; instead, it was dealt with as another "stakeholder input", subject to negotiation. However, in spite of the predominance of a rational, expert-driven approach in the development of SASA, the process did reflect features of an 'interactive' approach, whereby technical analysis is framed by the broader political and social contexts.

#### *1.4.6. Limits of participation founded on representative democracy*

The privileging of representative democracy as a model of participation in policy making in South Africa has given rise to the phenomenon of 'dual marginalisation' of teachers. Teachers experience marginalization in the policy arena, firstly, because state policy makers consult with representatives of teacher organizations, and not with the polity of teachers, and secondly because teacher unions themselves are often unable to adequately involve grassroots' members in policy formulation activities within their organisations.

The isolation of the majority of teachers from policy making emerges as a particular challenge for both government policy makers and teacher unions alike. Although teacher unions are consulted, this thesis presents considerable evidence to suggest that teachers and rank and file union members view policy making at the national level as something far removed from their classroom realities. This shortcoming is underlined by the erroneous assumption that if teacher unions have been consulted then the views and concerns of the national polity of teachers have been considered. Overall, the policy participation model adopted by government and within teacher unions is based on a narrow interpretation of representative democracy, which has the effect of marginalizing the voices of many teachers and union members.

#### *1.4.7 Participation as an exercise in social learning*

While teachers' participation in the development of SASA did not guarantee the influencing of policy outcomes, 'policy learning' emerged as a significant outcome for teachers and other policy actors. The study reinforces the belief that direct participation in policy making has a positive effect on policy actors that may not be immediately appreciated, and that for policy formulation to be effective, it should be regarded as a process of social learning. It is argued that this is particularly applicable to policy making processes in societies undergoing transition. For teacher unions, participation in the development of SASA has encouraged a reappraisal of their policy intervention strategies and their traditional ideological comfort zones, while individual teachers have stressed the importance of participation as part of their professional development. The study argues further that the educational legacy of participatory democracy should constitute an important complement to policy processes that are fundamentally shaped by a model of representative democracy.

In addition to the above arguments, the study makes the case for an eclectic conceptual framework for research into teachers' participation in policy making, drawing on the disciplines of history, political science and education policy, which can be considered by researchers undertaking similar studies especially in transitional contexts. From a methodological perspective, the study reclaims history as a method of social enquiry in policy analysis and in contrast to existing studies with its largely a-historical policy implementation bias, refocuses the empirical analysis on the policy development process and dynamics.

### **1.5 Chapter Outline**

The thesis is presented in four parts. Part 1 consists of three chapters, Chapter One: A Reader's Map, Chapter Two: A Theoretical Map for Locating Teachers' Participation in Policy Making and Chapter Three: Conjoining History and Case Study: A Research Strategy for Policy Research. Chapter One - 'A Reader's Map' outlines the aims and

rationale for the study, provides a summary of the main argument and offers an overview of each chapter. The chapter begins with a short biography of the author's research interests and conceptualisation of the thesis topic. Chapter Two – 'A Conceptual Map for Locating Teachers' Participation in Policy Making' reviews the literature on teachers' participation in policy development processes, drawing on both local and international debates.

Chapter Two commences with a brief review of the literature on the education state, with emphasis on the role of the state in education policy making, and highlights the impact of neoliberal globalisation on the development of education policy. The latter emphasis recognises the global context within which South Africa's transition to democracy and associated policy development occurred in the 1990s. The review locates teacher-state relations within the broader context of state-civil society relations and societies in transition, with particular reference to the African continent. This wider survey of the literature is motivated by the prominent role played by teacher unions as part of civil society in shaping policy development and reform initiatives in South Africa, and because the study focuses on policy development in the context of South Africa's transition to democracy.

A key argument that is posited in Chapter Two is that teachers' participation in the development of policy is essentially a function of the nature of teacher-state relations at a given historical moment. The emphasis is on the ambiguous and political nature of teacher union-government relations and the contestation over control and ownership of policy. Therefore, on the one hand, teacher unions may cooperate with government in the development of policy, and on the other hand, resist aspects of policy. The extent to which this ambiguous relationship manifests itself in the policy domain depends on the larger context of state-civil society relations, the limits and opportunities for participation, and the policy agenda of the government of the day. Furthermore, it is argued that teachers' agency constitutes a key dimension of the relationship with the state and has historically been shaped by adherence to two ideologies, namely teacher professionalism and teacher unionism. However, historically, the state has used the ideologies of

professionalism and unionism to contain radical teacher union impulses, and hence keep a firm grip on the direction and outcomes of policy struggles.

The review also considers the literature on teachers' involvement in policy making and the body of literature on education policy approaches with a view to isolating those features and dynamics of the education policy process that illuminates teachers' participation in policy making. Finally, a significant analytical construct derived from the literature on theories of democracy is the predominance of representative forms of participation based on the predominance of western liberal democracy as a form of government in many parts of the world. Participation founded on representative democracy is by definition limited to representatives of the people or in the case of teachers, their union officials. Even then, effective participation depends on factors such as the skills and acumen of officials, their policy knowledge and expertise and the level of organizational capacity and support. The turn to political theory provides the conceptual tools for understanding the notion of 'stakeholders' participation, a phenomenon that can be used to describe teachers' involvement in policy formulation in South Africa since the 1990s.

By drawing on political science theories and the wider context of state-civil society relations, this study departs from the mainstream education policy literature in its analysis of teachers' participation in policy making, thereby extending the analysis to give greater credence to broader political and transitional dynamics. It also recognizes the central role played by the state in mediating the participation of teachers, while acknowledging the capacity of teachers to resist or cooperate with state agencies in their responses to policy making.

Chapter Three – 'Conjoining History and Case Study: A Research Strategy for Policy Research' posits the argument that historical and case study methods, together, constitute a powerful tool in education policy research, notwithstanding certain obstacles and challenges. The combination of the two methods, it is suggested has enhanced the methodological rigour of the study. Overall, the study is an historical analysis of teachers'

participation in the development of policy, in which the conventional tools of historical research are employed, namely, the use of primary and secondary documentary sources and interviews. A distinction is made in this study between the combined use of history and case study methods, on the one hand, and the use of the 'historical case study' method, on the other. This study adopts the former approach. While there is the main case study of teachers' participation in the development of a single policy, the South African Schools Act, case studies also constitute an 'intra-method strategy', in which mini-case studies of the teacher unions (two) and schools (four) are part of the research design. At the same time, the case studies are located within the context of the overall historical analysis.

Beyond unraveling the rationale for choosing the research strategy, Chapter Three considers the conceptual dimensions of historical and case study methods, and highlights several empirical challenges. With regard to the latter, it attempts to bring to the surface a number of 'messy realities' encountered in the course of fieldwork, with particular reference to the gathering of documentary evidence and interviews. These include the issues of access to archives, the maintenance of archival records, memory loss, interviewing the elite, and the exacting demands of integrating data collection with analysis. In considering the methodological orientation of the study, the emphasis is on interpretation and the interpretive role of the researcher in qualitative research. The chapter also describes the overall research design and highlights certain limits to the study.

Part II comprises Chapter Four: The Historical and Transitional Context of Teachers' Participation in Education Policy Development in South Africa, and Chapter Five: The South African Schools' Act as a Centre-Piece of Educational Transformation. The emphasis here is to provide a historical sketch of teachers' participation in policy making from the 1940s-1990s (Chapter Four), and then chart the development of the Schools' Act through its various phases, specifically the establishment of the Review Committee for the Organisation, Governance and Funding of Schools in April 1995 through to its legislation in November 1996 (Chapter Five). Chapter Four provides an historical

overview of teachers' participation in policy development in South Africa, sketches the political and economic conditions of South Africa's transition that impacted education policy development and then provides an overview of developments within the teachers' movement and the changed nature of teacher-state relations in the 1990s. The chapter argues that, historically, Black teachers were excluded from policy making, and that the teachers' movement in South Africa was characterized by fragmentation based on racial, political and ideological grounds. Teacher organizations were divided ideologically over the professionalism/unionism debate and, as the struggle for liberation intensified, on the question of political alignment.

This resulted in vastly different experiences of policy and the cultivation of contrasting organizational styles. The chapter distinguishes between teacher unions that have been associated with 'conservative professionalism' and those who identified with traditional unionism/'radical professionalism'. The claim is made that organisations belonging to the former grouping in South Africa were better equipped to engage with the analysis of policy, whereas teacher unions with a predominantly 'traditional unionist' background were seriously lacking in policy expertise. The disparate policy experiences of the two groupings are explained, in part, by the nature of teacher-state relations, especially the latter's favourable disposition towards teacher professionalism.

However, the nature and content of teacher-state relations had changed considerably since the early 1990s as teacher unionism acquired greater legitimacy. A further claim is that teacher union-state relations are inherently conflictual, notwithstanding the changed nature of state-civil society relations in the context of transition from one historical epoch to another. For teacher unions, the key challenges revolved around nurturing a new kind of relationship with a democratic government, which presented both opportunities and constraints for their participation in policy development. With the demise of authoritarianism and the transition to democracy in the early 1990s, although a shift towards transparency and participation of key stakeholders in policy development became evident, participation in policy development processes was mediated by macro and micro-level factors. At the macro-level, political and economic factors were

predominant. Politically, the struggle for control and ownership of policy was central; while economically, the effects and local responses to globalisation were significant. However, as will be argued in subsequent chapters, other factors, such as teacher union fragmentation, partisan alliances and institutional (school) factors were also critical.

Chapter Five – ‘The South African Schools’ Act as a Centre-Piece of Educational Transformation’, provides a background to the development of SASA vis-à-vis the process of educational reform in South Africa and ends with an outline of the various phases of SASA’s development. It locates the formulation of SASA in the context of education transformation in South Africa, with specific reference to historical and constitutional influences. The chapter then outlines three key phases of the Act’s policy process: the establishment and programme of work of the Committee to Review the Organisation, Governance and Funding of Schools, the Section 247 consultations and thirdly, the Parliamentary/legislative phase. These moments or phases are of particular relevance because of their emphasis on public participation, and because each of these phases represented significant moments in the struggle for ownership and control of policy making.

The chapter offers a state perspective of policy making, that is, through the lens of government, particularly the Department of Education and its policy makers. In so doing, it interrogates Hartwell’s (1994) assertion that the “*primary challenge of an education policy commission is to provide a comprehensive, participative exercise in social learning, leading to significant educational change which is understood and supported by the public and the key actors in the educational system*”. This constitutes the main focus of phase one. The chapter also sketches the background, context and content of the other two phases in the formulation of SASA, namely the Section 247 consultations and the Parliamentary deliberations. As such, it provides the backdrop for the main content chapters that follow.

Part III consists of Chapter Six: A Case Study of SADTU’s participation in the development of SASA, Chapter Seven: A Case Study of NAPTOSA’s participation in the

development of SASA, and Chapter Eight: Four Portraits of teachers' participation: A Glimpse at the Grassroots Experience. These chapters constitute the main analytical content of the thesis, focusing on the two major teacher unions that were active in the development of SASA (Chapters Six and Seven) and offering four school case studies (Chapter Eight).

Chapter Six claims that SADTU's participation in the development of SASA mirrored its own struggle to recast its organizational identity applicable to the political and socio-economic terrain that characterized South Africa's transition, especially the changing nature of teacher-state relations in the policy domain. On the one hand, SADTU's alliance with the ruling ANC government, assured it of having some influence in the policy domain; on the other hand, the state's policy agenda of consensus-seeking and compromise resulted in the union's opposition to several government policy positions that sought to accommodate different political and educational interests. SADTU's influence in the policy domain, by the union's own admission, was hampered by government's embracing of a neo-liberal economic framework, which led to a narrowing of policy options in the development of SASA. For SADTU, it was necessary to reconstruct its organizational identity and establish a power base as a prerequisite to having any meaningful impact on policy, and its relations with the state.

This concern with building a strong organizational identity was two-dimensional. Politically, the union was a key player in the ANC-COSATU-SACP (South African Communist Party) Alliance. SADTU initially played a strong political role in ensuring that an ANC-led government came into power. In the process, SADTU relied more on its Alliance partners, especially the ANC as the ruling party in government to advance its policy positions relating to SASA. SADTU was equally concerned with its membership interests, which extended beyond the political dimension to include labour relations and professional policy matters. As a result, the union was confronted by the classic 'public versus private' tension. Its survival and development therefore lay in its ability to balance the interests of its membership with those of the public good. SADTU's concern with building an appropriate organizational identity was essentially a response to the context

of transition and the changed nature of teacher union-state relations in the 1990s. The specific factors or determinants which prompted a recasting of SADTU's organizational identity were that:

- traditional unionism was not the best preparation for effective participation in policy development;
- as a professional teachers' union it needed to raise its level of preparation, develop its capacity and expertise and ultimately, become more resourceful and imaginative (agency power) in challenging for a stake in policy making;
- policy intervention strategies, such as lobbying, mobilization of allies and having an effective presence as opposed to mere representation on policy committees and forums, were all ongoing activities in the politics of policy work;
- South Africa's negotiated political settlement implied dealing with a state that was circumspect about its relations with teacher unions and civil society in general;
- the contradictory nature of South Africa's transition presented both opportunities and constraints for effective participation in policy development; and
- having partisan allies in government did not automatically translate into a favourable position in the shaping of policy.

Chapter Seven, which is entitled 'A Case Study of NAPTOSA's Participation in the Development of SASA', provides an overview of NAPTOSA's role in the policy making process of SASA. NAPTOSA's policy intervention strategy was shaped by a concern to fashion an organisational identity that was consistent with the new, emerging democratic ethos without forgoing its traditional ideological roots. With the processes of union fragmentation and loss of membership to its rival, SADTU, together with a less than congenial relationship with the new ruling party, the federation had to review its tactics to prevent its marginalisation in the policy domain. This translated into developing an

organizational identity that would present its professional background as critical to the policy challenges faced by government, while simultaneously developing a more robust and militant organizational face.

Chapter Seven also claims that although the teachers' federation was a smaller force in quantitative terms, it had a more profound impact on the formulation of SASA than its larger rival, SADTU. This was especially the case with its White affiliates, particularly the Afrikaans-speaking teacher organizations. While this conclusion is consistent with the widely held view that groups threatened by the formulation of new policies are ultimately the most vocal in their opposition, it does not explain why a minority group should be so influential. The chapter suggests that a combination of factors contributed to their disproportionate influence in the formulation of SASA, including:

- the state's policy agenda of consensus seeking and compromise that was necessitated by the specificity of South Africa's transitional context;
- the resourcefulness and imagination (agency power) of NAPTOSA's affiliates to challenge for a stake in policy making, notably the cultivation of strategic partnerships with political parties and other like-minded civil society constituencies, which included lobbying of key politicians, networking with government policy makers and legal advisors, protest action and legal challenges;
- its willingness to offer its policy capacity and expertise to government policy makers, and utilizing the policy experience gained from working with the previous government; and
- its ability to strike a balance between professionalism and unionism as it grappled with the changed socio-political realities of the day.

Chapter Eight - 'Four Portraits of Teachers' Participation: A Glimpse at the Grassroots Experience', focuses on elements of the 'grassroots experience', particularly the

policymaking experience of teachers at the 'chalk face' within specific school environments. It is argued that teachers' responses and experiences in particular school contexts represented a confluence of several agendas/forces, namely individual, organizational, governmental and contextual, and mirrored the policy contestations at the national level, as well as organizational dynamics, such as teacher union rivalry and membership competition. While acknowledging the importance of macro factors, the chapter argues that micro phenomena are equally, if not, more important in explaining teachers' experiences from one school context to another. Micro factors included the historical legacies of individual schools, such as the nature of staff-management relations, the existence or absence of a facilitative environment for teachers' participation in policy issues and the capacity of school communities to cope with fundamental policy changes. Therefore, a multiplicity of factors shaped teachers' experience of the policy development process. Their experience across contexts was largely one of isolation from the broader political contestations revolving around SASA, although some teachers kept abreast of developments through the mainstream media, and union newsletters.

The isolation of both union members and non-members is explained in part by the failure of teacher unions and education authorities to devise adequate communication and participatory mechanisms. This process of teachers' marginalisation is also viewed as a consequence of the limits of participation founded on representative democracy. In this regard, it is proposed that participation that incorporates elements of direct or participatory democracy be promoted more vigorously both within teacher unions and in schools. Teachers' participation is also shaped fundamentally by institutional dynamics. The role of principals has been highlighted as a critical factor, especially those that have a history of authoritarian and top-down management styles. Many teachers advance their hectic work schedules as too demanding to allow for involvement in policy formulation at the provincial and national levels, unless the issues have immediate relevance for their daily activities and tasks. The constraining nature of teaching as an occupation, therefore, is an important mediating factor. Historical legacies, such as an authoritarian management style, teacher union rivalry, and the intensification of teachers' work in recent decades offer a more grounded explanation for the way individual teachers relate

to their unions and the education state in policy matters. Teachers emerge as complex social actors, culturised, racialised, and politicized, not just unionized. Finally, in spite of the official attitude among policy makers and unions that teachers are essentially implementers of policy, teachers in this study demonstrate capacities for creativity and resistance, refusing to be pigeon-holed.

Part IV, the Conclusion to the thesis, has two chapters, Chapter Nine: Teachers' Participation in Policy Making: Emerging Concept, Organisational Basis and Outcomes and Chapter Ten: Conceptual and Methodological Propositions. Chapter Nine is an attempt to pull together the key findings, conceptual issues and themes of the thesis, while Chapter Ten concludes the thesis by discussing the main conceptual and methodological propositions of the study. Chapter Nine, drawing on the previous chapters, provides an integrated analysis of the emerging concept of participation, taking into account the rationale and context of teachers' participation in the development of SASA. Furthermore, the chapter analyses the forms, strategies and organizational basis of their participation, and offers an assessment of the outcomes of teachers' participation.

Chapter Nine argues that the historical threads manifested in the behaviour and choices of the state and teachers are central to understanding the emerging concept of teachers' participation in policymaking in South Africa in the 1990s. The policy choices and decisions were underpinned by the ambiguous nature of teacher-state relations in the policy domain, and particularly the resolution of the tension between 'public' vs 'private' interests by teachers' unions. A key aspect of teacher unions' policy role is the understanding of their identity within civil society, that is, an identity that is defined by their degree of independence from the state or their ability to resist cooptation by the state. This is especially relevant in the context of political transition where teacher unions evolve with strong political alliances with specific political movements or parties. It is also argued that the emerging concept of teachers' participation must be seen in relation to the broader economic and political contexts of the period of SASA's development. In this regard, political compromise and the adoption of a neoliberal economic framework during South Africa's transition to democracy were important factors. Moreover, the

adoption of a predominantly representative model of democracy in South Africa shaped fundamentally the notion of teachers' participation in the development of SASA and education policies in the 1990s. Finally, it is proposed that teachers' participation in policymaking has been shaped by the adoption of a rational and expert-driven model of policy making, wherein the views and contributions of experts are more highly valued than those of the citizenry, including teachers.

The organizational basis of teachers' participation in the development of SASA has revealed both strengths and weaknesses. Firstly, well-functioning organizational structures and policy expertise within the ranks of teacher unions emerge as critical. Participation in state-initiated policy activities, however, can be double-edged as teacher unions can either exert considerable independent influence on the course of deliberations or be persuaded to change their positions, sometimes leading to their marginalization and even cooptation. Teachers were also organized around two competing agendas, namely the reconstruction and development agenda of the ANC Education Alliance and the elitist, neo-liberal agenda of the Model C lobby. These agendas were mediated by powerful discourses rooted in South Africa's colonial history, notably the discourses of globalization and education de/centralization. The most powerful agendas, however, were the state's political and constitutional agendas which manifested themselves in policies of compromise and consensus-seeking.

With regards to the outcomes of participation in policy making, the study has highlighted the importance of having an effective 'voice' in policy fora and the usefulness of teachers' alliances with political parties and civil-society organizations in influencing policy processes. One of the main benefits from participating in policy making that has emerged from the study is the phenomenon of policy learning. Teacher unions have benefited particularly from an organizational development perspective, whereas individual teachers have recognized that engaging with broader policy issues is integral to their status as professionals. At a political level, policy actors' commitment to a shared system of values and principles in the crafting of policies aimed at fundamental change,

emerged as a singular lesson not only for South Africa but with implications for societies undergoing transition and transformation generally.

Chapter Ten entitled 'Conceptual and Methodological Propositions', begins with the main policy implications of the study. It then discusses the methodological and conceptual insights of the study, specifically, the case for a historically-biased approach to education policy research and a proposed conceptual framework for researching teachers' participation in policy making. In so doing, the notions of "historical specificity" and history as a method of social enquiry are reclaimed.

The chapter argues for an eclectic conceptual/theoretical approach, suggesting that the disciplines of history, political science and education policy can provide the necessary tools for an examination of teacher's participation in policy making. It is argued that the fusion of these different theoretical perspectives is significant because the South African Schools' Act (SASA) of 1996 represented a key moment in the history of educational reform in South Africa and constituted a major initiative in the government's programme of democratic transition in the education sector. The chapter suggests, for example, that by theorising notions of participation in relation to different variants of democracy, such as representative, direct and deliberative, the study is able to contribute to the literature and knowledge on participation in policy processes, with specific reference to teachers and the 'formulation' of policy. An important insight from the proposed framework, therefore, is that the notion of participation in policy making cannot be divorced from the context of democratization that characterized South Africa's transition. It is proposed that a similar diverse analytical framework might be applied to teachers' participation in education policy development in other political transitional contexts, especially with regard to the role of teacher unions. The chapter concludes by highlighting the study's main contributions.

## **1.6 Conclusion**

In reflecting on the study, I am struck by the paradox of teachers' general isolation from policy making, yet they are expected to be the most important stakeholder group in the

implementation of policy. I find it perplexing that teacher unions, whose very existence is dependant on its members - the teachers - find it extremely difficult to engage its members in education policy work. However, I do understand and can appreciate why the education state – through the Department and Ministry of Education – limits its efforts to the involvement of teacher union officials and are not much concerned with the involvement of grassroots teachers in policy making. Government has a job to do and understandably will choose the least complicated and least challenging path to do it.

However, in spite of various limitations and constraints faced by teachers, teacher unions and government, there is reason for optimism. Teachers themselves are convinced that they have a role to play in policy making, and, at the very least, participation in policy making can be used as a vehicle of policy and social learning. Teachers are eager for information and knowledge that will empower them not just to be better teachers but better citizens who are able to contribute, like others, to the development of educational policies that are relevant, useful and implementable. Teacher unions and policy makers should be mindful of this reality and consider more cooperative and creative ways to draw teachers into their circle of policy making. This is no easy task, as policy making is about issues of power and contestation. However, if ordinary teachers continue to be marginalized from policy making, the resulting disempowerment could result in the ‘foot-soldiers’ of education systems losing faith in the value of belonging to the ‘noble profession’ and themselves turning into ‘robot-like’ educators. Indeed, certain analysts have argued that such a process has been unfolding for some time (cf. Chapter Eight). As concerned parties, government, teacher unions, researchers, academics and others should act to arrest any further ‘automation’ of teachers and their lives.

## CHAPTER 2

### A CONCEPTUAL MAP FOR LOCATING TEACHERS PARTICIPATION IN POLICY MAKING

#### 2.1 Introduction

Teachers throughout the world have often found themselves in an ambiguous position in their relations with the state. This is because teachers historically are accountable to the state as the largest employer of teachers; on the other hand, teachers often clash with the state to assert their professional independence, especially in the policy making domain:

*They [teachers] have a very limited statutory authority over educational provision....To count them as partners with government is therefore to raise questions of influence and power, and questions of professional knowledge and practice. Teachers organise themselves in order to exert a collective influence on policy, both locally and nationally. They claim something like a monopoly of professional knowledge and skills...The influence may not always be what teachers intend, and it may not always be a direct influence. Nevertheless, it can be powerful, usually as a conservative force, but not always so - McPherson & Raab (1988:4)*

*Thus, on the ground, the state policy that is actually enacted may be strikingly different than that originally envisioned, not because teachers and others are 'conservative' by nature or some other simple explanation, but precisely because they do have historically specific interests that construct the local situation – Apple (1989:17)*

The chapter commences with a brief review of relevant literature on the education state (2.2). It places emphasis on the role of the state in education policy making and highlights the impact of neoliberal globalisation on the development of education policy. The latter emphasis recognizes the global context within which South Africa's transition to democracy and associated policy development occurred in the 1990s. The review locates

teacher-state relations within the broader context of state-civil society relations and societies in transition, with particular reference to the African continent (2.3). This wider survey of the literature is motivated by the prominent role played by teacher unions as part of civil society in shaping policy development and reform initiatives in the context of South Africa's transition to democracy.

Entrenched within the ambit of this review is a focus on the nature of teacher-state relations and the contestation over control and ownership of policy (2.4). This body of literature suggests that the limits and opportunities of teachers' participation is largely a function of teacher-state relations. Furthermore it suggests that teachers' agency constitutes a key dimension of the relationship with the state and has historically been shaped by adherence to two ideologies, namely teacher professionalism and teacher unionism. The review also considers the literature on teachers' involvement in policy making (2.5) and hones in on the body of literature on education policy approaches with a view to isolating those features and dynamics of the education policy process that illuminates teachers' participation in policy making (2.6). The chapter also explores the notion of 'participation', drawing on different conceptions of this phenomenon from the main theories of democracy (2.7). This turn to political theory provides the conceptual tools for understanding the notion of 'stakeholders' participation, a phenomenon that can be used to describe teachers' involvement in policy formulation in South Africa since the 1990s. By drawing on political science theories and the wider context of state-civil society relations, this study departs from the mainstream education policy literature in its analysis of teachers' participation in policy making, thereby extending the analysis to give greater credence to broader political and transitional dynamics.

Throughout the review the chapter will draw on international experiences, specifically from the African context, to situate the study. In the concluding section of this chapter, a conceptual map for teachers' participation in policy making will be proposed.

## **2.2 Education policy making: bringing the state back in**

The role of the state in education provision has for some time now been at the centre of theoretical debates in the sociology of education and 'policy sociology' fields.

Proceeding from a critique of earlier approaches to the sociology of education, such as the structural-functionalist and political economy of education approaches, theorists such as Roger Dale (1989) argued for a much stronger focus on the role of the state in education provision. In reviewing the theoretical pontification that emerged in the late 1980s and especially in the 1990s, two broad and contrasting approaches may be discerned, namely, the state-centered and pluralist approaches. According to Ranson (1995), the key theoretical debates have focused increasingly on opposing positions advanced by pluralists and Marxists on the role of the state in education policy.

Given these dynamics, this section focuses on particular discourses in education policy formulation, with specific reference to the role of the state and interest groups. It traces some of the dominant education policy discourses in the literature, particularly those associated with the state-centered and pluralist approaches.

### *2.2.1 What is the state? Towards a working definition*

The state, as conceptualized by Ham & Hill (1993), is seen in terms of the institutions it is comprised of and their functions. The institutions comprise legislative bodies, including parliamentary bodies and subordinate law-making institutions; executive bodies, such as government departments of state; and judicial bodies, principally courts of law (Ham & Hill, 1993: 23). Other academics, such as Dale, suggest that it is important to distinguish the state from the government:

*Government is the most visible, and arguably the most important and the most active, part of the State, but it is not the whole of the State...governments attempt to represent the short-term interests of the temporarily dominant coalition of forces within a social formation; these coalitions are represented in political parties, and party policy reflects, on the one hand, the shifts of interest and influence between the groups making up the coalition and, on the other, its conceptions of what is required to secure majority electoral support (1989:53).*

Dale proposes that besides government, the state may be said to consist of 'state apparatuses', specifically publicly financed institutions: these include government departments (departments of state), the military, the police, and others; it would also include the judiciary and the legal system (1989: 54). Dale offers two relevant caveats relating to the above list. First, that it applies to both national and local states – a local education authority is as much a state apparatus as a national department of education. Secondly, it excludes institutions that are not publicly financed. Schools, for example, may be regarded as state apparatuses if they are predominantly publicly funded. Dale (1989) reminds us of an important characteristic regarding the education state apparatuses, namely, that the largest category of staff in them is teachers, but that teachers are not merely state functionaries – they do have some autonomy which is not always used to perpetuate the professed goals of the state apparatus. Therefore, for Dale (1989: 57), the state is:

*...not a monolith, or the same as government, or merely the government's (or anybody else's) executive committee. It is a set of publicly financed institutions, neither separately nor collectively necessarily in harmony, confronted by certain basic problems deriving from its relationship with capitalism, with one branch, the government, having responsibility for ensuring the continuing prominence of those problems on its agenda.*

In addition to the above conceptualizations, the state is also defined within the parameters of both legal and political precepts. As a legal concept the state delineates a territory within which state institutions/apparatuses have jurisdiction (Hartmann, 1994). Hartmann (1994: 219) argues that it is also important to see the state in relation to society, where it co-exists and interacts with different parts of society, from families to economic enterprises or religious organisations. In this definition, the state is positioned slightly above society in that it has to guide the other organisations' activities (See section 2.3 for a more detailed review of state-civil society relations).

In this study, reference to the state will encompass both legislative structures and state departments, with a greater emphasis on the role of the latter. Thus, in referring to the notion of teacher state-relations, it is primarily a reference to teachers and the Department of Education, at national, provincial and local levels (see section 2.2.4 on a Conceptualisation of the South African Education State). Given Dale's reminder about teachers' ambiguous location vis-à-vis the state, this study credits teachers with considerable autonomy in their relations with the state, at the same time recognizing their vulnerability to cooptation (cf. sections 2.3 and 2.4).

### *2.2.2 The state-centered and pluralist approaches*

The state-centered approach conceives the state and its machinery as the main site of analysis for understanding education policy making. Considerable attention has been given to the continuities and disjunctures of the state's educational policy agenda (Dale, 1989, Ozga, 1990, cited in Bonal, 2000), while others have focused on the demands on and the conflicts within the state's policy making machinery (e.g. Ball, 1990 & Bowe et al, 1992). Moreover, Bonal (2000), advocates that partly because of the crisis of structuralism, theoretical debates have been confined to the nature of the state, its internal contradictions and its relative autonomy from group interests.

For Dale, the state is not simply an extension of capital; but "*...as having a multitude of 'functions' that are not reducible to economic 'necessities', and as being inherently contradictory*" (cited in Apple, 1989:12). Three functions of the state are identified: supporting the capital accumulation process, guaranteeing a context for its continued expansion, and legitimising the capitalist mode of production, including the role the state plays in it. The core functions, however, are contradictory. Therefore, responding to one set of demands makes it difficult to respond to others and the state itself is an arena of conflict, wherein different interest groups struggle over policies, goals, procedures and personnel. Nevertheless, the state is in control as "*It exercises moral and educative leadership and, in the process, attempts to justify the leadership of a new hegemonic bloc by gaining the 'active consent over those whom it rules'*" (Apple, 1989: 12-13).

A key criticism of state control theories is its portrayal that policy making is remote and detached from implementation and that “*there is within policy, an unequivocal governmental position that will filter down through the quasi-state bodies...and into the schools*” (Bowe et al, 1992: 7-10). The authors (Bowe et al, 1992: 10) suggest that:

*Who becomes involved in the policy and how they become involved is a product of a combination of administratively based procedures, historical precedence and political maneuvering, implicating the State, the State bureaucracy and continual political struggles over access to the policy process; it is not simply a matter of implementers following a fixed policy text and ‘putting the Act into practice’ (emphasis in original).*

Gewirtz and Ozga (cited in Ranson, 1995: 433-4), similarly emphasize a more state-centered, historically based approach to education policy-making. Their position is in direct response to the paucity offered by pluralism (see below) in neglecting the importance of the state. Central to their analysis, is the contestation that state policy is not imposed on an acquiescent population, but is resisted in various ways, emphasizing, for example, how despite the state’s strategic role in managing the teaching force, teachers’ actions can cause the state, within specific political contexts, to change its policies. And Ball (1994: 10 - 16) extended his earlier arguments, with:

*Any decent theory of education policy must attend to the workings of the state. But any decent theory of education policy must not be limited to a state control perspective.*

And:

*The [policy] texts are **the product of compromises at various stages (at points of initial influence, in the micropolitics of legislative formulation, in the parliamentary process and in the politics and micropolitics of interest group articulation)**. They are typically the cannibalised products*

*of multiple (but circumscribed) influences and agendas. There is ad hocery, negotiation and serendipity within the state, within the policy formulation process (Own emphasis).*

Ball (1994: 16) is quick to point out that this is not a rehashing of pluralism because:

*There is a difference between agenda control and ideological politics and the processes of policy influence and text production within the state. Only certain influences and agendas are recognised as legitimate, only certain voices are heard at any point in time.*

The pluralist approach has attempted to fill the gaps of state-centered theories of the process of policy making by focusing on the role of interest groups and their relations with the state (Bonal, 2000, McPherson and Raab, 1988, Ranson, 1995). McPherson and Raab paid particular attention to the notion of 'policy community', and highlighted two themes in their policy sociology of Scotland: relations between the education department and the major interest groups, including teacher associations; and the relations between groups and individuals in the exertion of influence on the Department (1988: 433).

Adopting a slightly different lens, Ranson (1995) stressed the conception of the policy process as a web of partnerships between state organs and civil society. Similarly, in the African context, Kinyanjui (1994) argues that the state is no longer the only key player in the policy arena. His location of the African experience builds on a critique of modernisation and resource dependency theories, eventually locating itself within the pluralist conceptual tradition. Various other players, notably private entrepreneurs, donor agencies, religious bodies, and organisations representing teachers, parents and students vie for a sharing of available resources and formulation of policies and priorities. These interest groups all claim to have a stake in policy (Kinyanjui, 1994; Evans et al 1996).

In addition, Evans et al (1996: 18) posit that the most important goal is to "create a social learning process so that key participants in education, including parents and students,

come to understand the nature of the problems faced, the resource constraints which exist, and the kinds of tradeoffs which will be needed to achieve the desired educational outcomes". The local context usually determines the degree of importance of respective stakeholders, and not all groups have to be involved equally at the various stages of the policy process. However, as Chetty (1992) points out, consensus is not easily attainable, and at times must be contrived to accommodate divergent and opposing positions. Thus, the pluralist or partnership approach has its own constraints and limitations.

The core criticism against pluralism, however, has been its own inadequacy in explaining state power in policy making and implementation (Dale and Ozga, cited in Ranson, 1995). Ranson (1995) presents a more detailed critique, highlighting a number of problematic assumptions. One such assumption is that transactions with the state can easily be renegotiated, suggesting that such transactions are likely to be unequal given the power and resources vested in the state. Another is its superficial appreciation of context, with little awareness of its significant features, such as the contradictions of the economy or the importance of social class (Ranson, 1995: 432).

In comparison, Bonal (2000: 202) argues that while meso-level studies, such as those focusing on interest groups, have broadened our knowledge in the educational policy field by distancing themselves from the 'state-centered' approach, they have discarded a useful theoretical framework. Bonal suggests that rather than having to choose between a structuralist or an ethnographic account of educational policy making, there is merit in examining the relationship between educational interest groups and the state "*in order to understand both the impact that the structure and actions of the civil society sector have on the state's educational agenda and the impact of state policy on the political survival and intervention strategies of collective actors*" (2000: 202). In the view of this study, this approach, which emphasizes the duality of the 'state-civil society/interest group' dialectic, offers a more comprehensive analytical framework to understand teachers' involvement in policy development. (cf. section 2.3)

In a similar vein, Ranson (1995), in his critique of the pluralism/state-controlled debate in the UK, calls for the integration of traditionally opposed perspectives and a greater focus on understanding “policy-as-public-policy”. He goes on to advocate a theory of citizenship within the learning society as a basis to kick-start a new moral and political order. The notion of a learning society implies that participation is characterised by qualities of being open to new ideas, reflecting on and searching for solutions to new problems, and co-operating in change processes and critically reviewing them (this is an important theme in this study and is closely related to the theme of democratic practices, which is discussed in 2.4).

The notion of citizen encapsulates the necessary duality as an individual and as a member of the public. Public policy, in turn, helps to clarify the purposes and policies for members of society as a whole, their common value and interests, and joint activities that constitute their role as citizens. The notion of “public”, therefore, helps citizens to see beyond their own individual or organisational interests. As Ranson puts it: “Public clarifies the boundary between the ‘I’ and ‘we’ in civil society” (1995: 441). Similarly, Sayed & Carrim (1997:97) observe that the “*dialectic between individual self-interest and the general good is absent in educational policy discourses*”. Thus, the concept of participation may be usefully linked to a notion of ‘critical citizenship’ and the democratisation of the policy process.

To many contemporary scholars, the above debates on state-centered and pluralist approaches, with its Northern or European origins, while they continue to shed light on policy making generally, appear somewhat jaded given the contemporary challenges of developing countries such as South Africa. With this in mind, it is worth considering recent analyses on issues relating to ‘globalisation’ and the notion of a ‘developmental state’, and particularly their relevance to policy making.

### 2.2.3 *'Neoliberal globalisation'<sup>1</sup> and its implications for African states*

Although globalisation is primarily associated with its economic dimension (e.g. Bond, 2001), it has wider connotations. For Held & McGrew (1998, cited in Bouare, 2001:21), globalisation is a historical process that transcends the organisation of social relations and transactions at regional and continental levels and generates relationships for the exercise of power. Nevertheless, its economic manifestation, characterised by profit seeking, the rapid processing of information, free trade and decreased state intervention in the economy, is quite pervasive (Bouare, 2001; Marais, 2001 and Morrow & Torres, 1999). Moreover, globalisation has become synonymous with neoliberal ideology, which has had specific implications for conceptions of the state. Neoliberalism is attributed to the classical liberal ideas of Adam Smith and David Ricardo, who regarded the market as a self-regulating mechanism. They also considered that any constraint on open competition would eventually lead to social stagnation, political corruption and unresponsive state bureaucracies (Steger, 2003: 40). Concrete neoliberal interventions include privatisation of public enterprises, reduction of public spending and strict control of organised labour. In particular, neo-liberalism has meant a reduction of the state's social service responsibility in key areas, such as education, welfare and transport, and a pressure for these services to be privatized (Morrow & Torres, 1999; Oldfield, 2001; Welmond, 1999).

The debates on state theory in the context of the hegemony of 'neoliberal globalization' have thus come to be centered around the 'hollowing out' or 'rolling back' of the state typified by the reduction of the welfare systems in North America and Europe (Oldfield, 2001: 34). A diminishing of the role of the state in the provision of social services, for example in health and education, is seen to be closely linked to discourses around markets and modernization theories of development, which eschews the notion of state intervention in economic, political and social spheres. This 'northern discourse' has penetrated the countries of the south in the form of "stringent, anti-statist structural adjustment programmes attached to World Bank loans" (Oldfield, 2001: 34). Such

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<sup>1</sup> A formulation attributed to Marais, 2001.

programmes promote decentralization and privatization of national functions as a buffer against state bureaucracy, corruption and inefficiency (cf. section 9.4.2.1 for details on the education decentralization discourse).

Based on the contemporary influence of neoliberal globalisation, one compelling argument is that the state has not become powerless nor has capital become divorced from it; the reproduction of capital continues within the framework of regulations and adjustments introduced and managed by the state. Therefore, the neoliberal programmes that have underpinned globalisation have not diminished the role of the state but have rather redefined its key priorities (Marais, 2001:153). The state, however, does not completely abandon its intervention programme as it needs to respond to the power of interest groups, giving rise to policies that benefit the poorest of society as well as subsidizing more privileged groups, such as the middle-class. As such, the state is neither all-powerful nor entirely powerless; its interests and power are shaped by other actors and structures, which are historically grounded (Habib, 1995: 64-5).

Oldfield (2001:33) echoing the sentiments of Bonal (2000) suggests that the dialectical relationship between state and civil society is best understood by focusing on how the state is embedded or interconnected with organizations of civil society, particularly with capital and labour and with international agencies. In addition, the state invokes instruments of discipline and coercion, as well as populist strategies of wealth redistribution ("or promises of such"), in order to obtain electoral support (Morrow & Torres, 1999: 97). In Marais' (2001) formulation:

*...rivalry and contestation are part and parcel of globalisation, with the planet as a whole now representing the field upon which differing interests and needs are pursued. ...The unfolding path of globalisation is being determined not simply by the operation of objective factors but also, crucially, by social, political and economic struggles that are waged at the sub-national, national, regional and global levels. However debilitated they might have become, states have not become purely instrumentalised,*

*subject to neoliberal dictates in the way apples obey the law of gravity. They are prone to a complex array of forces and processes that encourage – and often impose – economic and developmental trajectories that conform to the needs of the dominant economic powers. But their obeisance is not predetermined or inevitable. (Own emphasis) (p.154)*

In many African countries, the role of the 'neoliberal global state' in education policy formulation has become synonymous with 'structural adjustment', which has led to new ways of framing education problems and solutions in developing countries (Welmond, 1999). Put differently, structural adjustment programmes (SAPs) have contributed to the 'rolling back' of the state in Africa. Furthermore, Welmond argues that "*more explicitly, the neo-liberal economic paradigm, which is the ideological progenitor of structural adjustment programs, has become an inescapable template for generating education policy in developing countries*" (1999:3). A major criticism of SAPs is that they encounter implementation problems due to its failure to accommodate political and social factors pertinent to specific countries.

In the African context, countries with depressed economies have been under pressure from funding agencies, such as the World Bank and IMF, to undertake structural reforms, including the rationalisation and consolidation of basic social services like education. Often funding agencies have made the existence of a coherent policy framework a precondition for further investment in the education sector (Evans, et al, 1996). In sub-Saharan Africa, Mauritius was a notable exception in resisting such structural adjustment pressures. South Africa has also chosen to reject the overtures of international donors, but has been careful not to reject all that the international community has to offer (Chisholm, 1999). In particular, South Africa has borrowed and utilised education policy models and expertise from the developed world. As such, an important feature of globalisation is the role played by international institutions, such as the World Bank and IMF, and foreign consultants in serving as agents of globalisation (Bond, 2001; Nicolaou, 2001 & Oldfield, 2001).

Dependency on international agencies has been linked to the notion of the 'fragile' or weak state in the context of Southern Africa (Fuller, 1991). Fuller (1991) argues that many African countries represent weaker versions of the Western state. This manifests itself in the need to cultivate interdependencies with other institutions. Furthermore, Fuller argues that the links to elite groups and local communities "*are essential to the fragile state – an institution that perennially suffers from scarcities of social legitimacy, material resources, and technical know-how*" (1991: 9). As a consequence, many African nations are caught in a vicious cycle of borrowing and seeking debt relief with dire ramifications for the transformational and developmental capacity of the state.

More recently, there has been a focus on the notion of the 'developmental state' in reference to African countries, following its application in explaining the rise of the Asian economic giants. Mkwandire (2001) suggests that the notion of a 'developmental state' has two components: ideological and structural. In terms of ideology, a developmental state is essentially one whose ideological basis is 'developmentalist' in that it views its task as that of facilitating economic development, specifically high rates of accumulation and industrialisation. An important element of this dimension is the elite's establishment of an 'ideological hegemony' so that its developmental project secures the adherence of key national actors (Mkwandire, 2001: 290).

The structural side of the definition of the developmental state stresses 'capacity' to implement economic policies effectively. Such a capacity is shaped by various factors, namely, institutional, technical, administrative and political. Underpinning all these is the 'autonomy' of the state from social forces so that it can utilise these capacities to construct long-term economic policies without succumbing to narrow private interests. Mkwandire (2001) observes that the developmental state is usually regarded as a 'strong state' as opposed to a 'soft state' which has neither the administrative capacity nor the political strength to push through its developmental agenda. Mkwandire further emphasizes that the developmental state "*must have some social anchoring that prevents it from using its autonomy in a predatory manner and enables it to gain adhesion of key social actors*" (2001: 290). As will be seen in the next section, the post-apartheid South

African state saw itself very much in line with the notion of a 'developmental state'. This would have ramifications for its policy making agenda and the way the state related to key social actors.

Mkwandire (2001) also offers a powerful critique of much of the literature on developmental states for its suggestion that while the notion of the developmental state was apparent in the development of Asian countries, this would not be possible in Africa for several reasons. The reasons include issues of dependence, lack of ideology, the 'softness' of the African state and its proneness to 'capture' by special interest groups, lack of technical and analytical capacity, the changed international environment that did not permit protection of industrial policies, and the poor record of past performance (Mkwandire, 2001: 294). It is not the intention of this study to examine this critique in detail, but for the purposes of this thesis, to highlight one of the main consequences of the impossibility arguments relating to the notion of a developmental state for Africa, and specifically South Africa. That consequence relates to the notion of 'rolling back the state', which in the African context, Mkwandire suggests, led not so much to curbing state intervention in favour of market forces, but to a "*drastic erosion of its capacity as a state*" under any circumstance (2001: 306). It is no wonder, therefore, that 'capacity building' has become a fad with the donor community, with a key role for technical assistance in aid packages.

#### *2.2.4. Towards a conceptualisation of the South African education state*

Drawing on the notions of the education state from the international literature (cf. sections 2.2.1 and 2.2.2), a conceptualisation of the South African education state with specific reference to policy making, is offered here. An immediate problem confronted in the South African literature on the education state is that identified by Dale (1989), namely, that references to the education state are made without specifying exactly what the 'state' is (see for example, De Clercq, 1998; Fleisch, 2002; and Motala & Singh, 2001).

In this study (following Dale, 1989), the education state is conceived of as being larger than the government of the day. Nevertheless, the organs of government are regarded as a critical part of the state. Therefore, the incumbent Ministry of Education, the Department of Education, national, provincial, and district, *and* schools constitute the different components of the education state. For Fleisch (2002), although no theory of the state is explored, there is an implicit recognition that the national and provincial departments constitute an important part of the education state. This view of the education state has its roots in the South African constitution (1996, Section 4), which gave the national government and the nine provinces joint responsibility for the provision of social services, including education (Fiske & Ladde, 2004). In practice, the national education department sets national norms and standards, and the provincial education departments assume responsibility for the implementation of policy. The latter rely primarily on funding from the central education budget.

#### 2.2.4.1. Class-dominated view

One view of the South African education state that has emerged is that it is a class-dominated state (see Badat, 1997; De Clercq, 1998 & Kallaway, 1997). Fine (1996; cited in De Clercq, 1998), for example, argues that in order to understand the post-apartheid state, an analysis of the unfolding class relationship in society is a prerequisite before analysing actual policies; while Vally et al (1998; cited in De Clercq, 1998) point to the elitist nature of Black empowerment initiatives and the neo-liberal features of the government's Growth, Employment and Redistribution Strategy (GEAR) as reflective of the post-apartheid, class-dominated state. The fundamental constraint in policy formation in the new South Africa, for some analysts (such as Badat and Kallaway, 1997) is the tension between equity and economic growth. This tension, they argue, has left the capitalist-apartheid class structure and inequalities relatively intact. Badat (1997: 29) suggests that viable education policies in such a context must attempt to balance equality issues with economic issues.

#### 2.2.4.2. The State as sites of struggle

Linked to the view that the South African education state is class-dominated is the perspective that the state is a site of struggle. De Clercq (1998: 3-6), in reviewing various analyses of the post-1994 South African state, argues that while the state is enmeshed in social relations dominated by powerful interest groups the state itself is “a site of struggle”. She identifies three sites of struggles in relation to the post-apartheid education state in South Africa: the political, bureaucratic and market (economic) terrains. The political sphere is that site of struggle waged by politicians, social and political movements and civil society organisations to advance their interests with the educational state. The bureaucratic site of struggle is waged around how the bureaucracy should perform, and around different types of bureaucrats, those driven by political, administrative and professional reasons. Thirdly, the market forces site of struggle reflects how public needs are satisfied, whether in relation to dominant capital groups or pressures of globalisation. De Clercq (1998) asserts that it is the outcomes of struggles in these three domains that will determine whether the new South African education state will succeed in taking charge of reconstructing the policy process and whether the vision of a democratic state, reflecting a shifting of power relations to the disadvantaged majority, will be realised.

#### 2.2.4.3. The relative autonomy of the South African education state

An important recent caricature of the state is the position of relative autonomy theorists. Essentially, they argue that the state's political and ideological agendas are relatively autonomous from the capitalist economy, though at the same time acknowledging the importance of the class definitions of the state (cited in Ball, 1990 and De Clercq, 1998). Economic conditions might set certain limits or constraints on what is possible in the political realm, but it does not determine fundamentally what is attainable, for example, in education policy making (Ball, 1990). Similarly, De Clercq, building on a critique of relative autonomy and class-based analyses of the state, argues for an understanding of the democratic transition of the South African state in terms of the new opportunities and constraints it creates as opposed to a too-deterministic interpretation which shoots down

the “*democratic transition for not being a socialist transition*” (1998:6). As suggested by Motala & Singh (2001), nation states are not entirely stifled by the power of globalisation and market forces. States are able to demonstrate ‘relative autonomy’ in particular contexts giving rise to both opportunities and constraints, not only for state maneuvering but also for civil society agency. In the education policy arena, this has translated into policies and processes that have been constrained by fiscal *and political imperatives*, but at the same time, has also given rise to opportunities for interest groups and constituencies to influence the direction of educational reform.

#### 2.2.4.4. The case for a developmental state

More recently, state autonomy and state capacity in the policy domain have been informed by debates regarding the notion of a developmental state in South Africa. Three broad, overlapping positions may be identified (Southall, 2006). The first, that of economic liberals (drawing on the work of Thandika Mkwandire), proposes that the developmental state in South Africa:

*was one that saw itself as having a mission to achieve high rates of accumulation and industrialisation and derived its legitimacy from its ability to do so. The elites of such a state subscribe to this mission, whilst importantly, the state itself has the capacity to implement policies and is sufficiently autonomous from ‘myopic private interests’ to be able to make long-term strategy* (Southall, 2006: xxii).

The second position, that of the Jacobins, views:

*African economic liberation as involving a radical transformation of ownership, and control in favour of Black capitalists and producers. Only a genuinely South African capitalism – rather than one externally directed by monopolistic multinationals – can set the country upon a development path*

*of benefit to all its people. South Africa, in short, requires a genuinely 'patriotic' bourgeoisie* (Southall, 2006: xxvii).

The third position, which overlaps somewhat with the Jacobins, offers a critique of both free market models of development as well as of the distorted patterns of (under) development pursued by numerous Third World countries. It proposes instead a notion of the developmental state for countries in the South that must intervene extensively in the market to achieve rapid growth (Southall, 2006: xxx). This view of the developmental state had a strong resonance within the ANC Alliance (cf. Chapter Four) in South Africa as it suggests a consensus between those:

*who see a strong state as necessary to get the balance right between public interests and the capitalist market, and those for whom a strong public sector combines with embedded traditions in the liberation movement of participatory democracy to become part of a far more ambitious transformational agenda.”* (Southall, 2006: xxviii-xxix)

Southall suggests that a key challenge to all three notions of the developmental state in South Africa is the issue of state capacity (2006: xxxiv). In this regard, the economic liberals argue that state intervention in the economy is full of pitfalls. They stress that this danger is exacerbated by policies aimed at demographic representivity, which underline the widely acknowledged skills deficiencies of the state. For the Jacobins, given their emphasis on a radical capitalist agenda, a strong Africanist state is required which is capable of simultaneously controlling, directing and mediating conflicts between national capital (including the new Black bourgeoisie), multinationals and the organised working class, which is a significant player in South Africa. Finally, the developmentalists, with their emphasis on the developmental state achieving transformation and growth simultaneously, seek to implement policies designed at achieving diverse goals – delivery, growth, equity and so on (*as encapsulated in GEAR- cf. section 4.5*). This view, while recognising the state as a 'site of struggle', presupposes the capacity of the state to reconcile conflicting interests and to pursue its goals democratically (Southall, 2006:

xxxiv). This study reinforces this view of the developmentalists in its analysis of the South African education state's policy making process of the South Africa Schools Act (*cf. section 9.4.2.1*).

### **2.3 State-civil society relations**

A review of the literature on state-civil society relations is considered here with the recognition that teachers and their organisations constitute important components of civil society in the education sector. The wider sweep of state-civil society relations seeks to deepen our understanding of the more specific focus on teacher-state relations in education policy work. In attempting to explain the changes in relations, this study draws on the literature which locates state-civil society relations in the broader context of economic, political and ideological influences. This wider framing of the study provides a more cogent basis for understanding interest group participation in a key state activity, namely, policy formulation.

#### *2.3.1 Conceptions of state and civil society*

There is a proliferation of differing views with regard to the state and civil society within pertinent literature. Bouare (2001) underscores the independent role of civil society, in which civil society may be understood as the segment of society that does not represent the state and whose representations or representatives seek to protect freedom, individual rights, political rights etc. at the national level. Keane (1988), in his analysis, proposes that civil society is indistinguishable from the state and represents the 'fourth but non-elected branch of governance' (cited in Torres L, 2000; Bouare, 2001). In contrast, Bratton (1994) and Tocqueville (1969, cited in Torres L, 2000) view civil society as the defence against the state and political abuse.

While incorporating the above views, Bratton (1994) proposes a broader framework of civil society and its relationship with the state. From Keane (1988), he draws attention to the notion of civil society as a buffer against political abuse by the state; from

Tocqueville (1969), he warns against the penetration and control of civil life by an expanding state; from Hegel (as cited in Bratton, 1994: 53-56), that civil society is inherently conflictual and unstable because of the competitive interplay of private interests; and from Bobbio (as cited in Bratton, 1994: 53-56), the notion that civil society was the ideological realm par excellence and potentially the source of hegemonic and counter-hegemonic ideas. Bratton's (1994: 53-56) framework consists of five key definitional ideas:

- Civil society is a public realm between the state and the family;
- Civil society is distinguishable from political society;
- Civil society is a theoretical rather than an empirical construct;
- State and civil society, although conceptually distinct, are best considered together; and
- Civil society is the source of the legitimation of state power.

An underlying thread encapsulated in all of the above definitions is the tension between independence and inter-dependence of state-civil society relations. This tension is also the underlying tension that underpins teacher-state relations (see section 2.4), and constitutes one of the key analytical tools of the study. In the African context, based on particular colonial histories there is considerable variation in the patterns of state-civil society relations. According to Evans et al (1996), the focus on process and not just outcomes or content in the policy domain has coincided with the international movement towards greater involvement of civil society in governance and policy. However, the authors, drawing on several African case studies, including both Anglophone and Francophone countries, emphasise that common to all the cases are two central themes: the need for policies to be understood and supported by both government and civil society, and the importance of participation by the diverse constituencies that will be affected by the policies (Evans et al, 1996: 2).

Gyimah-Boadi (1994) questions the potential of civil associations in building a viable civil society in the African context. This is because civil associations, in their quest for independence and autonomy are confronted by the hegemonic designs of the state; and,

also because associations may lack the capacity to assert autonomy and thus act as credible agents of civil society. A complementary discourse suggests that third world states have serious “governance” problems based on the dominance of the state over a weak civil-society (Oldfield, 2001). The existence of an unorganized broad civil society base to take over functions of the state, creates the space for multinational corporations and other agents of globalisation to step in, resulting in the stereotype of a reduced or weak state, or what Fuller (1991) describes as a ‘fragile’ state.

Drawing on the Ghanaian experience, Gyimah-Boadi argues that although internal strength and resourcefulness may place some civil associations in a better position to challenge state hegemony, the tendency for government-aligned associations to prosper and for independent and autonomy-seeking ones to decline, underscores the influence of state and regime on the development of civil society in Ghana (1994.: 125). Civil associations have thus been confronted with *cooptation*. Many have been unable to resist it, while some have successfully fought against cooptation (Gyimah-Boadi, 1994). Cooptation in this context meant the “*inclusion in the network of state and regime. It also brought greater opportunities to be officially consulted or participate at one level or another in national decision making and other political processes*” (Gyimah-Boadi, 1994: 127).

Often, affiliation with the state and regime was the only avenue for civil society organizations to gain access to policymaking. However, alliance with state and regime came with certain costs. First, alliance with one regime rendered an association “politically tainted” and led to banning under a new regime. Second, the enjoyment of positive publicity under government sponsorship often masked internal weakness in the organizations concerned and enabled the leadership to engage in corrupt practices. Massive state support and protection meant that associations need not have strong internal cohesion, canvass views of rank and file members, or submit to strict accountability. Third, state-sponsored and government-aligned civil associations were left with little room to make demands on incumbent regimes, even if the interests of their membership required it (Gyimah-Boadi, 1994: 128-9).

In the 1980s, Ghana experienced a period of economic recovery. The “rehabilitated and relatively efficient state” was in a position to assert its political agenda of state dominance and civil society subordination. With increased resources available to the state, the regime was able to dispense patronage to sympathetic and co-optable civil associations. The relative success of the incumbent regime, the Provisional National Defense Council (PNDC), may be partly explained by internal weaknesses of the established civil associations. This was not just limited to pro-government associations. Some autonomy-seeking associations, such as the Ghana Bar Association (GBA) and the Association of Recognised Professional Bodies (ARPB), were organizationally weak in spite of having elaborate constitutions and organograms. Rank and file involvement in the activities of these associations was minimal. Records were poorly kept and crisis management seemed to be the main mode of operation. The GBA and ARPB had suffered a decade-long period of attrition in their ranks and leadership, losing many stalwarts to politics, detention, the private sector and emigration (Gyimah-Boadi, 1994:141-2).

A key aspect of the broader context of state-civil society relations in many African countries has been the varying degrees of transition towards more democratic and transparent forms of government, as well as economic liberalism (Evans et al, 1996). In this respect, the authors note in certain countries, for example Benin and Ghana, civil society activism in education has served the Governments' legitimation needs. Expanding on the ‘legitimation’ theme in Africa, Bratton observes that often “*civil society plays the hegemonic role of providing an ideological justification for a given distribution of power; at other times, especially when political leaders neglect to legitimate their rule, civil society can become a source of counter hegemonic social movements that occasionally are sufficiently strong to effect a regime transition*” (1994: 75). He argues that the nature and strength of Africa's fledgling civil societies will ultimately determine the chances of democratic consolidation. This will depend on whether lead institutions can detach themselves from partisan allegiances so that they can continue playing an independent role in guaranteeing political accountability. In this regard, he suggests that the prospects

for democratic consolidation are more likely in Kenya because of its “*array of voluntary organizations, religious and secular, with a proven capacity to mobilize resources in support of political and economic development and with a self-defined role as the guardians of civic culture*” (Bratton, 1994: 76-77). The prospects in Zambia, on the other hand, are less likely because the labour-led civil society could easily disintegrate through inactivity, cooptation, or diversion into an economic agenda.<sup>2</sup> Thus civil society is a complex phenomenon, one which represents diverse and conflicting interests.

Based on the above discussion, the notions of ‘fragile’ versus ‘strong’ state (also cf. 2.2.3) and ‘cooptation’ versus ‘autonomy’ of civil society with reference to developing countries constitute a central analytical schema in the literature. This is certainly the case in the African context as illuminated by the experiences in Ghana, Kenya and Zambia. Second, the tension between independence and inter-dependence of state and civil society is fundamental. On the one hand, civil society organizations may detach themselves from partisan allegiances so that they can continue playing an independent role in guaranteeing political accountability or become co-opted. On the other hand, civil society organizations recognize the potential for a constructive tension with the state, resulting in benefits or advantages for specific constituencies.

### *2.3.2 State-civil society relations in South Africa*

What exactly has happened to civil society in post-apartheid South Africa? What have been some of the forces, both global and local, that have shaped the nature of civil society in South Africa? South African civil society, as with other social and political phenomena, has undergone considerable transformation since 1994:

*Not only did thousands of organisational officials take positions in government, semi-governmental or private companies, but also with the ANC in office, civil society had to redefine its position vis-à-vis*

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<sup>2</sup> The Zambian Congress of Trade Unions (ZCTU) embraced all 19 national labour unions in the country, including the Zambian National Union of Teachers (ZNUT), and was at the forefront of regime change in Zambia that brought one of its leaders, Frederick Chiluba, to power.

*government. Especially black civil society had to find a new role. Instead of mobilizing against the state as it did before, it had to mediate between citizens and the state. At the same time it had to develop some independence from its former allies in the struggle (Klandermans, Roefs & Olivier, 2001: 237).*

Klandermans et al (2001) note that civil society organisations experienced much difficulty with this reorientation, became less centrally orchestrated and more focused on local or provincial authorities and issues in their immediate environment. The complexion of civil society also changed, with some political parties losing significance, while unions and women's organisations gained in significance. The changing configuration reflected changes in identity. Women with a strong gender identity were more likely to participate in women's organisations; lower class South Africans were more likely to join unions; and people who identified strongly with their neighbourhood were more likely to participate in neighbourhood organisations. It is interesting to note that the authors were silent on race as an identity marker in the changing civil society landscape, a point that is elaborated upon later in this section (also cf. section 4.4).

Economic and political factors have shaped the nature of state-civil society relations in South Africa. However, contrary to experiences elsewhere in Africa (see section 2.3.1), civil society in South Africa has thrived. While the danger of co-optation through partisan alliances with government and other state forces exists, there has been an emergent civil society sector that has resisted and opposed state policy. Economically, the growth and development path adopted by the ANC government had resulted in a depoliticisation of civil society. Howarth (1998), for example, notes that during the 70s and 80s an active and relatively resilient civil society consisting of popular community organizations, trade unions, and other civil society organisations (CSOs) had emerged. However, in the mid-1990s, while the formal separation of the state and civil society still existed, there was the danger of a possible depoliticisation of forces within civil society and a hardening ("sclerosis") or closing of the space of civil society itself (Howarth, 1998: 205).

Similarly, Friedman and Reitzes (1995) argue that the strength and health of civil society depends on a democratic state. In the face of a coercive state, institutions of civil society can lose their autonomy and be appropriated by the state to serve the interests of unrepresentative state policy. The authors note that South Africa's history of polarisation raises the prospect that the post-apartheid state, despite its democratic intentions, could become "*a vehicle for former constituents of hegemonic blocs, informed by a totalising and adversarial legacy, unable or unwilling to tolerate and nurture a diverse, plural society. In that event, civil society will collapse*" (Friedman and Reitzes, 1995: 9). Adopting a less pessimistic view, Deacon & Parker (1998: 132), suggest that the end of apartheid has given rise to new opportunities for the majority of South Africans; at the same time, "*diverse new oppositions have emerged, old tensions have resurfaced and multiple realignments have been set in motion*". They do, however, caution against the silencing of the voices of the rural poor, women, the unemployed and youth. The extent to which participation in civil society organisations can impact policy making and decision-making is, therefore, debatable.

Citing Jurgen Habermas, Heller and Ntlokonkulu (2001) argue that the greatest threat to the deepening of democracy in South Africa is the expansion of *both the state and the market* at the expense of civil society. Economic policies of privatization and regulation have made their mark not just at the macro-level, but in areas of social service delivery, such as the reliance on the private sector for housing delivery. At the same time, the state has shown its hand through "*political and administrative centralization, the dissolution of local participatory spaces and the increasing reliance on technocratic instruments and visions of transformation*" (Heller and Ntlokonkulu, 2001: 40) (cf. 2.2.4 on the state's development tendency). The threat from this simultaneous expansion of state and market is to be seen in the subjugation of the "*communicative, deliberative, pluralistic and self-reflective values of modern civil society to the totalizing logic and legitimating principles of the market (competition and profits) and the state (hierarchy and expertise)*" (Heller & Ntlokonkulu, 2001: 40) Invoking Habermas, the authors describe this dynamic as the "colonization of the life world" (Heller & Ntlokonkulu, 2001: 40).

The establishment of a political system based on democratic principles has had profound implications for the nature of state-civil society relations in South Africa. Significantly, the nature of civil society itself changed. Historically, especially at the height of South Africa's liberation struggles, the politically active civil society was defined by race, constituting predominantly Black interest groups, such as trade unions, women's movements, civic and community-based organisations, and in the education sector, parent-teacher-student associations (PTSAs), student and teacher organisations. However, as Friedman and Reitzes (1995: 6-7) point out, their purpose was not to participate in a democratic polity, but resist an undemocratic one. Therefore, the rules of 'struggle' and not those of democratic citizenship, guided their practice. One important consequence of this experience, was that it gave rise to South Africa's struggle organs of civil society to claim and demand a uniformity which did not exist in society and which stands in contradiction to the very notion of civil society, "*one of whose premises is a diversity of interests, values and associations*" (Friedman and Reitzes, 1995: 7, emphasis in original). The civics, youth congresses and other associations became not the voices of the excluded majority in South Africa but of all the people, Whites and economically privileged others (African, Coloured and Indian) whose interests in post-apartheid South Africa were very different from the historically marginalised Black majority.

There were also organisations in civil society that were obscured because they were largely apolitical. While 'resistance organisations' formed a significant portion of civil society they were not the only ones. Narsoo (1991, cited in Friedman & Reitzes, 1995) distinguishes the 'organisations of resistance' from the 'organisations of survival', the latter referring to burial clubs, stokvels, hawker associations and even football clubs. To this may be added churches, whose membership comprised both the enfranchised and disenfranchised, voluntary associations within 'White' society, such as sports and neighbourhood watches, powerful business and other interests, all of which sought to influence state policy just prior to and after 1994.

In the post-1994 era, while many of these social formations are still active, their activism has been eclipsed by the emergence of a more vibrant and vociferous civil society

component, representing primarily White middle-class interests. While the new democratic state has had much to do with this development, particularly the desire to cultivate a more inclusive policy development process based on consensus, the newly emergent White minority civil society has used the political space afforded them to bolster their power and influence in key areas of policy formulation.

Race continues to define civil society. This has been especially evident in the education sector. Whereas in the pre-1994 period, the state was viewed as representing 'White interests', in the post-1994 era, the state is associated largely with representing 'Black interests'. While this racial characterisation is oversimplified, it provides a tentative framework with which to situate contemporary state-civil society relations. This is relevant for the current study as teacher union-state relations in South Africa continued to have a strong racial character, a legacy of South Africa's history, in spite of attempts to establish non-racial teacher unity (see section 4.5). While there has been increasing state centralisation and reliance on neoliberal economic policies, as well as a relative acquiescence of civil society interests allied to the ANC (read as predominantly Black interests), the same cannot be said of civil society generally. Thus, forces within civil society, especially those representing middle-class and neoliberal interests, have not been completely marginalised during the transition as certain existing and new forces are able to mobilize and contest the dominating/hegemonic influence of the state and market, thereby creating new opportunities for democratic action, increased participation and politicization of apolitical citizens.

#### **2.4 Teacher-state relations: A politically-charged relationship**

Overall, teachers' participation and influence in policy development depends largely on the nature of their relationship with the government of the day. This is significant on two accounts. First, the biggest employer of teachers is the government, and, second, it is government that has political responsibility for making policy. However, because teachers view their involvement in policy development as essential to their professional status and recognise their role in the implementation of policy as critical, they are

constantly engaged in struggles with government around control and ownership of policy. These struggles are not unrelated to efforts to impose greater bureaucratic control on the lives of teachers as state employees. As Apple (1989:15) notes, the exact forms of centralised control “*will be dependant on the outcomes of the struggles between ‘the bureaucrats’ and ‘the technocrats’ within the state apparatus ... and of the nature and effectiveness of the teaching profession’s resistance to them*” (citing Dale, 1989). In this context, teacher unions are concerned to influence and shape policy in the interests of its members and/or in the interests of the ‘public good’. This may give rise to the classic tension between the ‘private’ agenda of teacher unions and their pursuit of more eclectic objectives, or what Torres et al (2000:32) refer to as the conflict between the “particular” and the “universal”. This tension manifests itself in the ambiguous nature of teacher union/state relations. On the one hand, teacher unions participate in joint policy-making forums with the view to consensus seeking, on the other hand, they have to defend members’ interests. Teachers unions’, therefore, enjoy a close but ambiguous relationship with the state in the policy arena.

There is an underlying political dimension to the relationship between teachers, their organisations and government. Indeed, the activity of forming associations and unions as a collective response to shared experiences as employees in the workplace is in itself a ‘political’ act. This includes the struggle to organize and engage in negotiations, collective bargaining, strikes, and other forms of militant action with government at national and provincial levels over a range of issues, such as higher salaries and better working conditions. Very often, these contestations with government focus on issues of race and gender. For example, women teachers, historically, have had to struggle for salary parity and recognition of their role in child care and domestic responsibilities (Ginsburg et al, 1995: 22-24). Teacher-state relations, therefore, are often characterised by contestation over policy and related matters.

Factors such as partisan identities and union fragmentation also impact teacher-state relations (Murillo, 1999), further underlining the political nature of this relationship. For example, both union leaders and government officials have partisan identities, preferring

to deal with their allies rather than with counterparts in the opposition. As such, "*Union leaders therefore tend more to cooperate if their partisan allies are in government, and more towards resisting government policies if these leaders are allied with opposition parties*" (Murillo, 1999: 47). Organisational fragmentation, on the other hand, can lead to coordination problems, thereby making it difficult to bargain for both politically allied and hostile unions. Union competition for membership makes unions worry over a loss of political influence and bargaining power as members might easily leave their union for another one (Murillo, 1999: 47-8). As will be illustrated, teacher unions in South Africa displayed characteristics of partisan identity and engaged in membership competition because of the perception that union influence in the policy domain was very much about 'power in numbers'.

The political and ambiguous nature of teacher-state relations is a feature of many countries. For example, prior to the early 1960s, many members of the National Education Association in the U.S. were viewed as "handmaidens" of the state and functioned as agents for the preservation of the status quo; the national teachers' union in Korea (KFTA) and in Mexico (SNTE) were seen by many as serving to legitimate the decisions of state elites and not the interests of educators (Ginsburg et al, 1995 & Murillo, 1999). In Mexico, the National Union of Education Workers (SNTE) was established with strong backing from the Institutional Revolutionary Party (PRI) and later served as a political machine for the party at elections. In return, for their close relationship with the governing party, union leaders were rewarded with management positions in the educational bureaucracy and appointed to key positions at the legislative and executive levels (Murillo, 1999: 40). The Uganda Teachers' Association (UTA) had also been criticized by its rival, the more militant Uganda Teachers Union (UTU), for being "*in the pockets of the officials of the Ministry of Education*" (Tiberondwa, 1977:51). The author notes that the accusation was not without substance as the full-time General Secretary of the association worked very closely with the Ministry of Education during the 1960s. One of the consequences was that the UTA was recognized by the Ugandan government, while the UTU was not.

Some scholars suggest that teachers and their unions in Africa are too close to government, a situation that seriously compromises their independence and influence<sup>3</sup>. In Malawi, teachers portray the state's agenda to be a "modern state", and are expected to advance the state's development and legitimization project (Fuller, 1991, cited in Welmond, 1999). On the other hand, Welmond's analysis of teacher-state relations in Benin reflects a rather complex caricature. He argues that superficially the pact between the Beninese state and teachers is most similar to that of France, its erstwhile colonial master, wherein "teachers are guaranteed lifetime membership in a bureaucratic organization, and in return they become the representatives of the education state apparatus" (Welmond, 1999:171).

However, upon closer scrutiny, the Beninese teachers rarely regard their roles as an embodiment of the state's political and ideological project, in spite of being at the forefront of regime change at independence. On the contrary, policy makers and administrators blame the incompetence of teachers for the failure of educational reform in Benin. Interestingly, the Beninese state-teacher pact displays some similarities with those found in Anglo-Saxon countries, especially with regard to its "depoliticizing" effect. That is, by offering opportunities for advancement within the state hierarchy (even through political allegiance), the state ruptures and deflects teachers' political potential; furthermore, that teachers are "suspended in a state of partial legitimacy that ensures their isolation from other parts of society" (Welmond, 1999: 173). Teacher-state relations, even in the African context, display contradictory tendencies: close cooperation, even cooptation, on the one hand, and political conflict, on the other.

In South Africa, as this thesis will illustrate, similar and different patterns of teacher-state relations may be discerned. (cf. Chapters 4, 6 and 7)

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<sup>3</sup> Discussion with Samoff, Joel, University of Stanford, 7 June 2004.

#### *2.4.1 The professionalism-unionism debate*

An important factor in understanding teacher-state relations is teachers and governments' conceptions of the ideologies of professionalism and unionism. For many decades, the two ideologies were regarded as incompatible and contradictory, founded largely on the lingering tension between understandings of teachers as workers and teachers as professionals (Ginsburg et al, 1980; Hindle & Simpson, 1993 and Ozga & Lawn, 1981). Teacher unions have invoked their claims to professionalism as a means of impacting the policy development process and their relations with the state. Alternatively, teachers might adopt more militant strategies, thereby presenting trade unionism as a strategic choice in teacher-state relations and challenging for a more structured and influential role in policy development, primarily in the labour relations arena, but also in the broader policy domain. However, historically, the state in many countries has used the ideologies of professionalism and unionism to contain radical teacher union impulses, and hence keep a firm grip on the direction and outcomes of policy struggles. According to Ginsburg, the way in which teacher unions respond can have conservative or radical impact, and will depend on the particular political, economic, historical and ideological conjuncture (Ginsburg et al, 1980: 206).

Although its meaning is highly contested, teacher professionalism has come to be associated with issues of autonomy and control over work, ethical conduct, subject knowledge and certification, social status, high salary levels, and the question of standards for controlling entrance into a profession. Sang (2002), notes that the roles of some established professional organizations, such as in accounting, engineering and law, place considerable stress on knowledge or specialised skills as one of the main features that account for their influence in achieving organizational goals. The Institute of Certified Accountants of Kenya, for example, lists the following as its core objectives:

- Promote advancement and relevance of accountancy in business;
- Maintaining members' competence through regular and relevant training;
- Maintaining high standards of practice and professional conduct among members;
- Setting standards for entry into and retention of membership that will ensure the

enhancement of the value of qualification; and

- Regulate the professional activities of members through the enforcement of disciplinary procedures (Sang, 2002: 33).

MacLean (1992, cited in Sang, 2002: 61) also sees professions as occupations that have a body of knowledge that defines an area of expertise, with the following key features:

- The provision of a specialized, unique service, essential to the society;
- The possession of intellectual capacity, skills and techniques;
- They offer specified periods of training and socialization for their members;
- They seek to have a high degree of group and individual professional autonomy;
- They have independent means of social control through enforcement of codes of ethics;
- They demand a high level of commitment in which work and leisure hours are not easily demarcated;
- They offer a lifetime calling within a career structure; and
- They encourage a pursuit of research and in-service training.

For teachers, the struggle for professional recognition has focused on higher pay, status, greater autonomy, increased self-regulation and improved standards of training (Sang, 2002). While teachers use their unions in their struggle for professionalism, the notion of unionism has posed organizational and ideological challenges for teachers. For some teachers, the appropriate organizational form for teachers seeking professional goals is that of the professional association because professionalism has historically been associated with the notion of the 'ideal of service' and has become synonymous with strategies of persuasion and reason rather than force (Adhikari, 1993). The adherents to this way of thinking have distanced themselves from unionism because of its historically narrow focus on labour issues with little emphasis on the professional development of teachers.

Traditional unionism, on the other hand, has tended to focus mainly on labour issues, such as salaries and conditions of service and has become synonymous with militant strategies, such as strikes (Hindle & Simpson, 1993; Ozga & Lawn, 1981 & Sang, 2002). As Sang (2002) observes, the trade union emphasis concentrates on teachers' economic needs and teacher protection. This emphasis has given rise to the perception that teacher unions are not concerned very much with the professional dimension of teachers' work. However, a more progressive view of teacher unionism recognizes teacher unions concern with broader issues of economic and political contestation with the state (Hindle & Simpson, 1993; Ozga & Lawn 1981 & Sang, 2002). Sarason (1990, cited in Sang, 2002) observes that teachers' unions have emerged to curtail the range and content of the state's legal authority over the school system; emphasizing the centrality of power as a factor in the emergence of teachers' unions, especially the unequal power relationships that teacher unions have with policy makers in most countries. By placing the issue of political power and contestation for control of policy making at the forefront of their agendas, teacher unions have incurred the wrath of states and crossed swords with its counterpart organizations, namely, professional associations of teachers (Govender, 1996).

The traditional view of juxtaposing these ideologies has been the subject of much criticism, particularly since the early 1980s (Ginsburg, Meyenn, & Miller, 1980; Ozga & Lawn, 1981). Ozga and Lawn (1981) have argued for a more flexible approach, and have asserted that unionism is an expression of professionalism. Further, that the state may use professionalism as an ideological device to control teachers, and teachers themselves may use it as a self-defence mechanism in their struggle against marginalisation. This dichotomy has its origins particularly in Anglo-Saxon countries, such as the United Kingdom and the United States (Welmond, 1999). Welmond (citing Lawn, 1996) points out that the 'professionalisation' of teachers is a way for the state to exercise 'indirect rule' over the role of teachers as political actors. In keeping with this line of thought, a teacher in Great Britain and the U.S. enters into a pact with the state whereby she relinquishes her "right" to play a political role in exchange for relative independence and

material benefits. In this context, teachers who engage in political activism are labeled as “unprofessional”.<sup>4</sup>

Welmond (1999), however, observes that the experiences in Anglo-Saxon countries have shown that the anticipated benefits of the “professional pact” of status, autonomy and income have been difficult to attain, and that attempts to mould teachers into a “technical body of knowledge” have not been easy. In contrast with the relatively unstable professionalisation pact of teachers in English-speaking countries, teachers in France have entered into a long phase of accommodation with the state based on their contribution to the utopian and elitist goals of the French education project (Welmond, 1999: 44). In Kenya, teachers maintain that there are no distinctions between economic and professional issues in education, and argue that if students are to have optimal conditions for learning, then teachers must have optimal conditions for teaching (Sang, 2002). Similarly, although teacher union fragmentation in Uganda in the 1960s was characterized by the dichotomy between unionism and professionalism, it has been argued that there is no contradiction in combining professionalism with militancy, and that militancy can be used in defence of professionalism (Tiberondwa, 1977).

The critique of the conservative Anglo-Saxon view of teacher professionalism has been further refined and has given rise to the notions of ‘new realism’ and ‘professional unionism’ (Torres et al, 2003) which advocate the complementarity of both professionalism and unionism and emphasize collaboration rather than confrontation (cf. section 4.8). The notion of ‘new realism’ (attributed to Martin Lawn and Geoff Whitty, 1992, cited in Torres et al, 2000) emphasizes better services to members, regaining professional status and leadership in the educational debate and developing a long-term vision on educational reform; in like vein, professional unionism (attributed to Kerchner & Mitchell, 1988), while retaining the traditional features of unionism and professionalism, goes further and recognizes the need for teacher unions to address issues of school productivity and efficiency as well as mechanisms for performance

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<sup>4</sup> Also see Ozga and Lawn, 1981 for an earlier rendition of the notion of ‘indirect rule’.

management, discipline and dealing with incompetence (Kerchner & Mitchell, 1988: 12-13).

Teachers' involvement in the policy arena is closely related to the development and history of teacher-state relations, especially teacher unions' political relationship with the government of the day and teachers' identification with unionism and professionalism. However, for most teachers, the world of policy making is far removed from the daily trials and tribulations of their classrooms, giving rise to what Shulman (1983: 484) has described as "the remote control of teaching".

## **2.5 Teachers and policy making: More constraints than opportunities**

There is general acknowledgement in the literature that most teachers do not participate in policy making (see Shulman, 1983; Tatto, 1997 and Taylor et al, 1997). The estrangement of teachers from policy making processes is partly a function of the separation of policy formulation from policy implementation in the conception and practice of the policy process, evident in much of the literature (Motala & Singh, 2001; Prunty, 1985; Young, 1993). In this rigid conception of policy making, teachers are recognised more for their roles as policy implementers rather than policy creators. Shulman (1983) portrays an extreme caricature of this estrangement:

*...teachers harbour their own nightmares...They are subject to endless mandates and directives emanating from faceless bureaucrats pursuing patently political agendas. These policies not only dictate frequently absurd practices, they typically conflict with the policies transmitted from other agencies, from the courts, or from other levels of government (Shulman, 1983: 485).*

Very often policies are simply handed down to teachers through the educational bureaucracy, often ending up on principals' desks or archived in libraries and in teachers' pigeon holes (Taylor et al, 1997: 6-7). Teachers' estrangement has underlined the

importance of extending policy analysis skills to teachers at schools to ensure their meaningful participation in the policy process (e.g. Young, 1993), but such recommendations have, for the most part, not evolved into concrete and meaningful programmes. Therefore, teacher education courses seldom contain modules that focus on policy analysis and teacher development to impact teachers' experiences at the level of everyday practice.<sup>5</sup>

The opportunities for teachers' participation in policy making tend to be limited and confined largely to teacher union representatives, who are not always consulted (see, for example, Ball, 1994). If and when teachers are consulted, their work demands and schedules generally prevent them from finding time to engage with broader policy issues. Government departments of education often issue public invitations for oral and written submissions as part of the policy development process, but individual teachers rarely respond, although teacher unions often do. Concerns over the 'intensification' and 'deprofessionalisation' of teachers' work attest to the structural constraints on teachers' autonomy and creativity in the classroom (Ball, 1994; Hargreaves 1994). These constraints further impede teachers' capacity to engage with broader policy issues. In the UK, policy changes relating to curriculum, school management, student assessment, teacher training and teachers' conditions of work have had a profound effect on teachers' morale:

*...many teachers appear weary and wary, stressed and depressed, alienated and bitter. They are faced with threats to their autonomy and status, and livelihood in some cases, but are expected to respond constructively and intelligently to make sense of the uncertainties, incoherence and complexity of change (Ball, 1994:11-12).*

Essentially, teachers have little time to engage with broader policy development processes that impact their working lives. For most teachers, participation in policy

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<sup>5</sup> Education policy analysis courses are usually offered at post-graduate level, emphasizing its academic bias, and presenting the field of policy analysis as something beyond the daily experience and grasp of most school practitioners.

formulation is by indirect means, confined largely to voting for union officials who represent their interests in the policy domain, such as serving on various policy commissions and task teams appointed by government. Nevertheless, some teachers do participate en masse through organized union activities, such as protest marches and strikes, and where interest is high, in union branch and school site meetings. Non-unionised teachers, on the other hand, are usually ostracized from policy making unless they participate as individuals. As Young (1993) asserts, teachers' participation in the education policy process could be through implicit or explicit means, that is, by way of resistance or through consultations and negotiations. As with other interest groups, teachers participate in policy development with a view to influencing the outcomes of policy. Because education departments enjoy the privilege of statutory power in the making of policy, teachers depend on their organizational power, through professional associations or unions, to contest for 'power' in education decision making. The contestation for control and ownership of policy making is at the heart of teacher-government relations as it is with regard to state-civil society relations.

Even in the African context teachers emerge as important stakeholders more often in respect of the implementation rather than the formulation of education policies (Evans et al, 1996; Chisholm et al, 1998). As part of the legacy of European colonialism, African teachers have had little say in determining their conditions of service and status as professionals or workers. And, although teacher unions in countries, such as Kenya, Nigeria, Uganda and Zambia were active in the immediate aftermath of independence in the 1960s (Kanduza, 1980; Tiberondwa, 1977 and Wa Kwayera, 1992), the literature is scant on teachers and unions' influence on education policy in the more recent period. In Zambia, for example, the Zambia National Union of Teachers (ZNUT) sought an immediate improvement in teachers' status and working conditions inherited from the colonial era, leading to a national strike in 1970 (Kanduza, 1980: 282-283), and for similar reasons the Kenya National Union of Teachers (KNUT) embarked on strike action in 1966. The Nigeria Union of Teachers (NUT), however, did make efforts to impact broader policy making from its establishment in 1931 to about the mid-1960s by seeking representation on the Boards of Education, agitating for improvements to

teachers' professional development and protecting the interests of unqualified teachers (Onwuka, 1982). Overall, though, the NUT has also focused largely on improving economic benefits for its members. In Uganda, teacher unions' origins were also prompted by a desire to improve working conditions and coincided with the country's independence in 1962. At least one of the teacher organizations, the Uganda Teachers Association served on government committees and commissions, "*but the Association as such has never spearheaded any major aspect of the country's educational reform*", and has been accused of being a 'sweetheart union' (Tiberondwa, 1977:54). Teacher unions in many African countries have thus tended to focus more on economic and labour issues rather than broader policy matters where their impact has been negligible.

The paucity of studies on teacher unions has been highlighted elsewhere, for example, in North America:

*Everyone has an opinion on teachers' organisations, but we really don't know very much about them", says Tom Loveless, a public policy professor at the John F. Kennedy School of Government. "There's very little empirical evidence as to what their impact on education really is (Cited in Peter Brimelow, 2003).*

Yet, the value of teachers' experiential contribution to policy making is widely recognised (see, for example, Ball, 1994 & Dale, 1989). Teachers' participation can take various forms, including resisting or ignoring policies when they are perceived as acting against teachers' interests, as was the case of teacher unions' stand against national testing and publication of school test results for 7 and 14 year-olds in the UK in 1993 (Ball, 1994:18). There is also a strong participatory argument for teachers to be involved in policies that affect them. This involvement, however, is confined largely to teacher union representatives. Teachers, for the most part, rely on their unions to take up the cudgels on their behalf. However, not all teachers have infinite trust in their union representatives; although membership of teacher unions is usually high, member activity is traditionally low (Torres et al, 2000).

The reasons for teachers' involvement in policy making are quite compelling in the context of developing countries. Hartwell (1994), for example, asserts that failure in the implementation of policies begins with the failure in the process of policy formulation in the first instance. Citing a study of literature by John Craig (1990) on policy implementation in Africa, Hartwell (1994) notes that out of 145 education policies examined, only 13 policies, less than 10%, were mostly or completely implemented. Hartwell (1994) further suggests that participation by key stakeholders in policy formulation in developing countries is probably the most important issue in the process. This view is echoed by Welmond (1999: 2-3), who contends that teachers are often neglected in studies of politics and education in Africa, and that policy makers have little information regarding the world of teachers, particularly in developing countries. The importance of involving key education stakeholders in education policy processes in developing countries has also been mooted from a critique of donor-driven policy agendas which fail to take account of local conditions. Chisholm (1999), for example, argues that in the Southern African region, teacher unions have resisted teacher rationalization policies arising from fiscal austerity measures; and suggests that the extent to which policies have been abandoned, have had to change or be adapted is largely unexplored.

Studies of education policy making in Africa appear to have been undertaken only recently since the early 1990s (e.g. Evans, 1994, Chisholm et al, 1998 & DAE, 1996). In the past, the focus was confined exclusively to content, while the processes of policy formation have been largely neglected (Evans, Sack & Shaw, 1996). These studies have been motivated by the agendas of international donors and regional institutions such as the Southern African Development Community (SADC), and also as a result of academic and research interest. Donor interest in the development of African education has been particularly high and was the prime reason behind research into educational policies and the process of policy formulation.

The most extensive set of studies is probably the collaboration between the Association for the Development of African Education (DAE) and USAID. Beginning in 1990, a comparative study of education policy formation of five African countries namely, Botswana, Tanzania, Uganda, Mali and Senegal, was undertaken (Evans, 1994). This was followed by a further six case studies initiated in October 1994 (DAE, 1996). The reports provide a significant information source for a deeper understanding of education policy formation in Africa. Several key issues for effective policy formation in the African context emerged from the above case studies (Evans et al, 1996: 28-29):

- The importance of broad participation of stakeholders:
  - ❖ Government, parliament, political parties;
  - ❖ Students, parents, teachers; and
  - ❖ Active organizations in civil society.
  
- Policy formation as a social learning process:
  - ❖ Consensus and widespread understanding are major goals;
  - ❖ Reasons for changes need to be clear to all;
  - ❖ Those sacrificing immediate benefits understand resulting societal benefits; and
  - ❖ The Ministry of Education becomes a learning institution.
  
- The roles played by Government and funding agencies in policy formation:
  - ❖ Government must be the leading player;
  - ❖ Cohesive, prioritized, viable plans empower the government; and
  - ❖ Funding agencies can learn to be supportive partners in the policy process.

Botswana is an interesting case because at the time of independence (1966) the conditions of the transition favoured the government's education policy making plans. This included democratic governance institutions at district and local levels; a stable economy and a Transition Plan which created institutional capacity for an education development

strategy (Moulton, 1994). Central to the Transition Plan in the development of economic and social programmes was the securing of public participation through four institutional processes (Moulton, 1994: 14):

- Annual plan reviews at each of the national, district and local levels;
- Parliament's annual review of ministerial programs and budgets;
- Standing advisory committees of key stakeholders; and
- Ad hoc commissions to examine particular issues.

Nevertheless, policy making during the first 10 years of independence became dominated by central government officials because of their financial resources and technical expertise in policy making, in spite of public participation. This led to implementation problems, which prompted the government to realize the need for policy dialogue between school and village communities and national policymakers. By the 1990s, although the tradition of consultation had been formalized, the balance between central and local participation in policy making had become difficult to maintain because financial resources and technical expertise had become more centralized (Moulton, 1994: 16).

A very different experience of education policy making to that of Botswana is the case of Senegal. Education policy making in this former French colony had developed in the context of a strong relationship with Paris. During the years prior to independence, policy had to be sanctioned by the French government with the result that popular participation was virtually non-existent (Moulton, 1994: 26). Following independence in 1960, the new government, under President Leopold Senghor, continued with the same elitist approach to policy making as did its erstwhile colonial masters. This invariably led to resistance and calls for educational reform. Students, teachers and unions were at the forefront of the mass demonstrations and strikes in 1968. In 1978, a newly formed teachers union convened an 'Etag Generaux' (a popularly organized conference with revolutionary overtones).

Although the conference had little success, it set the scene for public protests in the ensuing years, prompting the new president, Abdou Diouf to convene another conference shortly after he came to power in 1981. The conference led to major education proposals, including universal primary education, greater interaction between schools and communities, teacher training programmes, and greater recognition of teachers as agents of change. The government formed a National Commission for the Reform in Education and Training (CNREF). Unfortunately, the commission was heavily staffed by government officials, which as a consequence resulted in the national education bureaucracy being seized away from the organizers (Moulton, 1994: 27). By the early 1990s, the government compromised on several of the CNREF recommendations because of fiscal constraints, eventually becoming dependent on World Bank loans and structural adjustment policies. Significantly, the colonial legacy of tension between the Senegalese elite and the masses, mostly from rural areas, continued and this is evident in the latter's ongoing demands for an education system that is geared to practical training and curricular content based on Senegalese rather than French experience. Having a meaningful say in education policy making continues to elude the masses of people as institutional mechanisms for public participation are still lacking.

In the third example, Uganda, with the installation of a new government in 1986, there was a new philosophy to fundamental change characterized by participatory democracy, liberalization, modernization and unity (Evans et al, 1996). A new wave of policy formation was initiated: an Education Policy Review Commission (1987-89) and a White Paper (WP) Committee which did the policy formation work in 1989. An important aspect of both the work of the Commission and the WP Committee was the extensive consultations with civil society, regarded as the widest consultation on education ever in Uganda. Public meetings and solicited memoranda and resource papers characterized the work of the Commission; however, the consultations concentrated on urban elites and key community stakeholders were sidelined, and teachers, lower officials and others participated under a cloud of fear of the dominant bureaucrats, politicians and economic elite (Moulton, 1994: 10). The White Paper process sought to change matters, and under

strong Ministerial leadership, a bottom-up consensus building process was undertaken, including analysis of the Commission's report and public responses to it. South Africa's own policy review process in the 1990s was strikingly similar to the Ugandan experience; however, an important difference was that teachers in South Africa did not participate under fear of political and other elites, especially post-1994, although teachers had experienced oppressive occurrences under apartheid and earlier regimes in South Africa (see Chapter Four).

A UNESCO sponsored study of policy formulation in Southern African found that teacher participation was low in many countries (Chisholm et al, 1998). The authors found that although policy formulation was broadly participatory in most countries, involving government, the private sector, university researchers, NGOs and donors, overall teachers were less involved than other sectors. Significantly, it was found that when policy frameworks are translated into financing frameworks, participation is confined to government ministries, donors and their technical assistants. Moulton asserts that *"Given this narrowing of participation when real policy issues in relation to resources are decided, the initial participatory policy consultative processes are interpreted by some as a symbolic, ritualized exercise in legitimation"* (1994: 25).

The above portraits, both from the developed and developing world, reveal that there is limited involvement by grassroots teachers in policy making and educational reform as education policy development is predominantly the work of government policy makers, donor agencies and teacher unions. Rank and file teachers are recognised more for their importance in the implementation of policy and their primary task of teaching and facilitating learning.

## **2.6 The education policy process**

Education policy theoretical debates have also been informed by various approaches to the policy process. Dye (2000) outlines several that are applicable to public policy making generally, such as the rational, process, institutional and incremental approaches.

Prunty (1985) draws attention to the political and rational approaches. In this section, four approaches associated with education policy making are discussed. These have been selected because they capture most succinctly the nature of education policy making in South Africa during the period of study and with specific reference to SASA. Although the approaches are discussed individually, in practice, some are often combined.

### *2.6.1 The political approach*

The political approach (which is closely related to the 'interactive' approach, cf. 2.6.4) stresses the dimensions of power and conflict inherent in the policy process. In this view, policies may be seen as the "*authoritative allocation of values*" (Prunty, 1985; Walt, 1994). The question of 'allocation' emphasizes the importance of power and control in the formulation of policy, and draws our attention not only to whose values are represented in policy, but also how these values become institutionalised. In general policies are the outcomes of particular struggles within organisations and institutions (Badat, 1991:23). This approach to policy, therefore, emphasizes the centrality of value allocation, and dimensions of power and contestation, and resonates with the dialectic nature of teacher-state relations discussed earlier.

### *2.6.2 The rational and expert-driven approach*

In this approach, policies are seen as rational statements of intent or resource allocations aimed at specific goals or the resolution of technical problems (Prunty, 1985; Badat, 1991). The policy process is conceived of as a linear process with distinctive stages: policy initiation (or generation), formulation, implementation and evaluation (Bregha, 1974; Badat, 1991 and McGinn & Reimers, 1997). Policy formulation and implementation are seen as separate entities, the former being seen as the work of politicians and senior government officials and the latter the responsibility of the administrative bureaucracies and teachers. The rational approach is also associated with educational policy review methods developed by international donors, notably educational sector assessment, which is concerned with the technical analysis of education systems by focusing on internal and external efficiency through a rigorous

collection and analysis of data (Hartwell, 1994). Unlike the political or interactive approaches, it assumes an agreement on social and educational goals.

A strand of the rational approach views policy as the *domain of experts*. This view recognizes the enormous influence that policy analysts and policy professionals wield in public policy development, especially their utilization by governments to satisfy the scientific legitimation of policy decisions (Ashforth, 1990; Cross, 1999; Dye, 2000; Magasela, 1998 and Weiss, 1992). The expert approach to policy making has come to be characterized by the emphasis on methodological expertise, through the use of highly sophisticated and technical methods, such as statistical techniques, economic modeling and cost-benefit analysis, to name a few (Weiss, 1992: vii). In his work, Ashforth (1990) has shown how expert and scientific knowledge were used as a 'legitimizing' device through the instruments of commissions and reports in building and sustaining apartheid policies in South Africa. Similarly, policy makers draw on researchers when confronted with specific problems or policy challenges, usually selecting researchers who are political allies and with whom they share a common vision (Friedman, 1995). A significant consequence of this approach is that policy experts tend to have a disproportionate influence in policy making, very often at the expense of ordinary citizens and civil society organizations (Magasela, 1998).

### 2.6.3 The 'process' approach

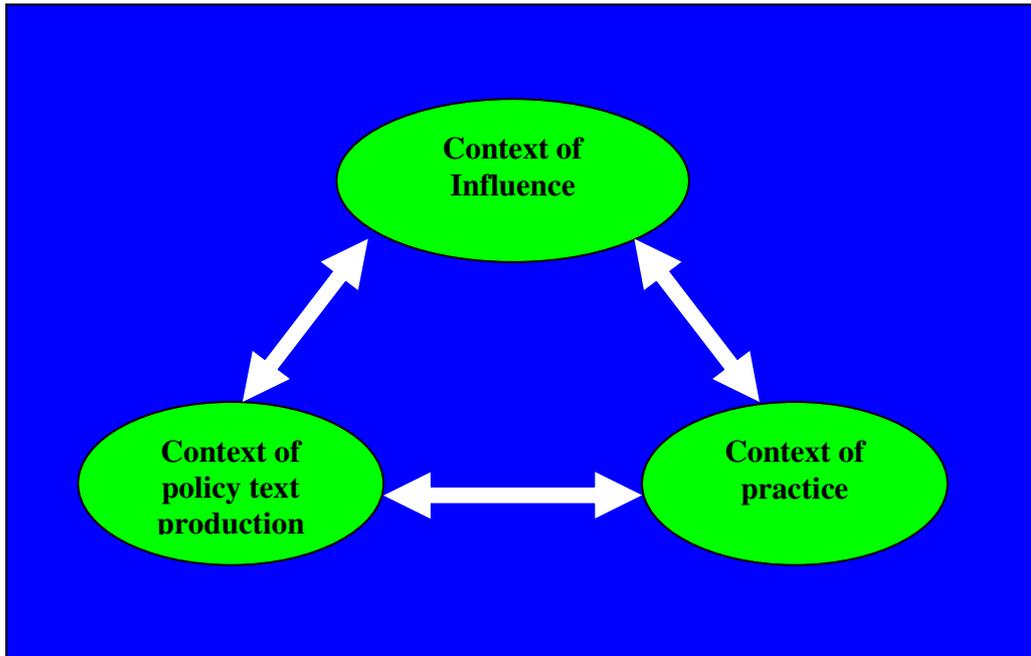
The term "policy process" has been used ambiguously in the literature. A common practice is to deploy the term "policy process" to refer to one of the models of policy making, as Dye (2000) proposes. For Dye (2000), the process model does not emphasise the content of policy to be studied, but focuses on "*the process by which public policy is developed, implemented and changed*" (cited in Lungu, 2001). Another usage of the term "policy process" is to refer to the different stages of the policy process: agenda setting (or policy initiation), policy formulation, policy adoption, policy implementation and policy assessment, as part of a logical sequential process (i.e. the rational approach as discussed

above). In this section, the “policy process” in the former sense, that is, as an alternative model of policy making as proposed by Dye (2000) is discussed.

Many analysts have observed that notions of participation in the education arena have to be located within the wider context of policy change and the policy process (Bregha, 1974; Evans, 1994; McGinn & Reimers, 1997). The various stages or phases of the policy process are seen as part of an ongoing cycle, and built largely around a critique, of the rational approach (Bowe *et al*, 1992; De Clercq, 1997; and Reimers and McGinn, 1997). This view recognizes that while different stages can constitute the policy process, they are not necessarily distinct from one another, and may be inter-related. These advocates of the process approach have argued for a more complex reading of the policy process, one in which contestation and power relations operate within and across different policy stages. It is, therefore, closely related to the political and interactive approaches as the model by Bowe *et al* (1992) illustrates.

The approach advocated by Bowe *et al* (1992) offers one of the most comprehensive explanatory tools for talking about participation in the education policy process. They see the policy cycle as operating in three contexts (See Figure 1).

**Figure 1: A context model of the policy cycle**



*Source: Bowe et al, 1992*

The first context, *the context of influence*, is where policy is normally initiated. Here, contesting parties struggle to influence the definition and aims of education, political networking is rife and key concepts gain currency. Policy debates are often mediated in the public arena, particularly via the mass media (Bowe et al, 1992: 20). The more formal public arenas, in the shape of committees, national bodies and commissions (direct forms of participation), also become sites of influence. Citing the UK experience under the Conservative governments, the authors suggest that it is important to appreciate the hegemony of influence by the 'New Right' think tanks that operate close to the Conservative Party; in addition they stress the importance of recognising the increasing 'ministerialisation' of policy initiation (citing Ball, 1990), resulting in a narrowing of the influence of teacher union and local authority representatives and the educational establishment at large.

The second context, *the context of policy text production*, differs from the first, because influence relates to advocating narrow interests, while policy texts are usually couched in the language of the 'public good'. Therefore, the context of influence has a 'symbiotic' but 'uneasy' relation with the context of policy text production. Two key features in this context are: texts may be misunderstood, contradictory, and reactive. That is, policies may change in response to events, circumstances and feedback from arenas of practice. Secondly, and more relevant for this study, the texts themselves are the outcome of struggle and compromise. Groups of people working within different sites of text production are in competition for control of the representation of policy. Most of these struggles occur behind closed doors and in boardrooms, but occasional glimpses of the dynamics of conflict are possible. Here too, the role of the media is important, as it remains the main source of information and understanding of policy for those whom policy is intended (Bowe et al, 1992: 21).

Responses to policy texts lead to consequences which are experienced within the third context, *the context of practice*. Here, policy is not just received and implemented, but it is reinterpreted and recreated. Interpretation depends on different histories, experiences, values, purposes and interests of the stakeholders involved. According to the authors, policy writers cannot control the meanings of their texts. Parts of the text are rejected, deliberately misunderstood or selected out. In the process, interpretation and claims to power are contested, and power becomes an outcome (Bowe et al, 1992: 22).

For the purposes of this study, emphasis will be placed on the contexts of influence and policy text production as the study is confined to the policy generation and formulation phases of the policy cycle (see Chapter Three for details). Where appropriate, reference will be made to issues of practice because new policies are founded on what already exists; thus the context of practice comes alive and is activated in the very process of formulation. Policy making and policy implementation are inextricably linked. The different contexts, therefore, do not follow a linear sequence. Instead, they are part of a dynamic cycle of events.

#### 2.6.4 *The interactive approach*

In this approach, the policy process is seen as an interactive, continuous and contradictory political process, populated by various social actors struggling to influence policy at different stages. Hjern (1982, cited in De Clercq, 1997), for example, argues that policy is not a product of government decisions and controlling actions but an outcome of the activities of all the different national and local actors. Policy is “constantly formulated, contested and adapted” (De Clercq, 1997:130-131). There is, therefore, considerable congruence between the interactive, political and process approaches.

A key argument advanced by some advocates of this approach is that education policy making be regarded not only as a task of technical analysis, but also as a social and political process (Evans et al, 1996; Hartwell, 1994 & Ranson, 1995). Therefore, active social and political participation in the policy process is critical and the goal of the education policy process is not just the production of a technically sound policy document (Evans et al, 1996). Based largely on experiences in Africa, Hartwell argues that “*the rational techniques of policy analysis and planning must be embedded within an interactive, politically sensitive dialogue concerning educational goals and priorities*” (1994: 34). He stresses that the interactive approach is especially appropriate when policies require behavioural change from teachers, principals, and local and district level officials, in such areas as the curriculum, the role of the teacher and the organisation of the education system. Similarly, Ranson (1995: 440) sees policies as having:

*... a distinct and formal purpose for organisations and governments: to codify and publicise the values which are to inform future practice and thus encapsulate prescriptions for reform... Policies are thus oriented to change and action, providing public intent of transforming practice according to ideal values.*

A useful analytical point derived from the above is the distinction and interplay between information and technical analysis, on the one hand, and politics and power, on the other.

In the African context, even modest changes in education from a technical perspective can lead to substantial unrest and even violence if they are perceived to threaten acquired interests and benefits of various groups in society (Evans, 1994). The situation is exacerbated in many countries on the continent because policy making has nearly always taken place in an environment of uncertainty, tension, and sometimes overt conflict (Evans, et al, 1996:12).

In summary, although different approaches to education policy making are recognized in the literature there is a growing realization that policy making involves aspects of more than one approach.

## **2.7 The notion of participation**

### *2.7.1 Definition and dimensions*

'Participation' in its simplest form, describes an activity, "*that of taking part with others in some social process, game, sport or joint endeavour*" (Birch, 1993, p. 80). However, the notion of participation is far more complex. A distinction can be made between direct and indirect participation (Walt, 1994:18-19). Direct participation refers to ways in which people attempt to influence the shaping of policy by close interaction with policy makers. This could take the form of sitting on policy structures or serving as members of pressure groups. Indirect participation, on the other hand, may include activities, such as voting in elections and campaigning for particular candidates.

The notion of participation in public life has increasingly come under the spotlight in recent decades. Much of the discourse has focused on the importance of participation in enhancing democratic practices. Bregha (1974) has illustrated the importance of various local and other stakeholders in ensuring the success of government intervention programmes in Canada; Bratton (1994) has drawn attention to the importance of involving diverse civil society interests in policymaking on the African continent and Fung (2000) makes a compelling case for direct local citizen and community

participation in policy making as critical to effective policy implementation and policy take-up in the school and neighbourhood police contexts in Chicago.

A comparative study of five African countries revealed significant differences in participation practices between Anglophone and Francophone countries. (*See Information Box 1*) In the former, it is common to engage in a process of public consultation with the public (e.g. in Botswana, Uganda and Tanzania); while in Francophone countries such as Mali and Senegal, there is less of a tradition of consultation with citizens, although both have a history of national education conferences to debate policies (Evans, 1994:9).

### **Information Box 1: Participation in policy making: African experiences**

#### ***Anglophone countries***

In Botswana, Ghana, Tanzania, Uganda and Mauritius, education policy formation often involves the appointment of national education commissions to review education goals and policies. The commission is composed of representatives from different parts of the education system and drawn from different elements of society. Government is not officially represented, but technical support is usually provided by educationalists and academics. The commission conducts a national consultative process, often traveling around the country to solicit inputs, and then formulates a set of recommendations on future goals and policies for submission to the government. The government reviews the recommendations and releases a White Paper outlining the government's position and indicating which recommendations it has accepted for implementation. The White Paper usually goes through a process of debate and final approval by the Cabinet or national legislature. The process has long been regarded in these countries as a legitimate method for government and civil society to work together in drafting education policy (Evans, 1994; Evans et al, 1996).

***Francophone countries***

In Benin, Guinea, Mali and Senegal - the approach is different from that followed in their Anglophone counterparts. National dialogue on education policy is less frequent and crisis-driven. Typically a major conference is organized, and serves as the vehicle for consultation with civil society. Such conferences or large national meetings may last for two or three days or more (ten days in Benin). The process is usually managed directly by the Ministry of Education which controls the degree of participation from civil society. There is considerable emphasis in these countries on consulting national and international experts. There may or may not be any formal report arising from such gatherings; its outcomes are regarded by government as advisory and there is usually no formal response from government. Occasionally, the gathering is used to inform participants and to mobilize support for a policy which the government is on the point of implementing. Interestingly, teachers and their unions tend to be over-represented in comparison to parents and employers, and the process becomes more politicized than the Anglophone countries (Evans, 1994; Evan et al, 1996).

Although South Africa is considered an Anglophone country, its own experience displays features of both patterns. The Francophone pattern is reminiscent of earlier policy formation approaches in South Africa, for example, as experienced under apartheid; whereas the Anglophone pattern approximates more closely policy formation in the post-1994 period, albeit with some differences (See Chapter Four).

A useful classification of 'participation' was proposed by Pateman (1970:68-71) in her seminal work on participation and democracy. Referring essentially to a workplace context, she identified three types of participation:

- 'Full participation' - when people not only participate in activities but have equal power in making decisions;
- 'Partial participation' - when participants can influence decisions but do not have the power to make them;
- "Pseudo-participation"—refers to situations of disguised participation in which employees (or participants/stakeholders) are invited to 'rubber-stamp' decisions already taken, without in anyway participating in decision-making. An illusion of participation may result in such situations.

There is also a big difference between 'consultation' and 'participation'. The views of interest groups and civil society organizations may be solicited (consulted) on various matters. However, there is no guarantee that such views will be incorporated in decision-making or policy development. Consultation is therefore, at best, a form of 'partial' participation, and may, if policy makers have already decided on the policy, end up being a form of 'pseudo-participation'. Nevertheless, participation is generally agency-driven as actors may choose to comment or critique certain policies or refrain from participating in respect of others. Policy actors may also choose to actively participate in spite of the final outcome of the process. That is, they participate with the hope that their concerns will be incorporated into the policy process. Disillusionment with the outcome may then lead to other forms of participation, such as resistance and militant action.

The notion of participation in the policy domain is quite complex. As Bregha (1974:6) concludes: "*Participation is quite obviously coming up as an important social goal; yet, its nature, tenor and limits still remain, by and large, to be established*". This study locates itself within this problematic.

### *2.7.2 Participation and democracy*

Representative democracy (associated with 'indirect participation) explains the general trend towards participation by representatives of political constituencies and various

interest groups, but there are other models of democracy that have shaped discourses relating to 'participation' in policy making. These include participatory democracy ('direct participation') and the emergence of deliberative democracy as more appropriate to democratic practice in the contemporary era.<sup>6</sup>

Contemporary use of the term 'democracy' is associated with representative democracy, that is, a system of representative government in which the representatives are chosen by free competitive elections and citizens are entitled to vote (Birch, 1993:46). Many Western countries achieved this state during the 19<sup>th</sup> century, including the United States, France and Britain. Democracy is therefore a fairly new phenomenon in world history and was firmly established in only 30 out of 180 countries by 1993. Birch's prognosis that several more countries were likely to become democratic by the turn of the century has been upheld in South Africa where the first democratic elections was held in 1994.

*Representative democracy* is, therefore, concerned with the election of representatives to serve in government or any decision-making structure. This form of participation provides citizens with the freedom to choose who could best represent their interests in decision-making processes (Pateman, 1970; Sayed, 1995). An important feature of 'representative participation' is that elected or nominated representatives enjoy significant powers in been able to make decisions on behalf of their constituencies. This has given rise to what has become known as the mandate/independence controversy (Birch, 1993). The controversy revolves around the behaviour of representatives: should they act in strict accordance with the dictates of their constituents or independently of the wishes of their constituents, as trustees of the public interest? (Birch, 1993: 69-70)

*Participatory democracy*, on the other hand, emphasises participation as a process that requires individual involvement in the activity itself, often in a particular context of shared actions. Emphasis is on the active involvement of substantial numbers of private citizens (as distinct from elected officials) in the process of shaping and implementing

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<sup>6</sup> The focus here is on conceptions of participation as articulated by theories of democracy, not on an analysis of the theories themselves which is beyond the scope of this study.

government policies (Birch, 1993:81). Perhaps the best-known examples of optimal citizen participation or participatory democracy are those of the practices of the ancient cities of Athens and Rome. In Athens, citizens (initially men only) could participate in an *assembly* and were equally eligible to serve in government at least once in a lifetime. Similarly, in Rome, in the course of time, male citizens could participate in governing the Republic. The notable exception in both cities was that the right to participate did not extend to women (and slaves), as was the case in later democracies (Dahl, 1998:11-13). However, with the passage of time, and the expansion of the Roman Empire, it became impractical to sustain a system of participatory democracy as the size of populations grew.

Nevertheless, the benefits of more participatory policy processes continue to be recognised, especially when it is recognised that certain groups have the power to impede implementation of particular policies, and the emphasis shifts to transforming such groups into supporters of new policies. Adopting more participatory approaches comes with some costs. One short-term cost of high levels of participation is time needed to complete the process, as was the case in Mauritius and Uganda where extensive participation extended the process well beyond initial projections; in Uganda and Mozambique this resulted in impatience by external funders who had their own timeframes to meet (Evans et al, 1996).

A critical aspect of participatory democracy is its educative or learning potential, that is, the development of individuals' psychological capacities and facilitating the acquisition of experience in democratic skills and procedures (Pateman, 1970:42). Participation is not limited to the act of casting a vote, but would include a range of activities, such as lobbying, signing of petitions, organising and preparing for meetings, serving on policy committees and commissions, debating policy options and engaging in protest action. However, critics of participatory democracy have pointed to the apathy and disinterest of the majority and that high levels of participation are needed only from a minority of citizens to ensure a stable democracy. Political theorists, such as Berelson and Sartori (cited in Pateman, 1970) were prominent advocates of this critique in the 50s and 60s.

This view continues to be held among several theorists today (Budge, 1993 and MacLean, 1986).

Apart from the two mainstream contending positions, a middle-ground theoretical position may be discerned, one that is based on a flexible model combining a fundamentally representative approach with elements of participatory democracy (Birch, 1993; Budge, 1993; Resnick, 1997). Within the ambit of the study, this shall be referred to as the 'mixed model' approach. Resnick suggests that, although representative democracy has prevailed since the 1960s, direct or participatory democracy remains the "*unhappy consciousness of liberal democracy*" (1997:84). He maintains that whatever formula for participatory democracy is proposed, the division of labour between leaders and members remains, as members have different degrees of commitment to the course. Following Resnick, many modern democracies are founded on a representative model that incorporates elements of participatory democracy. In Britain, for example, political parties organise frequent meetings at local level, hold discussion groups and ensure a constant production of booklets, pamphlets and discussion papers on policy issues. An important consequence of such activity is "*the communication of opinions between rank and file members and parliamentary leaders*" (Birch, 1993:84). Most western or liberal democracies are founded on this integrated model. South Africa's own transition to democracy in the 1990s has adopted this Western-style liberal democratic tradition.

More recently, the debate on democratic theory has been extended by those advocating a model of *deliberative democracy* (Benhabib, 1996 & Cohen, 1996). This model is premised on a collective decision making process whereby "*what is considered in the common interest of all results from the processes of collective deliberation conducted rationally and fairly among free and equal individuals*" (Benhabib, 1996: 69). Processes of deliberation are characterised by the following features:

- participation is governed by the principles of equality and symmetry; all have the same chances to initiate speech acts, ask questions and to open debate;
- all have the right to question the topics of deliberation; and

- all have the right to contest the very rules of the discourse procedure.

For Cohen, a deliberative conception of democracy places public reasoning at the heart of political justification:

*...participants regard one another as equals; they aim to defend and criticise institutions and programs in terms of considerations that others have reason to accept, given the fact of reasonable pluralism and the assumption that those others are reasonable; and they are prepared to cooperate in accordance with the results of such discussion, treating those results as authoritative (Cohen, 1996:100)*

Benhabib adopts a similar view, suggesting that deliberation is about the imparting of information as no single individual or organisation can foresee all perspectives of an argument; further, that only through a process of deliberation and the exchange of views with others, are individuals able to become aware of conflicting positions, which might lead to a review of one's own viewpoint, a process referred to as "coherent ordering" (Benhabib, 1996: 70-71). This model of democracy acknowledges the importance of recognising the position of the 'other' and engaging with it at the level of logic and reasoning; it also implies that one's thinking and original arguments are subject to change. The notion of 'learning' is therefore central to the process of deliberation.

The deliberative model of democracy is open to the same criticism suffered by proponents of direct democracy, namely that no modern society can be organised on the basis of mass assembly conducting its deliberations in public and collectively. Benhabib argues that this does not hold for the deliberative model of democracy because the procedural norms of this model privilege a "*plurality of modes of association*" in which all affected can have the right to articulate their point of view (1996: 73). These can range from political parties, to social movements, voluntary associations and the like. Benhabib further ascertains that "*It is through the interlocking net of these multiple forms of associations, networks and organisations that an anonymous 'public conversation'*

*results. It is central to the model of deliberative democracy that it privileges such a public sphere of mutually interlocking and overlapping networks and associations of deliberation, contestation, and argumentation”* (1996: 73-4). Although this view of deliberative democracy is not uncontested, for the purposes of this study it has a striking resonance with aspects of representative democracy, in which highly articulate and skilled representatives engage in debates in the public sphere, wherein particular value systems are propagated and specific interests advanced.

Recent developments have questioned the consolidation of democratisation processes in many parts of the world. Benhabib (1996) suggests that while the global trend towards democratisation is real, so too are various forms of opposition and antagonism – ethnic, national, linguistic, religious and cultural. Throughout the world, in the Balkans, North Africa and the Middle East, ‘a new politics for the recognition of collective identity forms is resurging’ (Benhabib, 1996: 3). Similarly, many analysts are cautious about the long-term prospects of democratic transitions in Africa, which, they claim are confronted with several problems and challenges: continued one-party dominance in spite of multi-party elections, continuing state efforts to undermine forces of civil society through repression and cooptation, and vicious conflicts along ethnic and regional lines (Bangura & Gibbon, 1992; Bauer, 1998 & Gyimah-Boadi, 1994). These developments constitute a significant threat to effective participation of citizens in modern democracies.

The above models of democracy have derived predominantly from Western liberal democracy, much of which gets transposed to developing and less developed countries of the South. These old and modern variants of Western liberal democracy, however, have not gone unchallenged. Scholars of democracy in Africa have argued that western-style bourgeois democracy has been limited to segments of the urban elite and has been incapable of responding to the socio-political and economic needs of the masses (Amin, 1994). Amin advocates instead a reclaiming of ‘Jacobin democracy’, which although it operated within a framework of private ownership, advocated the establishment of power for the service of the ‘people’ and thus clashed with bourgeois needs (1994.: 328) (cf. section 2.2.4 on the notion of ‘developmental states’). Amin (1994: 329-30) goes on to

propose certain conditions for the restoration of democracy in the 'Third World', that is, a democracy that goes 'beyond capitalism'. Among others, he emphasises the following:

- The democratic re-politicisation of the masses;
- A reinforcement of their capacity for self-organisation, self-development, through various forms of cooperation, co-management and popular management, which could provoke conflict with the state;
- Encouraging dialogue among movements seeking an alternative to Western liberal democracy.

In spite of having a more radical, socialist stance, Amin's (1994) view of democracy based on genuine popular will, resonates with debates about the prospects of civil society in consolidating and broadening democracy in the 'Third World' (Bauer, 1998; Bratton, 1994 & Gyimah-Boadi, 1994). For her part, Bauer (1998: 137) argues that for the successful consolidation of democracy in Namibia, a strong and autonomous trade union movement, working in collaboration with a variety of other organisations, will be needed; whereas Gyimah-Boadi (1994) questions the effectiveness of civil society as a democratic force. In contrast to both Bauer and Gyimah-Boadi's positions, Bratton (1994) suggests that civil society and the state are best considered together, and implies that the key to democratization is the effective management of the tension between independence and inter-dependence of state-civil society relations (see section 2.3.1).

Although there are several analytical insights from the review of democratic theories, such as the privileging of stakeholders' participation, one of the more pervasive themes is the notion of "participation as learning". The case for participation as learning has had its strongest adherents by those advocating the virtues of direct democracy, or at least those aspects of direct democracy that are viable in contemporary public life. Pateman (1970), for example, emphasises the empowering (or learning) element through active participation, resulting in a more educated and critical citizenry, while Mclean (1986) has espoused the virtues of electronic media, such as the internet.

In summary, the model of democracy that has acquired the widest application in the modern world is that based on representative democracy. It is fair to assert, however, that aspects of participatory and deliberative democracy also feature in the debates and practices of democracy in the contemporary period. Participation in public decision-making has been shaped by these debates and practices. In particular, the notion of stakeholders' participation and the desire for collective and consensus-seeking mechanisms of participation, have come to characterise public policy making institutions. This theme will be elaborated throughout the thesis (cf. Chapter Five on the consensus-driven Review Committee).

### *2.7.3 Patterns of democratic participation in South African education policy*

Participation in education policy development in South Africa proceeds from a predominantly representative model of democracy (e.g. Carrim, 2001 & Sayed & Carrim, 1997). This is reflected in the discourse of decentralisation and the representative models of participation that has underpinned educational reform in South Africa, as well as in the Constitution of the Republic of South Africa, the National Education Policy Act, 1996 and the South African Schools Act. Various notions of participation in the South African context have been identified, such as 'interest group', 'representative', 'stakeholder' and 'community'. Essentially, these notions speak to the model of representative democracy with degrees of participatory democracy intended (e.g. Carrim, 2001).

The notion that has acquired wide currency in the South African context is the concept of 'stakeholder', which owes its origin to the struggle for a non-racial, democratic dispensation, which intensified in the mid-1980s (dealt with more fully in Chapter Four). A stakeholder implies that certain individuals or groups have more of a 'stake' or interest in particular policy contexts. In school governance terms, parents and teachers would be regarded as stakeholders and may elect or nominate officials to represent their interests in the policy domain. This is quite different from 'community participation'<sup>7</sup>, which is far

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<sup>7</sup> Sayed and Carrim (1997) draw attention to the different ways in which 'community' is defined. For my purpose, it is sufficient to note its general reference to all persons that make up the 'body politic' at different levels of society. Thus, at a national level, the 'community' refers to all citizens, whereas at the

more inclusive and open to all members in 'the community' (Sayed and Carrim, 1997: 95).

Therefore, the notion of 'stakeholder' implies that only certain people may participate, resulting in a limited version of representative democracy. In terms of current legislation in South Africa, teachers, parents and students are regarded as key stakeholders with regard to school governance structures and school-based policy contexts. At a broader level, organized stakeholder groups, such as teachers, are consulted by the government in the development of national policy as provided for by the National Education Policy Act, 1996. This constitutes the essence of representative democracy in the education sector in South Africa. The involvement of key stakeholders in decision-making at all levels in the policy process has been observed in democratic policy contexts generally, for example in Canada, and in many African and Latin American countries (Bregha, 1974; Kinjanjui, 1994 and McGinn & Reimers, 1997).

The entrenching of a representative/stakeholder's model of participation during South Africa's transition to democracy has also been signaled by the institutionalisation of a particular type of stakeholder's participation, namely corporatism. Corporatism may be defined as "*a system in which national organizations representing industry and labour work in cooperation with government representatives to constitute an intermediate layer of interest aggregation and decision making between the state and civil society*" (Birch, 1993:196-197). Corporate entities are also able to exercise a controlling influence over the behaviour of its members. Elaborating on the South African version of corporatism, Friedman and Reitzes (1995) note that business organisations, trade unions and professional associations tend to be candidates for corporatism, mainly because of their potential to bind key constituencies to negotiated agreements. This observation is especially important with regard to the organised teaching profession in South Africa, which had consolidated itself into three major teacher organizations, namely, the National Professional Teachers Organisation of South Africa (NAPTOSA), the South African Democratic Teachers Union (SADTU) and the Suid-Afrikaner Onderwysersunie (South

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level of the school it refers to the "community within which it is located and that it serves" (ibid: 95).

African Teachers' Union) (SAOU), in the early 1990s (Govender, 1996). SADTU, moreover, is affiliated to COSATU, the largest trade union federation in South Africa.

Overall, participation in education policy making in South Africa is premised largely on a model of representative democracy, but with its own particular variant. This variant is based essentially on the notion of stakeholders' participation and a corporatist flavour to teacher union-state relations.

## **2.8 The study's conceptual map**

This study derives the following explanatory tools from the literature review:

- It harnesses an analysis of teacher-state relations, with specific reference to the notions of 'partisan alliances', 'unionism' and 'professionalism', and the tension between teacher unions' 'public' and 'private' interests, to examine teachers' participation in policy making. The agential (or developmental) role of the state is to be understood within the context of neoliberal globalisation and the 'relative autonomy' of the state. This analysis is framed by the wider lens offered by the examination of state-civil society relations in the African context, paying particular attention to the debates on the 'weakening' of both state and civil society and the tension between notions of 'cooptation' and 'independence';
- A second vehicle of analysis, which is closely related to the first, draws on the growing body of literature, especially in the last two decades, on education policy. Several analytical insights have been assimilated from this literature. First, the study recognises the critical mediating role of the state and draws on Bonal's emphasis of the dialectical nature of state and interest group relations in the policy arena. The study then links this insight to the central analytical framework of the thesis, namely, the ambiguous and political nature of

teacher-state relations and its location within the broader dynamics of state-civil society relations;

- A third vehicle of analysis is founded on an eclectic and integrated model of policy making, which draws on the political, rational, process and interactive approaches to policy. The study draws on the view that policy making has a strong social dimension but one that is essentially contestatory, with different interests competing to influence policy outcomes; it is also a technical process, a conception that privileges the notion of 'policy as expertise'. This study also excavates from this body of literature a view that regards the policy process as disconnected and discrete, a conception that underpins ordinary teachers' marginalisation and isolation from policy making; and finally;
- The study draws on theories of democracy to extend our understanding of the limits and opportunities of participation to influence policy making. Here, the limits of participation based on a model of representative democracy, the opportunities for participation based on models of direct and deliberative democracy and the notion of "participation as learning" provide critical theoretical beacons for the study.

## CHAPTER THREE

### A RESEARCH STRATEGY FOR POLICY RESEARCH: CONJOINING HISTORY WITH CASE STUDY

#### 3.1 Introduction

The chapter posits the argument that historical and case study methods together constitute a useful tool in education policy research, notwithstanding certain obstacles and challenges. A distinction is made between the combined use of history and case study methods, on the one hand, and the use of the 'historical case study' method, on the other. This study adopts the former approach. The study is an historical analysis of teachers' participation in the development of policy, in which the conventional tools of historical research are employed, namely, the use of documents, literature review and interviews. However, it is also a case study of teachers' participation in the development of a single policy, the South African Schools Act (SASA). Case studies constitute an 'intra-method strategy', in which mini-case studies of the teacher unions (two) and schools (four) are part of the research design/strategy in the context of the overall historical analysis.

In recent years, the importance of reflecting on issues relating to methodology in policy research has been highlighted (Ball, 1990 and Taylor, 1997). Much of the reflection has been framed by the discourse of 'critical policy analysis' or 'policy sociology' (Gale, 2001). Ball has observed that there is a tendency towards "*tidy generalities (which) often fail to capture the messy realities of influence, pressure, dogma, expediency, conflict, compromise...error, opposition and pragmatism in the policy process*" (Ball, 1990:9). This chapter aims to bring to the surface a number of 'messy realities' that might be encountered in using an historical and case study approach to policy research. In spite of difficulties and pitfalls that characterize policy research, qualitative research, specifically historical and case study methods, provide the researcher with powerful tools to deepen her understanding of policy processes. This might even entail the posing of more questions rather than providing *immediate* answers; for the nature of policy development is itself an ongoing process. Finality is rarely achieved, even after the passing of

legislation. This is especially applicable to the South African Schools Act of 1996, as amendments and policy changes continue to be made to this day (cf. section 10.3).

The chapter commences with a conceptual and theoretical exploration of the research strategy, followed by a description of the research design and a discussion of the data collection strategies used in the study. The chapter then considers the main empirical challenges encountered in the course of fieldwork, sharing with readers the researcher's position adopted with regard to the issues of reliability, validity and generalisability before offering some reflection on the data analysis and writing up process. Finally, the chapter comments on the limits of the methodology employed in this study.

### **3.2 Research approach and design**

This study follows the social process approach to research methodology as advocated by Burgess (1984, cited in Vulliamy et al, 1990). In this view, methodology is not restricted to a number of techniques, such as surveys and interviews. Instead, it is seen to encompass research design, data collection and analysis, theory development, as well as the socio-political perspectives of the researcher. Therefore, the study locates itself firmly within the qualitative research tradition.

More specifically, the study adopts an historical and case study approach, in which teachers' involvement in the policy process of SASA is reconstructed from the early 1990s to 1996. It examines the effectiveness of teachers' participation, especially teacher unions, in shaping the development of the South African Schools Act (SASA) of 1996 in the midst of South Africa's transition to democracy. The experience of teachers at the grassroots level is also explored, albeit in a limited way.

A major factor in opting for an historical approach to the study is its usefulness in examining contemporary policy development. This is especially the case with a society in transition because the transformation of social and political conditions in transitional societies is often informed by the reality of 'historical change'. In South Africa, the

historical confluence of political, economic and ideological forces in the 1990s precipitated a period of fundamental political and socio-economic changes. In this context, the study suggests that a detailed historical appreciation allows for a more cogent analysis of the impact of *contemporary* factors, such as globalisation, on socio-political change processes, including policy development. That is, the strength or weakness of the impact of 'globalisation' as a mediating factor in participation in policy development is seen more starkly when framed by history. This integration of 'old' and 'new' history recognizes the importance of the notion of "historical specificity":

*Sometimes there are quite new things in the world, which is to say that 'history' does and 'history' does not 'repeat itself'; it depends on the social structure and upon the period whose history we are concerned with (Mills, 1959:156).*

Simultaneously, an historical approach facilitates a more pronounced understanding of historical legacies themselves, such as issues of teacher-state relations, ideology, and policy capacity and expertise in shaping teacher union and teachers' identity and development. Simply stated, history helps the policy researcher to maintain a critical perspective of the present. This is particularly relevant in policy research because "*policies are often a continuation of existing practices*" (Taylor et al, 1997) and seldom emerges in a vacuum.

Although a distinction is drawn in this study between combining history and case study methods, on the one hand, and doing an 'historical case study', on the other, the conceptual sustenance of the two approaches are drawn from the same well, that is, historical analysis. Hence, the main conceptual basis of an 'historical case study' is the emphasis on the study of the case in its historical *context*. As Merriam (1988: 21) suggests, there is a "*longitudinal or latently historical nature*" to case studies generally, as it is with all historical research. Similarly, Gale (2001: 385, citing Kincheloe, 1991) observes, historical studies commonly share an interest in tracing "*processes of educational change and to expose the possible relationships between the socio-*

*educational present and the socio-educational past*". This applies equally to studies of specific phenomena, such as 'participation' in education policy formulation. Therefore, historical analysis, in the tradition of qualitative research, is more than the chronological history of an event or process, it allows the researcher to apply *her knowledge* (of the past) to the present in getting to know the context of the event or phenomenon, the assumptions behind it and even the event's impact on the actors (Merriam, 1988: 24). The historical landscape, therefore, is critical to extending the researcher's understanding of the specific case, whether it is an event or process.

The research approach was also guided by a particular conception of education policy research. As highlighted in Section 2.8.2, the rational approach to policy making has been criticized for, among other things, its conceptualization of policy formulation and implementation as two separate activities that have to be studied in their own right. Many critics (Bowe *et al*, 1992; De Clercq, 1997; and Reimers & McGinn, 1997) have argued for a more complex reading of the policy process, one in which contestation and power relations operate within and across different policy stages. This view recognizes that while different stages can constitute the policy process, they are not necessarily distinct from one another, and may be inter-related as part of a cyclical process. Typically, the stages include policy generation, policy formation, policy adoption, policy implementation and policy evaluation. The policy generation or agenda-setting stage and the policy formulation stage are often viewed as a single continuous stage (see, Lungu, 2001:93).

This study will utilise the term 'policy formulation' to encompass both the policy generation and policy formulation stages (*see Figure 2 below; also cf. Figures 6 & 7 in Chapter 5 with accompanying rationale*). In the 'policy generation or agenda-setting stage', initial ideas emerge in the public domain, often through a formal process, such as the establishment of a task team or commission; whereas policy formulation refers to the process of capturing policy ideas or options in documents, usually in the form of White papers and eventually in the form of legislation (cf. section 5.3 for details). Although the study acknowledges that policy implementation is part of the longer-term process of

policy making, and that feedback from implementation can impact articulation of policy (Evans et al, 1996), it does not explore teachers' participation in the implementation of the Schools' Act after its legislation in November 1996.<sup>8</sup> Therefore, the focus of the study is on policy formulation as outlined above.

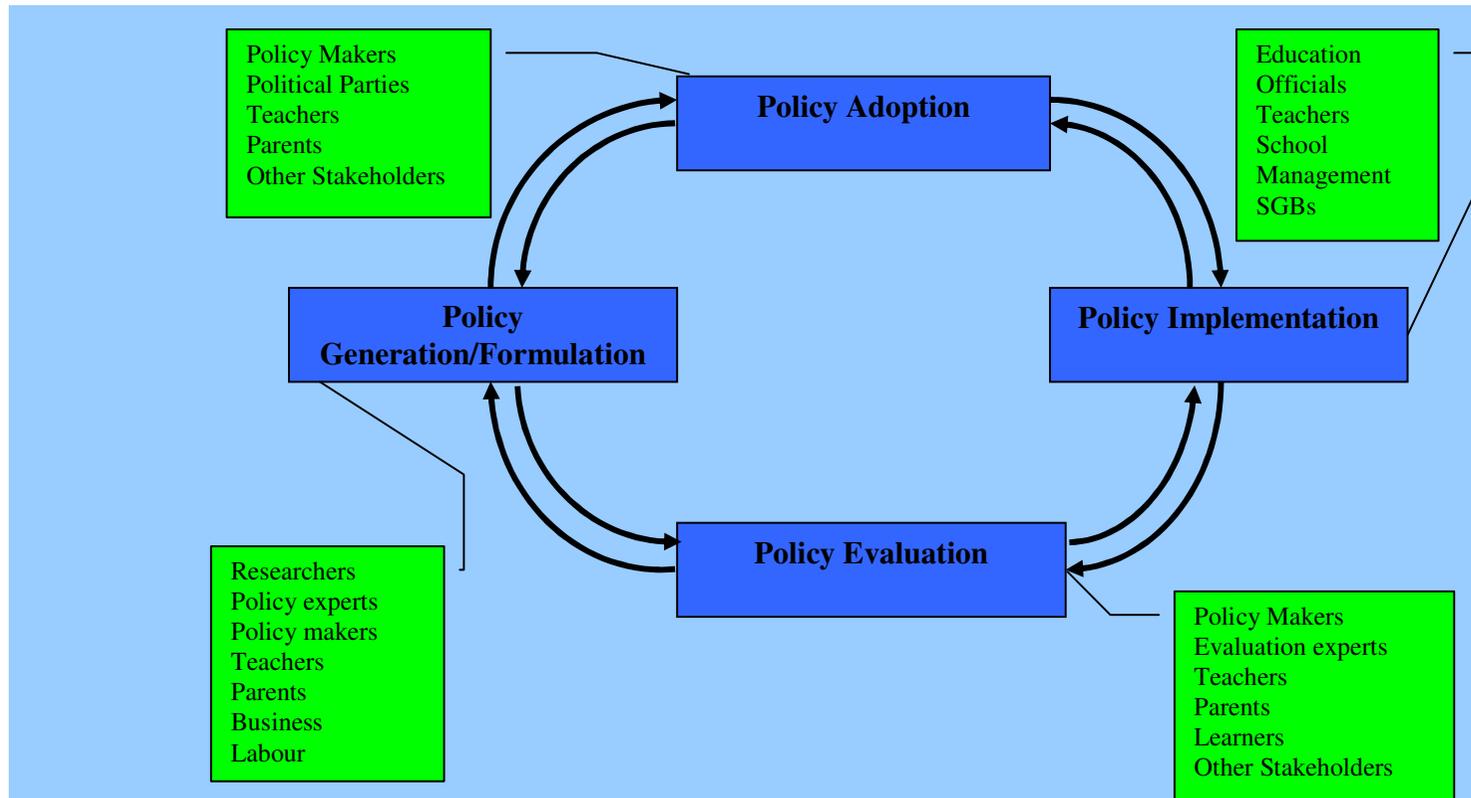
More specifically, the research approach of the study was informed by the interactive model of policy making (cf. section 2.6.4). As this policy perspective emphasizes actors' goals, strategies and struggles, it is particularly helpful in unpacking stakeholder or interest group participation in policy processes, and has informed the analytical approach in this study (see section 3.8). In this view, the process-cum-interactive approach, contestation over control and ownership of policy has an infinite quality based on the balance of power in teacher-state relations at a given historical moment. Policy battles may be won or lost, but the underlying contestation for control of the policy process is ongoing. A useful insight was gleaned from the work of Bowe *et al* (1992), who see the policy cycle as operating in three contexts: the context of influence, the context of policy text production and the context of practice. Their conception offers a more explanatory tool for talking about participation in the education policy process.

*The context of influence* is where policy is normally initiated. Here, contesting parties struggle to influence the definition and aims of education, political networking abounds and key concepts gain currency. *The context of policy text production* differs from the first because influence relates to advocating narrow interests, while policy texts are usually couched in the language of the 'public good'. In the third context, *the context of practice*, policy is not just received and implemented, but it is reinterpreted and recreated. (cf. Section 2.6.3 for details of the three contexts). Thus, in analyzing the phenomenon of teachers' participation in the development of SASA it was decided to focus on the two key phases, policy generation and policy formation, separate though interlinked, and embracing all three of the above contexts, although the context of practice manifests itself in a limited way for the purpose of this study (see *Figure 3*).

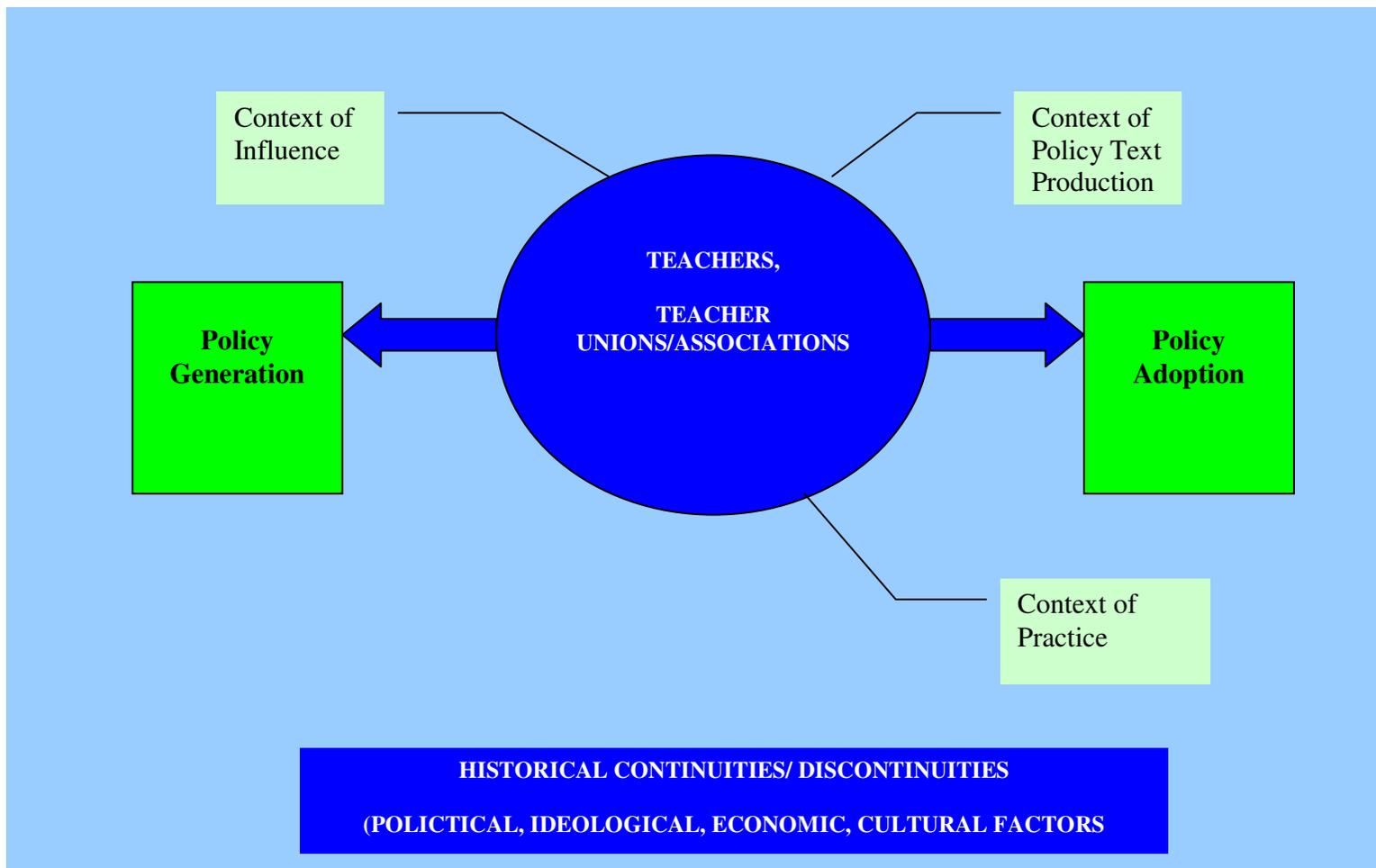
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<sup>8</sup> The term *policy making* or *policy development* is used in the study to refer to all the phases of the policy cycle, from policy generation through to policy evaluation.

**Figure 2: The Policy Cycle (and policy actors)**



**Figure 3: Teachers' participation in policy making – A 'contextual phase approach'**



Although, the view of the policy process as 'ongoing' was fundamental to the research approach, the overall approach to the study, which combined both the inductive and deductive paradigms (see section on Data Collection Strategies), allowed for sufficient flexibility in the study's design to accommodate new methodological insights. As a consequence, the study was able to recognize the equally strong influence of the rational and expert approaches to policy making that emerged during the course of the study (see Chapters One and Two).

Central to the study's embracing of the discourse of the 'interactive/process' approach to policy making, is its location in relation to the historical continuities or traces of teachers' participation in issues relating to SASA (*see Figure 3*). As such, besides the importance attached to the contemporary history of SASA, the study is framed by a longer history of both SASA's development and teachers' participation in education policy development in South Africa that goes back to the 1980s (see Chapter Four). This is consistent with the view that an historical focus is concerned with how a particular feature of social life came to be the way it appears at the point of investigation (Layder, 1993). The issue of school governance, for example, was traced to the mid-1980s when the notion of Parent-Teacher-Student Associations (PTSAs) evolved. The debates around school governance that followed in the 1990s (and at the time of SASA's development) not only reverberated with these earlier conceptions of PTSAs, but also became fused with notions of 'decentralisation' and 'autonomy' that flowed from the 'neoliberal globalization' discourse of the 1990s.

The character and complexity of teachers' participation in the development of SASA was best understood by giving attention to the legacies underscored by a longer-term historical focus *and* their inter-connections with the various phases of the policy processes (the contemporary analysis). Similarly, Griffiths (1998: 9) argues for educational research to focus beyond the more recent context of political, economic and other factors that can shape and influence the content of educational change and development, to a much wider historical context. This is important as the more recent

political and economic conditions are themselves a consequence of history, or more precisely, have a history of their own.

Therefore, both the notions of 'historical specificity' and a 'longer-term historical span' are invoked. This is especially relevant to research that focuses on issues of educational change, which forms an important backdrop to this study. This study's understanding of change has been informed by the reality of a new government attempting to fundamentally transform the organisation, governance and funding of schools. As such, it constituted a significant undertaking in the government's programme of democratic transformation. Given that the notion of participation is associated with notions of democracy, it was deemed important to establish an historical perspective on *teachers' participation* in relation to South Africa's transition to democracy so that any changes in the phenomenon of *teachers' participation* over time, and particularly in the context of transitions, could be interrogated. Overall, given this fusion of history and democracy building, it was decided to draw on a multi-disciplinary theoretical framework, including history, political science (theories of democracy and state-civil society perspectives), and education policy (see Chapter Two).

Finally, historical and case study methods do share a common lineage. As Yin (1989) suggests, elements of historical research and case study often merge. While the historical method is concerned mainly with the distant past, histories can be written about contemporary events. This is when it begins to overlap with case study strategies, that is, case studies rely on many of the same techniques as a history, namely the use of primary documents, secondary documents, interviews and cultural and physical artifacts (Yin, 1989: 19-20), with the exception of direct observation. In education policy work, it is not unusual for researchers themselves to have been central to or involved in some way in policy development. Many researchers and policy analysts, for example, immersed themselves in education policy development work in South Africa in the early 1990s, as part of the democratic movement's preparation for a new political dispensation. This was probably the closest association that could be made between historical research activity and 'direct observation', although such involvement is generally identified with the

notion of 'insider knowledge'. Indeed, the benefit of 'insider knowledge' is one part of the historian's arsenal of experience vital to his craft. There is a strong empirical correspondence in undertaking research based on history and case study methods.

Initially, the research approach was conceived as an historical case study. However, upon further reading of the literature and based on discussions at various workshops (see section 3.8), it became clear that the fundamental approach was an historical analysis that was complemented by the strategy of case studies. The notion of 'historical case study' was set aside once it was realized that it usually applies to a case that is characterized by a longer-term historical span. In other words the case belongs to a more distant history. In this study, the case is concerned with a period of contemporary history, and the actual research was being conducted at a time when SASA was still being implemented. It was therefore more appropriate to consider an historical *and* case study approach.

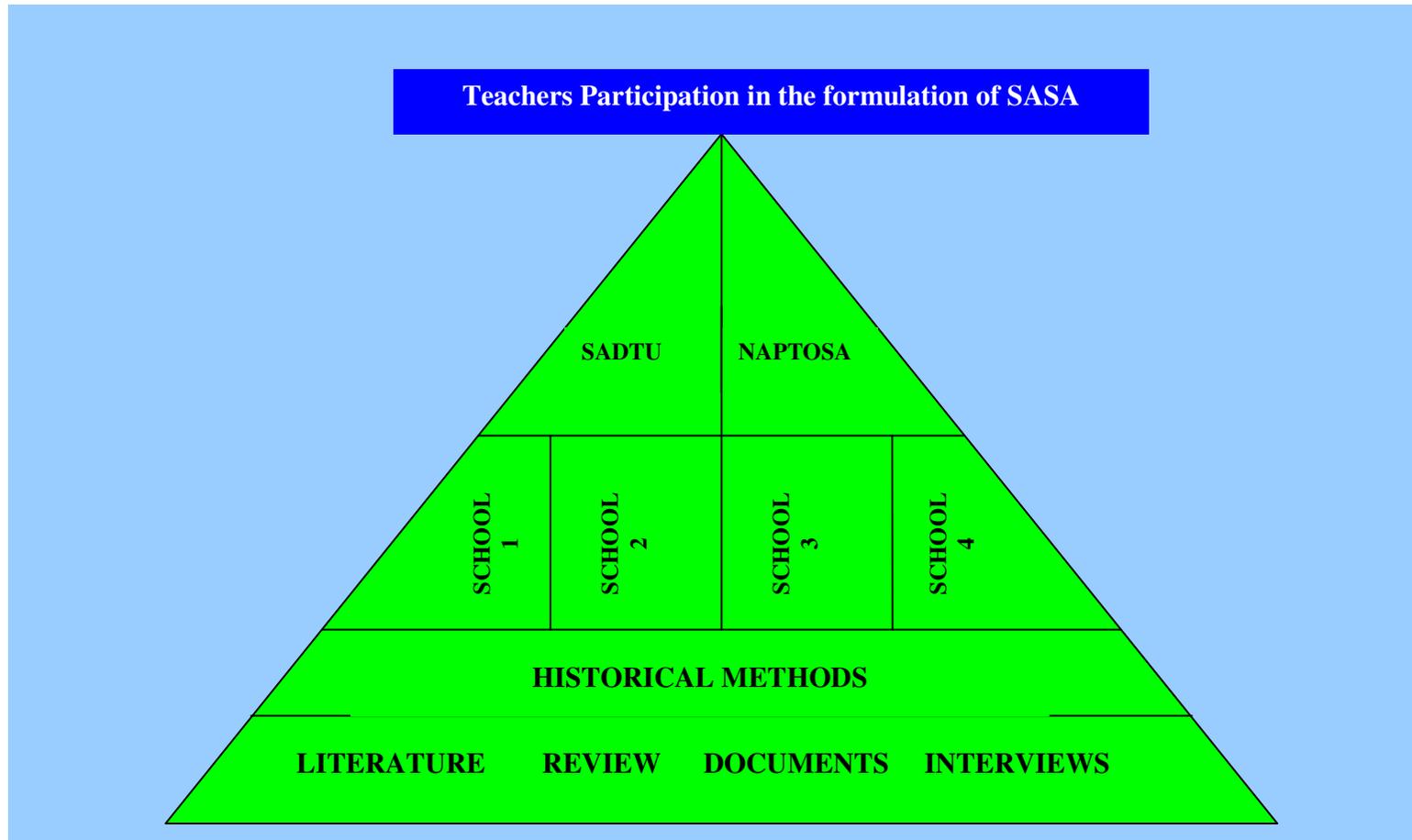
The historical analysis focuses on a policy that has been central to the transformation of education in South Africa post-1994, the ramifications of which are still being felt and challenged by teachers and other interest groups. It therefore constitutes a contemporary historical analysis. The case study strategy operates at various levels. Firstly, the overall study is that of teachers' participation in the formulation of SASA, a singularity. Secondly, the study recognised that the best way of capturing teachers' participation was through case studies of the two major teachers' formations, namely, NAPTOSA and SADTU; and, thirdly, in order to capture a slice of the grassroots' experience of teachers, case studies of four schools were undertaken (*see Figure 4*).

The use of case studies helped to draw the parameters of the historical analysis of teachers' participation in SASA; therefore, the study has been confined to participation by the major teacher unions and participation of teachers from four schools. The emphasis on teacher unions' participation is informed by the general acknowledgement in the literature and the historical experience in South Africa that teachers, in the main, are represented in policy formulation processes by their union officials. The research design was therefore influenced by the perception that participation of teachers in policy

formulation was essentially founded on a model of representative democracy, a perception which suggested a more eclectic and multi-disciplinary approach to developing a conceptual framework for the study (see Chapter Two). From a methodological point of view, the study combines historical and case study methods through the use of literature review, documentary study and interviews.

Four (4) schools were selected for the institutional component of the case study. The selection of schools was made with a view to achieving some diversity and highlighting issues that might be context specific, and as such, included primary and secondary schools from both rural and urban locales. The assistance of informed sources within the education departments (both provincial and district), teacher unions and policy analysts were sought in making the selection of schools. The principals assisted with the selection of teachers and governing body officials to be interviewed. In the main, though, the study was guided by the selection criteria of research instruments (*see Box 2 and Table 1*). The main emphasis was to elicit the views of ordinary teachers on their participation in the policy formulation process of SASA.

**Figure 4: Research Design – Combining History and Case Study Methods**



## **Information Box 2: Criteria for selection of school sites**

### **Criteria for selection of School Sites**

1. Location: Urban (city/ suburbs); township; rural/semi-rural
2. Level of teachers' participation: high/medium/low
3. Organisational membership: members of teachers' unions and non-members
4. Existence of School Governing Body

### **Rationale behind criteria**

The location of schools was important, as the intention was to include teachers working in different settings, such as in a city, township and a farm school.

Level of teachers' participation in the policy process of SASA was the key focus of the study, and the intention was to select schools in which teachers were involved in the policy process in some way or the other, where this was possible to ascertain.

While membership and non-membership of teachers' organizations constituted one of the criteria for selection, the emphasis of data collection at this level was on obtaining teachers' perspectives in the context of their institutional setting. This approach enabled a more flexible perspective on teachers as agents, allowing for their interests to be expressed not just within the confines of their identities as members of organizations, but also as individual teachers with individual identities.

Since teachers are also represented on school governing bodies, I sought to establish whether teachers' participation was enhanced through such representation or not. Hence, the selection of schools with governing body structures.

NB. The information relating to the above criteria was ascertained through telephone conversations with the school principals.

Four schools were selected using the above criteria (see Table 1).

**Table 1: Criteria for selecting schools**

Possible School	Location	Level of teachers' participation	Organisational membership	Governing Body
1.	Urban (city/suburbs)	Medium to high	NAPTOSA affiliates in Gauteng, SADTU, SAOU, others?	Yes/No
2.	Urban	Medium to Low	Varied	Yes/No
3.	Township	Medium to high	NAPTOSA affiliates, SADTU, others?	Yes/No
4.	Rural/semi-rural	Medium to low	Varied	Yes/No

The concern with site selection took cognizance of Walford's (2001: 151) criticism against researchers that "*settle for research sites to which they can easily gain convenient and ready access rather than thinking through the implications of particular choices*", a practice that often leads to case-studies or micro-sites that have little to do with the theoretical objectives of the study. The task of appropriate and careful site-selection, within this study, was made easier by the adoption of a history and case study approach. That is, the study selected schools with teachers who were members of the main teachers' organizations and who were on the school staff in the 1995/96 period, a decision which limited the study to teachers who belonged to unions, thereby excluding non-union members. With hindsight, this was not an unwise decision as most teachers were members of unions or in the process of deciding which union to join during the formulation of SASA in 1996, an insight emerging from Chapter Four and during the exploratory phase prior to the selection of sites.

### 3.3. Data collection strategies

Data collection in the study centered on three domains of information which correlated with the three research strategies, namely, literature review, documentary evidence and interviews.

### *3.3.1. Literature Review*

The main purpose of the literature review was to provide a broad theoretical lens within which to locate the study. The key words that helped with this search were: 'teachers', 'participation', and 'policy making'. From this initial demarcation, the scope of the literature review grew to encompass the following key dimensions: the nature of teacher-state relations in the policy arena; different conceptions of the notion of participation, drawing on theories of democracy; and a broad understanding of the policy process, through an examination of various approaches and conceptions of the policy process, for example, reviewing literature on the link between policy formulation and implementation and the rational approach of policy making. Each of these dimensions or sub-domains encompassed various elements. For example, the literature review on teacher-state relations entailed a focus on teacher unionism; teacher professionalism; and partisan alliances, among other aspects.

From the above process of locating the study in the context of existing knowledge, a 'working' conceptual framework was constructed. This involved a two-way process, in which ways of conceptualising the notions of participation and the policy process were isolated to provide the analytical lens for an examination of data relating to teachers' participation in the policy process of SASA. Simultaneously, the data obtained in executing the case studies compelled a reflection of the relevance of the 'working' conceptual framework and informed the ultimate selection and refinement of appropriate theoretical constructs for the study. For example, from the literature that was reviewed at the beginning of the study, the construct of 'cooptation' of teacher unions was isolated and in the course of doing the data collection and expanding the survey of the literature review, it was realized that the 'cooptation' of teacher unions by the state is often counter-balanced by teacher unions' struggle for independence and in defence of members' interests. This led to a revision of the construct, namely the 'tension between cooptation and independence', which teacher unions are often confronted with in their dealings with the 'education state'. In other words, the conceptual framework was refined during the course of data collection and as new insights were gained from the analysis of

data. Therefore, in the course of the research, critical insights were identified from the literature review which shaped not only the theoretical framework for the study, but the research design as well. These included:

- the importance of problematising the notion of the “state” (cf. section 2.2);
- the importance of reviewing the nature of teacher union/state relations as central to acquiring a deeper understanding of teachers' influence in the policy making arena (cf. section 2.4);
- the need to acquire an appreciation of teachers' broader intellectual/professional role in education policy making and as a result contribute to the literature and knowledge on participation in policy processes, with specific reference to teachers and the ‘formulation’ of policy (cf. sections 2.4.1 and 2.5);
- a review of education policy literature relating to countries in the developing world (cf. sections 2.2.3, 2.3.1 and elsewhere in Chapter Two); and
- to adopt an interdisciplinary research approach by drawing on the disciplines of history, political science, specifically theories of democracy, state-civil society relations and states in transition; and education policy analysis (cf. Chapter Two);

In acting on these insights, new data was continuously assimilated from the ongoing literature review. The literature review was also an important data source, over and above serving a traditional ‘literature review’ purpose. This is consistent with the study's approach to theory, which may be summarised as combining, in broad terms, elements of the deductive approach with those of the inductive (Hammersley, 1992) (see section 3.7 for details on the study's approach to theory).

### 3.3.2. Interviews

In this section, the domain of interviews, which constituted a critical aspect in preparing for data collection, is discussed. As Gale (2001: 383-4, citing Raab, 1994) emphasizes, the search in historically informed policy research for meanings and assumptions is to be found through the “*words and reasonings of communities or networks of policy actors. Hence, asking about these in interview(s), although not necessarily the only research technique available becomes a logical form of data collection/production*”. Interviews were conducted with not just teacher union officials, but government policymakers, members of policy committees and policy experts (to obtain different perspectives on teachers' participation and for triangulation purposes).

A three-phase approach to interviews was adopted. The interview process began with the holding of informal interviews/discussions with selected individuals, teacher union and education department officials, and policy analysts (phase 1). The purpose of such discussions were to introduce the research study, establish rapport, help with clarification of a list of issues to pursue in more formal interviews, and obtain information on potential interviewees and relevant documents (Wilson, 1996). These individuals offered insights into specific occurrences, which provided grounds for further inquiry. Respondents who provide such a rich source of information take on the role of ‘key informants’ (Yin, 1989:89), and constitute a critical source in historical research.

The second phase of semi-structured interviews constituted the main interview phase and comprised a total of 44 interviews, including officials of teachers' organizations, policymakers and teachers. A Coding Index was developed to protect the identities of teachers at schools (See Appendix 1). Focused interviews for in-depth probing and clarification constituted the third and final phase and were undertaken with targeted individuals who were identified as most useful for clarifying and providing additional insights. These were senior representatives who held positions of considerable influence, such as the Director General in the Department of National Education (DNE) and Executive Directors, General Secretaries or Vice-Presidents of teacher unions.

A national, provincial and institutional framework was used as broad guidelines in the selection of interviewees. In identifying key informants at the national level, the study was guided by knowledge of the different phases in the policy process (cf. sections 3.2 earlier). This helped identify key members of the Review Committee, whose work constituted the policy generation phase of the SASA. The teacher union representatives who served on this committee and its chairperson were regarded as key informants. Similarly, other informants were identified for different phases of the development of SASA at the national level, culminating with members of the Parliamentary Portfolio Committee on Education. The assistance of informed sources within the education departments (both provincial and district), teacher unions, school principals and policy researchers was sought in making the selection of persons to be interviewed from the province of Gauteng and in determining the criteria for the selection of schools in the province. As such, the broad focus of the study was national, with a strong focus on the province of Gauteng.

A critical part of the sampling process was the discussions and meetings with various "contacts"/informants. This was important from an historical perspective to ensure that key information sources would be considered in the 'telling of the story'. A form of "judgment sampling" (Yin, 1989), also referred to as purposive or non-probability sampling (Arber, 1993), was used. This kind of sampling is especially useful where the research seeks a wider understanding of social phenomena and processes or to generate theory (Arber, 1993). The intention was to obtain deeper understanding and insights; therefore one selects a sample from which one can learn the most (Merriam, 1988: 48).

Having worked out in broad terms the different categories of interviewees and numbers for each category, a major challenge was the selection of interviewees with the best potential for yielding useful and relevant data. This applied particularly to interviewees from teachers' organizations. Does one automatically interview the most senior officials, for example, the President and General Secretary to obtain critical data? Eventually a diverse set of guidelines was adopted, including the degree of involvement in the policy

development of SASA by officials, a mix of officials who had moved to new workplaces and those still in office, the identification and use of at least one key informant from each organization, who would be a constant source of information, helping with clarification and offering suggestions, but who would not necessarily be on the final list interviewees. Here too, historical knowledge and experience proved useful, especially knowledge about key individuals from teachers' organizations and education departments (cf. Chapter One, Section 1.1).

Probably, the biggest challenge in preparing for interviews is the task of instrument development. Much time was spent on developing a semi-structured interview guide for the various categories of interviewees. This was done by using the main research questions as a basis for constructing the interview protocol (see *Appendix 2: Examples of Interview Instruments*).

The key concerns in the interview questions focused on:

- the nature and effectiveness of teachers' participation in the policy making of SASA, with specific reference to interviewees' conception of the notion of 'participation', the forms or modes of teachers' participation and the impact that teachers had on policy making;
- the challenges and difficulties encountered by teachers and their organizations in the policy process, with specific reference to issues of teacher-state relations, policy capacity and involvement of rank and file members; and
- policy making in the context of democratization, with specific reference to the possibilities and limits of participation.

The formulation and emphasis of the instruments varied according to the category of interview, for example, teacher union representatives, rank and file members, and education department officials. Therefore, while the instruments for teacher union

representatives focused largely on their roles as the official representatives of their respective organizations and their interaction with government policy makers, the instruments for grassroots teachers focused largely on their experience in policy making at the school/institutional level, although this included their experiences as members of unions and as an employee of government. The instruments for government policy makers sought to probe the 'underbelly' of policy making within the education bureaucracy and political structures of government, such as the National Parliament.

Instruments were used flexibly, in keeping with the overall research approach. As such, individual planning for interviews (in the context of a 'general' instrument) was often done in order to anticipate specific challenges and respond appropriately. For example, knowledge about certain individuals, such as officials of organizations, government policy makers and politicians might suggest a specific introductory approach, as with the advance furnishing of a more academic summary of the study. On the other hand, a simpler description of the study was found to be more useful for teachers not familiar with academic language. Similarly, knowledge of institutional policies and other insights might determine specific approaches in the conduct of interviews with officials and individuals, such as a Minister of Education or the Director-General of a department. It is also beneficial to the research process if the researcher is known and does not have a credibility problem. But, probably the best weapon the researcher can have is an in-depth knowledge of the research subject, which can be used to good effect when introducing the research study and making interview arrangements. This is when recollection of historical experiences and memories can be useful. For example, I found it extremely useful to emphasise my experience as a former teacher and employee of a teachers' organization when introducing myself to officials of teachers' organizations. In the process, I would exchange sentiments about former colleagues who were known to the interviewee, and this was often useful in establishing rapport. Therefore, the value of insider knowledge and relevant personal experience cannot be underestimated in the conduct of historical research.

Forty Four (44) semi-structured interviews were conducted at three levels: national, provincial and institutional. In addition, four (4) follow-up, focused interviews were conducted (see *Appendix 1*). At the varying spheres, the following people were interviewed:

- *National*: Four senior officials each from the two teacher unions, NAPTOSA and SADTU, and one senior official representing the Suid-Afrikaanse Onderwysersunie (SAOU), a breakaway group from NAPTOSA, were interviewed. Four officials from the Department of National Education were interviewed, although initially it was planned to interview three. Four members of the Review Committee were interviewed, three of whom were teacher union representatives. The interviews with the latter three focused on their roles as Review Committee members and in their capacity as teacher union representatives who were involved in the SASA process more generally. Technically, three additional interviews were conducted although this is not reflected as such in the overall counting of interviews. Finally, the chairperson of the Parliamentary Portfolio Committee on Education, and a policy analyst who had assisted SADTU, were interviewed, totaling sixteen (16) interviews at the national level. Of these, 15 were planned, and one interview occurred opportunistically during an informal visit to the Department of National Education.
- *Provincial*: Two senior representatives each from the Gauteng provincial structures of the two teacher unions; two representative of the Gauteng Department of Education and two participants within the Gauteng Education and Training Council (one of whom was a teacher union representative) were interviewed. In summary, five teacher union officials and three departmental officials were interviewed, providing a total of eight (8).
- *Institutional*: While the focus was on the experience of teachers at four schools in Gauteng, discussions and unplanned interviews were conducted with teachers and

principals at two additional schools. For each of the four schools, interviews were conducted with two teachers and a governing body official, with the exception of one school, where one, instead of two teachers, was interviewed. In addition, discussions with the school principals were held, some of which turned into semi-interviews. In summary, ten teachers, five principals, five governing body officials (in one instance, two from one school) were interviewed, providing a total of twenty (20) interviews. Four interviews were unplanned (3 teachers and 1 principal). Exploratory telephonic interviews as part of the school site selection process were conducted with the principals of six other schools. Some general trends were discerned through these telephone discussions, and these are mentioned in the analysis of the schools' case studies (Chapter Eight).

Four follow-up focused interviews were conducted, three of which were with officials of teacher unions and the fourth with an official of the DNE.

Teachers were selected using the following criteria: their employment at the school during the period of the study (1995-1996); membership of teacher unions and/or serving as a teachers' representative on the school governing body; combination of teachers known to be active and inactive with regard to education policy making (cf. section 3.2 earlier, Information Box 2 and Table 1 for details).

### *3.3.3. Examination of documentary evidence*

Documentary evidence was a major source of information in relation to teacher unions because of the many 'silences' and 'gaps' in the literature and interview data. For example, more nuanced information about union strategies, conflict with state institutions and rival unions are often the subject of organizational records, such as minutes of meetings and policy documents, but may often not be revealed in interviews because of issues relating to representation and self-preservation, especially when officials are still in the employment of teacher unions and education authorities

Therefore, an important data source of the study, which is characteristic of case studies and histories, is the review of documents (Yin, 1989; Cohen and Manion, 1984). Documents consist of primary and secondary sources. Primary source documents in this study included official minutes, letters, memoranda, policy drafts, written submissions, policy texts and conference reports. Secondary source documents included journal articles, policy analysis reports, books, newspaper articles and other texts used in the literature review. The use of documentary evidence, both primary and secondary, requires the same circumspection applicable to most data sources. Consideration needs to be given to specific problems such as authenticity, inference and interpretation (Cohen & Manion, 1994; Yin, 1989). Sayed (1995), while acknowledging the debates around the status of secondary documents, echoes Yin (1989.) in maintaining that problems around reliability and validity can be minimised. One way of doing this is to use multiple data sources. In this study, data from the literature review, interviews, and review of documents, have been used to reinforce key claims and contentions. As Yin (1989) emphasizes, documentary evidence (both primary and secondary) must be corroborated and supported by evidence from other sources.

In this section, the focus is on primary document sources. As Layder (1993: 180) states, the “*main feature of historical materials that requires special attention derives from the fact that they are documentary sources*”. Because documents are a written source of data they must be read in a special way: “*the narrative may have to be ‘mined’ and interrogated until it yields up the answers*” (Layder, 1993: 180). This applies to both histories with a longer and shorter time-span. In this study, the documents of the various case studies belong to a contemporary historical period and were read with various criteria in mind, such as occupational and organizational position of author, intended audience and the political and social context of the time.

Primary written documentary sources constituted a major part of the data collected in this study. These included policy documents relating to the SASA, such as the Review Committee report, Education White Paper 2, the South African Schools Bill and the final version of SASA, which symbolised different phases of the policy process; written

submissions of teacher organizations and other stakeholders; minutes of meetings of the internal structures of teacher unions, records of meetings between teacher unions and the department of education; teacher unions' written correspondence, media statements, newsletters, journals and conference resolutions/reports; and newspaper articles. In reviewing these documents, the researcher was mindful of their form, intended audience and the context within which the various documents appeared.

These documents were examined for information on various aspects of teachers' participation in the policy process of SASA, including: the activities of national structures, such as the Hunter Committee and the Parliamentary Portfolio Committee on Education; teachers' public protest action and resistance; understanding the nature and impact of teachers' participation in the unfolding dynamics of the policy process; issues and concerns advanced by teachers and other stakeholders; the nature of conflicts and debates and the mechanisms that were operationalised to address them. From the documents available, it was clear that the majority of written submissions were by teacher organizations and very few by individual teachers. This is consistent with the general finding in the study that teachers' participation in policy development, especially policies regarded as somewhat removed from their daily classroom experiences, is primarily an organizational activity, confined to active union members and officials (cf. various references in Chapter 8 and section 9.3.1 on the marginalization of teachers in the development of SASA).

During the fieldwork stage I was conscious of whether the documents I obtained were authentic or not. In terms of authenticity, questions are usually asked about whether the document is original or copied, whether it's been transcribed, does it make sense or contain glaring errors, and is it from a reliable source (Macdonald and Tipton, 1993:196). The term *external criticism* is often used in the literature to refer to this aspect. As such, establishing how a document came into being and who was responsible for it are critical factors for assessing reliability (Finnegan, 1996:144). A second important consideration in the use of documents is to establish the credibility of its contents. Often referred to as *internal criticism*, this aspect focuses on literal and contextual meaning, whether a

document represents an eye-witness or second-hand account, and examines issues such as implicit assumptions or value positions (Neuman, 1994). I was able to verify authenticity by accessing a range of archives, those of teacher unions, education departments, policy institutes, university and government libraries, newspaper archives, and personal collections. Very often I would come across the same document in several archives, for example, a particular submission by a teachers' union. However, this did not occur for all documents.

Other strategies were also utilised, such as confirming with the author, very often during interviews or discussions. But perhaps the best indicator of authenticity was undertaking close scrutiny of the contents of a document, to ensure that it made sense and was consistent with the policy position of a particular teachers' union as expressed through other data sources. For example, it was possible to confirm SADTU's policy position on Model-C Schools from several sources, such as SADTU's own newsletters, articles from newspapers, SADTU media statements, minutes of meetings, its official policy submission to the department of education and from interview data.

### **3.4. The empirical dimensions/challenges**

In qualitative research, the actual 'doing of research' is seldom clean and orderly. The nature of fieldwork in qualitative research is usually fraught with obstacles, mishaps and new insights. My experience has been no different. There isn't a clear-cut procedure of digesting all the secondary documents, followed by reviewing of primary documents, both of which provide the necessary insights to construct the ideal interview instrument. This did not happen in neat segments of activities. The reading of secondary documents is an ongoing activity. For example, new South African policy texts begged reading and these are reflected in the Bibliography of this study. In practice, I was testing my interview instruments while I continued reading and sought out my primary document sources. Thus, the setting up of interviews often went hand-in-hand with exploration of archives and the reviewing of secondary documentary sources.

### *3.4.1. Challenges relating to access*

Many of the empirical challenges encountered in this study may be subsumed in the all-embracing theme of 'access'. This applied both to the domains of interviews and documents. The challenges included issues relating to negotiating access, the location of key informants and interviewees and accessing specific categories of information sources, namely, 'elite' interviewees, teachers and educational archives.

#### *3.4.1.1. Negotiating access*

The researcher's experience and knowledge are crucial to negotiating access. In this study, my work with teachers' organizations and earlier research on teachers' unions provided a valuable knowledge base for this purpose. Sometimes, contacts were known to have moved on to other jobs, but could still be drawn on to assist with setting up meetings and appointments with key persons in teacher organizations and education departments. This was also part of the process of negotiating access to the organizations more generally. On other occasions, negotiating access could be quite an involved process, especially when "the self-presentation of the researcher becomes an issue", and might require different strategies for different organizations (Ozga, 2000: 127).

The strategies themselves are shaped by one's knowledge of the organizations and employees. For example, I calculated that my position as an employee of a research organization would be worth mentioning in my introductory meeting with officials of some organizations because of the apparent 'objectivity' associated with being a researcher. On the other hand, reference to my activist background proved more useful in introducing myself to officials of other organizations. While some organizations, including education departments, would request a formal written request to gain access to archives and persons, a more informal process of careful networking was required in other instances, and only then would the request for a written request be made. The networks included office-bearers of teachers' organizations and education departments that were known to me and colleagues from universities and research institutions.

#### 3.4.1.2. Location of key informants and interviewees

A challenge in contemporary historical research is the location of key informants and interviewees, whom, with the passage of time have moved to new jobs, often in new geographical areas. At the school level, governing body officials, especially parents are prime candidates for relocation, while education district officials also display migratory tendencies, which in the Gauteng province had been exacerbated by the restructuring of districts.

At the provincial and national levels, there have been several changes in the staff of education departments and teacher organizations during the period 1994-1999, further complicated by organizational restructuring within the teachers' movement, leading to new teachers' formations and organisations (*cf. section 4.7*). Many senior officials of teacher unions, especially from SADTU had been appointed to administrative and management positions in the post-1994 education bureaucracy (see Chapter Six). It was easier to locate officials at the national and Gauteng provincial departments of education, but less so in the case of officials at the district level. For the researcher, the notion of 'historical detective' best captures the role to be assumed. In one instance, a provincial-level union official was eventually known to have become a principal in the East Rand, after following several leads.

#### 3.4.1.3. Accessing 'the elite'

Sometimes senior officials are difficult to access due to their hectic schedules, which necessitates, in some instances, obtaining information regarding the official's diary, and, if possible, ensuring that one gets invited to the same event. This can be more or less contrived, depending on the circumstances. In this regard, certain top officials of both teachers' organizations and education departments have proved difficult to pin down. In almost all instances, though, there was a willingness to contribute to my study, and eventually I was able to interview most candidates.

However, more challenging, are the dynamics that might be encountered in interviewing the 'elite', such as government policymakers, senior officials of teacher organizations and politicians. Ozga (2000:126-7) has warned about the difficulty of the researcher "*being drawn into the role of audience to an experienced policy maker*", especially their skill and experience in self presentation and their ability to take control of the 'interview'. In my own work, this was experienced to varying degrees with senior politicians and policy makers. But, as Ozga herself advises, one has to be thoroughly prepared for such interviews, as the 'interviewee' may turn 'interviewer', and ask questions of their own, sometimes checking on the researcher's level of preparation or entering into a discussion of a particular event or idea (Ozga, 2000: 127). Given these complexities, it becomes incumbent on the researcher to work with other data sources for purposes of reliability and validity, which is a particular strength of using history and case study methods.

In dealing with similar situations in my study, I prepared thoroughly for each interview. This entailed reviewing the interview schedule a day or hours prior to the interview appointment; researching the credentials of the candidate to be interviewed, through communication with persons who had worked with the interviewee concerned and internet searches. It also entailed reviewing newspaper articles in which teacher union leaders and government officials had been quoted, as well as reading articles and documents written by them. Many such documents had been obtained from the very archives of the organizations concerned. All of this information helped with the construction of interviewee profiles. For example, in preparing for the interview with the Director-General of the Department of Education, Mr Thami Mseleku, I had established that at the time of SASA's development, he was the Political Adviser to the Minister of Education, Professor Sibusiso Bengu. I also knew from my own knowledge and previous research that he had been the Vice-president of SADTU prior to that. Moreover, I remembered that when I had worked for the Teachers Association of South Africa (TASA), I had personally arranged for him to speak at a TASA conference on the subject of "All Schools for All People" in 1990.<sup>9</sup> I therefore had a good sense of his background,

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<sup>9</sup> Author's Personal Archives, Pretoria. Teachers Association of South Africa. 1990. *Annual Conference: A report Back: The doors of learning and culture shall be opened*. Teachers Journal. Vol. XX (3).

political beliefs and organizational history, which I assimilated in preparing for my interview.

In many of the interviews with senior officials, I had to allow interviewees some latitude in talking about educational issues that were topical but not related to my study, for example issues relating to curriculum or higher education. To prevent the interview being overtaken by other issues, it was necessary to tactfully draw attention to the focus of my study.

#### 3.4.1.4. Accessing teachers

The principal of a school is the 'critical organizer' in this regard. In some cases, the principal would ensure that teachers were well informed and that they would be available for the interviews. However, this is not always possible. In some instances, I found it necessary to speak to at least one of the teachers to confirm arrangements to ensure their readiness. In other schools, management-staff tensions can interfere with arrangements. In such cases, extreme tact is required in negotiating access to staff. This can be quite complicated when the principal belongs to a different union from that of most teachers. In one such instance, a union official at another school intervened to facilitate access to teachers belonging to her organization. Fortunately, this did not result in a souring of my relationship with the principal concerned. Such dynamics are rooted in the history of management-staff relations and organizational rivalry in South Africa, and while it might constitute important 'data', it can also constrain teachers' willingness to participate in policy and research activities.

To counter the possibility of principals' bias because of their union affiliation, I emphasized the objective nature of research and the importance of reflecting different points of view. In my interactions with at least two principals I found it useful to use the phrase, "*In your position as head of the school...*", which served as a reminder to the principals of their non-partisan location as the institutional guardian.

#### 3.4.1.5. Accessing educational archives

For this study, I had identified the accessing of archives of teachers' organizations and the education departments as critical. These would become 'primary archives' for the study. However, in the course of fieldwork, new sources of information were discovered. For example, I became aware of potential archives of the ANC Education Study Group, the Parliamentary Portfolio Committee on Education and that of the Education Committee in the Gauteng Provincial legislature. Unfortunately, the records of these bodies had been discarded and no care given to their storage. Similarly, I learnt of the usefulness of records of some research institutes, such as the Centre for Education Policy Development (CEPD), Education Foundation and the University of the Witwatersrand Education Policy Unit (Wits EPU). Visits to these sites proved more fruitful, as well as sifting through personal archives of former teacher union officials. Therefore, besides the primary archives that I had identified, I came across other sources of information, which I labeled, 'secondary' archives. As indicated, some of these led to cul-de-sacs, while others proved to be valuable. Overall, I was able to access a range of archives, including teacher unions, education departments, policy institutes, university and government libraries, newspaper archives and individual archives.

Three problems regarding accessing educational archives have been encountered:

- *The problem of unorganized archives:* This was encountered in the case of certain teachers' organizations and education departments. Important records tend to remain in the offices of persons responsible for particular areas of work. Unfortunately, when such persons leave, records have a tendency of getting lost and not reaching the organisation's archives. The main reason for such a state of affairs seems to be shortage of staff and the fact that maintenance of archives is often not on most organisations' priority list, which is rather worrying from a research perspective. It was heartwarming to have been told, on one occasion, that my research study and regular visits had 'pushed' the organization to give attention to its archives.

- *The problem of no records:* This is especially the case with records of some schools, particularly their governing bodies. Written records of former PTSAs, for example, cannot be found in certain schools, and only through some good fortune will records be uncovered, perhaps in the possession of a parent. One of the reasons appears to be the uncertainty that was created prior to the transition to a new school governing body system in 1996; hence little attention had been paid to maintenance of records. A more plausible explanation is that many schools do not have sufficient resources, both human and material, to devote to record-keeping. Valuable historical records have also been lost due to staff changes and “handing-over” difficulties, for example, of the ANC Education Study Group in Parliament. In responding to the poor state of some organizational archives, I found it necessary to think of creative strategies to locate documents. One such strategy is the use of ‘cross-organisational’ searches, in which documents of some schools and teachers’ organizations may be discovered in the archives of education departments and research units, and vice versa. The researcher has also had to track down key individuals known to be “gatekeepers” of certain organizational files and documents.
- *The problem of denial of access:* In one instance, I was informed that I could not have access to the minutes of meetings of the School Governing Body (SGB) in 1995/6 because of several sensitive issues contained in them. I attempted to reassure the principal that as part of my research protocol, the name of the school etc. would not be disclosed in any way and that I’d only extract information relevant to my study. Moreover, I would not make copies but would take notes, which the principal could examine. She was still uncertain and proceeded to consult her supervisor in the district office. I also had a discussion with the district official concerned, who confirmed that in terms of the legislation, the school was only obliged to make the minutes available to a parent who has a child attending the school. The district official

was more sympathetic and agreed to persuade the principal to let me have access, which I eventually got. This experience should not be over-emphasised as, generally, schools do allow access to researchers unless records contain sensitive or highly confidential information.

### *3.4.2. The problem of recall*

The problem of recall is a well-known challenge in historical research, demanding careful construction of instruments and the use of questioning techniques. Once again, a flexible approach is useful as questions often need to be reviewed in the act of interviewing. As such, my use of a semi-structured interview schedule proved valuable. The following questions, for example, set the tone in the interview guide for representatives of teachers' organizations, especially those still with the organisations:

- *Question 1: Describe briefly your organisation's involvement in education policy formulation since 1994.*
- *Question 2: Describe your own involvement in policy making, especially policies formulated at the national and provincial levels.*

For interviewees that had long left their organizations or had retired, and with most teachers, I found it useful to commence the interview by asking the following question:

- *Question 1: Give a brief description of your career as a teacher and what it is about teaching that most excites you.*

The above questions served an introductory purpose so that the interviewee could ease into the interview. The inclusion of these introductory questions was also prompted by the difficulty of recalling past events that many interviewees experience, which I had come across during the piloting of the interview instruments. This was in spite of the fact that the interview guide had been forwarded to interviewees' days before the scheduled

interview. Some interviewees' did use the interview guide to thoroughly prepare for the interview. For example, files and books would have been dug out in preparation, partly in response to my having indicated in advance an interest in documents and records concerning the study. It is therefore useful to include questions that underline the historical nature of the research study. In the examples above, I used questions from conventional historical method, as well as the 'life-history' method. However, in general terms, it is the use of alternative sources that come into play when one is working with people who are being asked to recollect events after some time has elapsed (Ozga, 2000: 126).

### **3.5. Interpretation and the role of the researcher**

The most distinctive characteristic of qualitative studies is its emphasis on interpretation (Erickson, 1986, cited in Stake, 1995). Qualitative researchers have strived towards "*understanding the complex interrelationships among all that exists*" (Stake, 1995:37), and 're-living' the experiences of others (Hammersley, 1992:168).

In this study, the 're-living' is based on the researcher's interaction with key participants, such as teachers and policy makers, and through immersion in various documents and literature. This suggests that qualitative research is an interactive process shaped by the researcher's own history, gender, class and race, and those of the people being studied (Denzin & Lincoln, 1998). The result is a complex and reflexive creation representing the researcher's images, understandings and interpretations of the issues under examination. There is no escaping the subjective dimension of qualitative research, which is seen as an essential part of enhancing understanding; hence, the emphasis on interpretation and the interpretive role of the researcher in qualitative work (Stake, 1995). However, as Hammersley (1992) warns, it is equally important for qualitative researchers to subject their own assumptions and prejudices to possible negation.

An important dimension to interpretation in qualitative research is the significance attached to context. That is, the view that issues are interrelated, and that understanding

them requires taking account of a multitude of contexts: historical, political, socio-economic, and personal (Stake, 1995). This holistic approach draws attention to both the uniqueness and commonality of the case, activity or process. It also provides the added depth in understanding, which characterises qualitative research. Such an approach lends itself to an interpretation of multiple realities that derives from the diverse contexts and phases of the policy process in which teachers participate.

### **3.6. Validity, reliability and theory generation**

Since qualitative research is largely interpretive, research criteria are often not clearly defined. However, this does not reflect a lack of concern over such criteria. The concern over validity centers on the problem of generalisability. That is, the extent to which findings or assertions can be usefully applied to other contexts. Many analysts argue that qualitative research is not concerned with strict generalising to wider situations in a law-like fashion (Vulliamy, 1990; Golby, 1994 & Sayed, 1995). Instead, the emphasis is on a detailed study of single or specific contexts, with a view to generating ideas that might illuminate the realities and meanings of other situations (Parlett and Hamilton, 1977, cited in Vulliamy, 1990). Bassey (1999) has advocated the notion of 'fuzzy generalisation', which refers to the *possibility, not certainty*, of an occurrence in one situation happening in similar situations elsewhere. As such, I suggest in the conclusion of the thesis that certain dimensions of teacher-state relations in the arena of policy making as experienced in South Africa in the 1990s might be found in similar transitional contexts elsewhere. Of-course, the specific history of teacher-state relations in diverse countries will be crucial in shaping particular events or occurrences.

The above argument on the issue of generalisability suggests a methodological closeness between history and case study strategies which encourage their combination as a methodological tool (see section 3.2). This is especially the case with a broader definition of case study. That is, a definition that goes beyond a description of the case as the intensive study of one instance, person or institution, but rather one that emphasises the *tracking of the issues of a case*, and pursuing its patterns of complexity (Stake, 1995)

(own emphasis). This is consistent with the historian's perspective on particularity, in which emphasis is not just on the individual quality of facts and events, but on the linkages and relations with each other, through common features and sharing of universal qualities in diverse arrangements (Golby, 1994). Therefore, the approach in this study has been to highlight the continuities and disjuncture in the representations of teachers' participation in policy making over time (see earlier reference to the notion of 'historical specificity'). The concern is not with making generalisable propositions about causal relationships but with understanding the patterning of relationships in its specific historical and social configurations (Arnone, 1999: 14). In a similar way, case studies do not represent samples to be generalised to populations or universes; instead they may help expand and "generalize" theories, what Yin (1989:21) refers to as "analytic generalization". By integrating perspectives on generalization of both history and case study methods, this approach could contribute to theory building.<sup>10</sup>

Reliability refers to the issue of replicability, that is, the degree of consistency in research findings and procedures (Golby, 1994). In case study research, this equates to recognising similarities across different contexts, as no two cases are exactly the same. As Golby (1994:22) puts it: "*Reliability is the thin tissue that connects different experiences in different contexts under common frameworks of investigation and analysis*". For the historian, the representation or narrative must have a consensus among those who use it so that its correspondence with reality is very close; however, there's always room for disagreement among historians where the evidence is ambiguous (Gaddis, 2002). Given the difficulties around consistency and researcher subjectivity, the issue of reliability poses a formidable challenge. This cuts to the core of good ethics in research, namely, honesty. In order to ensure reliability in this study, I chose the conventional route of meticulous filing of documentation and building of a case data base to facilitate the tracking of the trail of evidence. This allows for others to follow similar steps and processes in their own research to share in a consensus relating to the main findings of the study.

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<sup>10</sup> See Bassey (1999) for a description of theory-building and other types of case studies.

In striving to ensure achievement of research validity and reliability, several steps may be taken. This includes a deliberate effort to disconfirm own interpretations, assist readers in making *their* own interpretations and recognising subjectivity (Stake, 1995). In this study, given my own subjectivity as a policy researcher through my historical connection with the teachers' union, SADTU, and my location within South African society as a 'Black person', I have had to constantly remind myself of any perceived lack of objectivity during the research process, especially in the data analysis stage. One way in which I endeavoured to do this was to be more critical of the influence of SADTU, and less critical of the influence of NAPTOSA in the shaping of SASA. This created problems of their own. For example, in the initial stage of data analysis, I tended to 'jump too easily to conclusions' concerning SADTU, as was the case in attaching weight to its lack of policy expertise or its loyalty to the ANC, as having negative effects on the union's ability to influence the development of SASA. A closer look at the data and a conscious effort to be more objective led to new insights and a more balanced appreciation of the data. The same applied to conclusions drawn about NAPTOSA and its affiliates.

Perhaps the most commonly known methodological tool used by qualitative researchers, though, is triangulation (Golby, 1994; Stake, 1995). In the present study, multi-method or multi-view triangulation was adopted. By using multiple methods, the same data or concepts may be viewed from different points of observation (Golby, 1994; Stake, 1995). This approach can help highlight or nullify external influences, reinforce specific interpretations or even send the researcher back to the drawing board (Stake, 1995). For instance, a particular construct or idea that emanates from the literature review could be corroborated by documentary evidence and interviews. Triangulation could also be applied to a point of view (Golby, 1994), for example, the viewpoints of a teacher, policy maker and policy analyst could be triangulated in consolidating an idea. However, in spite of the potential of triangulation, many researchers see its efforts as a search for additional interpretations rather than the confirmation of a single meaning. As Denzin & Lincoln (1998: 4) point out, triangulation is more about obtaining an in-depth understanding of a phenomenon; it is not a strategy for validation, but an alternative to validation.

Therefore, although the notion of triangulation is itself a subject of conceptual debate, there remains, at the heart of this debate, a concern for both multiple interpretations and accuracy of meaning. This is the approach adopted in the present study. For example, I used triangulation to consolidate an idea emanating from documents obtained from various archives. SADTU's concern with the issue of parental majority in the composition of SGBs, for instance, was evident from documents obtained not only from SADTU but from the archives of the DoE and from newspaper articles. This was further corroborated by the interview data. In a similar way, the approach to interviews in the schools' case studies included interviews with teachers, principals and a SGB official as part of a "multi-view" design. This approach not only facilitated triangulation but led to greater depth in interpretation.

The study's approach to theory may be summarised as combining, in broad terms, elements of the deductive approach with those of the inductive (Hammersley, 1992). Although the 'hypothetico-deductive' style of theorising, in its strictest sense, was rejected, the study did not incline to the other extreme, that of Glaser and Strauss's 1967 version of 'grounded theory' (cited in Vulliamy, 1990). A conceptual framework of ideas was derived from the literature review, which I refer to as points of departure (the deductive component). At the same time, the study followed Wilcox (1983, as cited in Vulliamy, 1990), who suggested that one begins with a 'foreshadowed problem' in mind. The initial orientation of the problem is very general and it is only when the researcher gets inside the perspectives of the research subjects and the subject matter itself that really significant issues begin to emerge. Therefore, on the evidence of the data, the study's framework of ideas was reshaped and changed (the inductive component). In this study, the central 'foreshadowed problem' was described as 'the conflictual character of a participatory policy process'. In the course of the data collection and analysis, while this assumption was found to be relevant, its importance in the study was diminished by evidence that pointed to other features and phenomena, such as the importance of policy networks, union fragmentation and policy learning.

### **3.7. Data analysis**

This section provides an overview of the analytical approach used in the study, with specific emphasis on methods and techniques. It also proposes a framework for analyzing participation in policy making.

#### *3.7.1. Analytic approach*

The approach to data analysis in this study was founded on the idea that analysis in qualitative research is interwoven with other aspects of the research process (Lewin, 1990; Bryman & Burgess, 1994). Therefore, data analysis was not viewed as a discrete phase in the research process. Preliminary analysis occurred as documents were being reviewed and interviews conducted. The resulting insights helped identify additional documents to be reviewed or persons to be interviewed (Lewin, 1990). It also prompted a literature review of issues that I had initially not thought about, as was the case with making a broader sweep of the literature relating to the education policy process.

Although data analysis may be regarded as part of an integrated process, it has to start somewhere. Here, I draw on Bogdan and Biklen's 1982 distinction between analysis *in the field* and analysis *after data collection* (cited in Bryman & Burgess, 1994:7). In relation to analysis in the field, the researcher is constantly engaging in preliminary analytic strategies during data collection, such as reviewing of field notes to see whether new questions could gainfully be asked, writing of short pieces or memos in relation to various issues (a grounded theory tactic) and testing of emergent ideas (Bryman & Burgess, 1994:7). In my own work, I have engaged in continuous reviewing of notes and writing of short pieces, which I then slotted into broader information domains and the testing of emergent ideas. As such, data analysis was integral to the data collection phase.

This analytical process was also evident much earlier, in the negotiation of access, the adjustments made to the list of interviewees, the modification and elaboration of data collection instruments and the location of primary and secondary literary sources. What I had not anticipated is the time-consuming and strategic nature of negotiating access in the

data collection phase, which ultimately also has a bearing on data analysis. Dimensions of this analytical process included a refocusing of the research problem, the revisiting of my theoretical ideas and constructs and a constant evaluation of my research design and methodology. There was therefore ongoing interaction between negotiating access, data collection and what I regard as preliminary data analysis (or Bogdan and Biklen's *in the field* analysis). With regard to analysis *after data collection* Bogdan and Biklen emphasise the creation of a coding system, which is one of the techniques described below (cited in Bryman & Burgess, 1994).

### *3.7.2. Methods and techniques*

While the literature makes reference to several analytical methods, content analysis and critical analysis were used in this study. Content analysis is especially useful when applied to documents and interview transcripts. As Sayed (1995:150) reiterates, it is important to understand "*what the texts are 'talking about'*". Critical analysis is akin to content analysis as it stresses the reader's interpretation of events and activities. Its roots may be traced to the traditions of literary criticism and historical/sociological analysis of texts (Sayed, 1995), the latter focusing on the reconstruction of contemporary historical events. Critical analysis also seeks answers to 'how' and 'why' questions, which are appropriate when interpreting data related to complex issues, such as 'the contested nature of teacher-state relations'.

*'Appendix 3: Part 1: Interview Transcript depicting content and critical analysis techniques used'* provides an example of the content and critical analysis techniques used. The example is embedded in the first five pages of one of the interview transcripts. I started by underlining key ideas and issues contained in the interviewee's responses. On the right hand margin of each page, the key ideas contained in the text were noted. Interpretation of the data occurred at two levels. First, the data was organized according to the interview questions (See *Appendix 3: Part II: Data Categories for Content Analysis*). These were organized under the following headings for this particular transcript: SADTU's conception of participation; Involvement and impact of SADTU on SASA; Key issues;

Differences with NAPTOSA; Lessons learned; Difficulties and challenges; Mediating factors; Democratisation of policy development; the Role of the Parliamentary Portfolio Committee; and General. Second, the data was coded using a Coding Schedule (*See Appendix 4*), which was based on the interview questions.

From a technical point of view, coding constituted a key process during analysis of data. Coding helped to organise the many notes, transcripts and documents, and as suggested by Bryman & Burgess (1994) may be seen as the first step in the conceptualisation of the data. A more creative process that I engaged in was the categorization of ideas and concepts relating to the research questions (Bryman & Burgess, 1994 & Sayed, 1995). In Stake's (1995) view, this process is at the heart of 'meaning-making' and involves a search for patterns and consistency, a primary concern of history and case study methods. In this way, I was able to isolate key concepts (such as, the notion of "policy as learning"), sometimes confirming or disconfirming initial ideas and assumptions (*see Appendix 5 for Categorisation Schedule*).

The same coding and categorization schedules served as guidelines in the analysis of documentary evidence. *Appendix 6* provides an example of how data from various teacher union newsletters were coded.

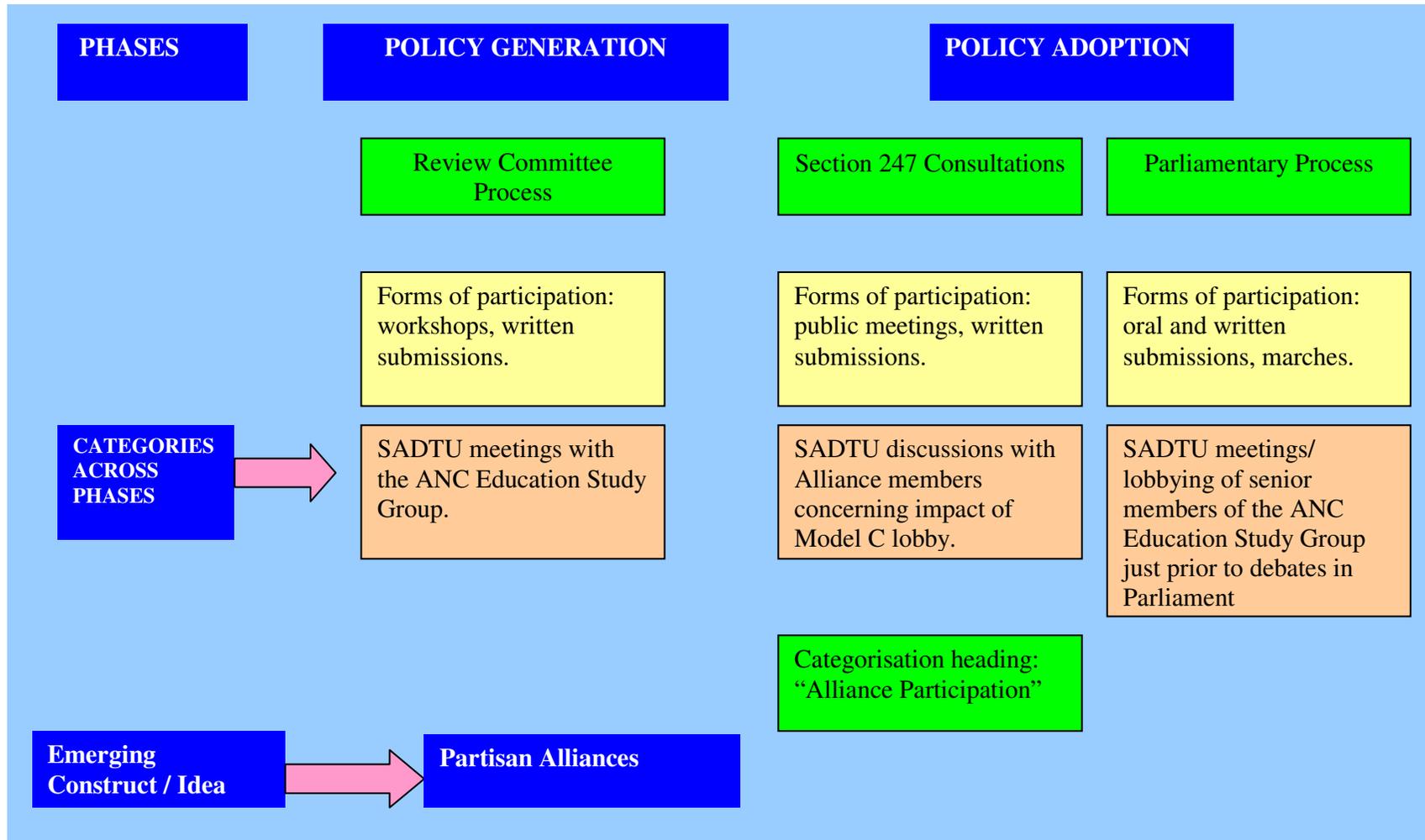
### *3.7.3. A framework for analyzing participation in policymaking*

One of the analytical challenges confronting the study was how best to understand the nature and forms of teachers' participation in a context involving various stakeholders, with diverse perspectives and whose relations with each other could be adversarial, co-operative or otherwise ('multiple realities'). A more provocative challenge was the opportunities and constraints for participation by ordinary teachers or union members who are often cut off from the politics of policy making that their union representatives are engaged in at the national and provincial levels. Such complexity in the data was further compounded by the complexity of the education policy process itself, which consists of separate, but inter-related stages.

Drawing on the notion of the 'policy process', as outlined in sections 2.6.3 and 3.2, I developed an analytical framework that would help in understanding the above complexity. I started by examining the different phases of the policy making process peculiar to SASA, and locating teachers' participation in each of the phases. Thus the policy generation phase of SASA equated to the Review Committee Process, and the policy formation phase correlated with The Legislative Process of SASA, which was further divided into two sub-phases: The Section 247 Consultations and The Parliamentary Process Phase. (See Chapter Five for details of these phases as part of the Model of Policy Making relating to SASA). Thereafter, an analysis of major patterns and trends was made across the different phases leading to the legislation of the Act in November 1996. This facilitated an examination of the uniqueness or particularity of teachers' participation in the different stages of the policy process; it also allowed for the continuities and/or discontinuities of the emerging patterns across the policy process to be highlighted; thus drawing on the respective strengths of case study and history methods. The approach allowed for the initial categorization of data across the different phases of the policy formulation process, which made the next step, that is, the categorization of issues/events, simpler. Out of these initial steps, it was possible to identify the salient conceptual theme or construct that had emerged from the data. The framework is depicted in *Figure 5 'The Study's Analytical Map' below*, using the example of Partisan Alliances.

Drawing on the data relating to the various forms of teachers' participation, such as written submissions, meetings, marches, etc. in the various phases, it was possible to see a pattern or construct emerging, which I labeled: Partisan Alliances. As Sayed (1995:132) expresses it, the stages in the policy process are "interrelated and consequently...draws upon and reflects the insights generated from each other". Underlying this approach was the intention to draw out key concepts and ideas that may be challenged or corroborated by other studies of a similar nature (see, for example, Bassey, 1999 & Sayed, 1995). This simple analytical map was effective in tracking the emergence of key constructs and ideas in the study and could be used by other researchers undertaking similar studies.

**Figure 5: The Study's Analytical Map**  
**Example: Partisan Alliances**



### 3.8. Insights from conferences, workshops and seminars

Particular insights were obtained as a result of attending several conferences, workshops and seminars, and from having discussions with researchers and fellow doctoral students, both in South Africa and overseas (during my visit to Stanford University in May 2004)<sup>11</sup>.

One of the challenges I confronted centered on the importance of the study's focus on policy making in light of most education policy research currently dealing with issues of implementation and the challenges related to good classroom practice. This was evident in discussions with various academics, especially in South Africa and the United States, as the main focus of policy research seems to be on issues of education quality and teachers' location therein. My initial epistemological concern in this regard developed into an analytical challenge, which led to a reframing of the thesis in relation to the current bias in the literature and contemporary research. As such, the study's focus on teachers' participation in *policy making* was read more widely to take account of the huge emphasis on issues relating to policy implementation.

It became clear in the process that the bias towards doing policy implementation research was symptomatic of a dominant discourse that had crept into much of current education policy work, namely, that it is far more beneficial and worthwhile to focus on teachers as implementers of policy, and their role as good instructors. How all of this squared with my own focus, that is, the extent to which teachers are able to influence policy making and the relevance of such influence to the broader education enterprise, became a key point of reflection. A significant consequence of this reflection was a broader

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<sup>11</sup> Many of the workshops, seminars and conferences were held under the auspices of the Spencer PhD Consortium in South Africa of which the University of the Witwatersrand was a participating institution. PhD fellows were able to present work-in-progress to fellow PhD candidates and faculty members and obtain critical feedback.

understanding of teachers' marginalization from policy making, which is reflected in the thesis argument.

### **3.9. Limitations of the study**

Studies of policy are generally characterized by several limitations. However, this is not the reason why studies are undertaken. It is for the exact opposite, namely, that something valuable can be derived from them.

Nevertheless, certain limitations of this study have been identified. The study cannot lay claim to being exhaustive of the very complex and comprehensive policy making process of SASA, even though the focus has been confined to teachers' participation. In this regard, there are two significant limitations. First, I chose to focus primarily on teacher unions' participation at the national level and to focus on one province, Gauteng. Therefore, the experience of grassroots teachers is limited to the four schools' case studies in the province of Gauteng. As such, the study is not based on a nationally representative sample of teachers. This 'selection' or narrowing of the study's focus, arguably, is a question of methodological choice. The limited coverage of the grassroots teachers' experience in policy making is a useful start to an area of research that requires far greater treatment than it receives here. Although useful data has been mined, further research is needed on the involvement of grassroots teachers in the formulation of SASA and education policy generally. This includes research relating to teachers' participation in the lower levels of union structures, such as branches and school site committees, and teachers' efforts to access policy-related information to prevent their marginalization from policy making processes.

A second limitation of the study concerned the issue of gender. This study did not explore the gender dimension in a direct way. Nevertheless, from the unsolicited data that emerged during the study a few conjectures regarding the participation of female teachers in policy making are advanced. The data suggests, for example, that women teachers, if they do not hold official positions in the union or policy structures, tend to be severely

isolated from policy making. The experience of women teachers in at least one of the schools in this study suggest that because of their roles as mother and spouse, and the attendant domestic responsibilities that are associated with these roles, they are happy not to get involved in any additional work-related tasks. However, this analysis is too simplistic and clearly this is an area that requires further research.

The use of history and case study methods are not without its own limitations. With regard to the former, there is a particular constraint when the policy being studied is of a contemporary historical period. History that is recent and fresh opens up the possibility of key participants and actors being hesitant to speak freely because of the potential of influencing private (within teacher unions or the teaching fraternity) and public opinion about their roles and actions. Therefore, there is an element of caution that limits the telling of the story in its fullness and depth. However, as argued earlier in this chapter, the study's reliance on multiple sources, including policymakers and governing body officials, as well as a variety of documents, has partially addressed this deficit.

The study's approach to the issue of generalisability, it has been suggested, limits the wider applicability of the research findings. However, generalizing of findings to the wider teaching population was not the intention of this study. Instead, it is emphasized that within this study there is the possibility of concepts and ideas being gainfully used to reflect on the phenomenon of teachers' participation in policymaking in similar contexts elsewhere in the world. In like vein, the study does not claim to make a direct contribution to the building of grand theory. It does, however, offer particular concepts and ideas that can be used as explanatory tools in engaging with relevant theories on issues of effective participation, policy contestation and teacher-state relations. These are dealt with more fully in Chapters Nine and Ten.

Finally, as Lodge & Blackstone (1985) point out, there is generally a difficulty in measuring the influence of teacher unions in policy development. This difficulty, as was the case in this study, arises because much of the lobbying and advocacy work between union officials, policy makers and politicians occur privately and are not recorded. Even

minutes of meetings often do not reflect the cut and thrust of negotiations and policy compromises. Overall, problems relating to interviewing the 'elite', generalisability, theory generation and measuring influence help to highlight methodological challenges in education policy research. This 'exposure' of the study's limitations is critical to an understanding of research as an ongoing process wherein answers might be found or new questions posed.

### **3.10. Conclusion**

This chapter has attempted to do achieve several goals. An overarching goal has been to highlight the main dimensions of the methodological process: what is entailed in research design, instrument development, negotiating access and the interplay between data collection and analysis. More specifically, it seeks to offer a conceptual rationale for using history and case study methods in conducting policy research and provides a critical review of the many fieldwork challenges in doing interviews and archival research. The chapter also offers a position on debates relating to the issue of generalisability, a highly contentious issue in qualitative research, and suggests that although the approach adopted here has certain limitations it refocuses attention on methodological rigour that is located firmly in the qualitative research tradition.

## **PART II – CONTEXT AND PROCESS**

- ❖ **CHAPTER FOUR: THE HISTORICAL AND TRANSITIONAL CONTEXT OF TEACHERS' PARTICIPATION IN EDUCATION POLICY DEVELOPMENT IN SOUTH AFRICA**
  
- ❖ **CHAPTER FIVE: THE MAKING OF SASA: BALANCING STATE CONTROL WITH DEMOCRATIC PARTICIPATION**

## **PREAMBLE**

Part II consists of two chapters, Chapter Four: The historical and transitional context of teachers' participation in education policy development in SA and Chapter Five: The making of SASA: Balancing state control and democratic participation. The chapters constitute a bridge to the core data analysis chapters that follow.

Chapter Four provides a historical background to teachers' participation in policy making in South Africa and examines the implications of South Africa's transition to democracy on education policy developments and teachers' participation in policy making. The chapter argues that, historically, Black teachers were excluded from policy making, and that the teachers' movement in SA was characterized by fragmentation and diversity based on racial, political and ideological grounds. With the shift towards democratic institution-building in the early 1990s, consensus-building and the accommodation of diverse stakeholders became the cornerstone of government's education policy development. This was largely in response to the contested nature of the educational terrain during the transition. The impact of globalization facilitated the entrenchment of neoliberal economic policies and the Western liberal tradition of representative democracy, the direct antithesis of the ideals of participatory democracy which had been envisaged by the early visionaries of South Africa's democratic movement. Teacher union fragmentation continued to be a major phenomenon in the 1990s. By and large, it reflected the broader cultural, ideological and political contestations of SA's transition and is central to understanding the nature of teacher union-state relations during this period. Teacher unions' capacity to effect change and influence policy was not just a consequence of close relations with government but also with forces within civil society, such as the labour movement.

Chapter Five provides an overview of the policy making process of SASA, primarily from the perspective of the state, particularly the department of education and its policy makers. Its main focus is a descriptive analysis of the policy development process of SASA, which serves as a template for the more detailed analyses in Chapters Six, Seven and Eight. Three critical phases in the formulation of the South African Schools Act are

identified. These are: the workings of the Committee to Review the Organisation, Governance and Funding of Schools (the Review Committee), the Section 247 consultations and the legislative process. These phases are of particular relevance because of their emphasis on public participation, and because each represented a significant moment in the struggle for ownership and control of policy making. The chapter also provides insights into civil society participation in the policy process, emphasizing the role of primary education stakeholders. A key analytical point that emerges from these insights is the relationship between civil society organizations and their allies in government and its implications for influencing policy making.

## CHAPTER FOUR

### THE HISTORICAL AND TRANSITIONAL CONTEXT OF TEACHERS' PARTICIPATION IN EDUCATION POLICY DEVELOPMENT IN SOUTH AFRICA

*It is precisely the analysis of the alteration of the conditions which is of central importance. This is not to suggest that each moment in history is to be treated as uniquely discrete. The point ...is to recognise the significance of diversity and discontinuity within a process of continuity (Wolpe, 1988, cited in Alexander, 2002).*

*...if you look at how the political arrangement came about in the country, it was also recognising that there are very many different ideas about how a new order was to be established. Now when we came into the Department [of National Education] we did not deceive ourselves into thinking that those contestations had gone away (Interview, C.Madiba, Department of National Education)*

#### 4.1 Introduction

This chapter provides an historical overview of teachers' participation in policy development in South Africa, sketches the political and economic conditions of South Africa's transition that impacted education policy development and then provides an overview of developments within the teachers' movement and the changed nature of teacher-state relations in the 1990s. A key assumption is that the changing nature of state-civil society relations during South Africa's transition constituted an important backdrop to teachers' involvement in the development of the South African Schools Act (SASA).

The chapter argues that, historically, Black teachers were excluded from policy making and that the teachers' movement in South Africa was characterized by fragmentation and

diversity based on racial, political and ideological grounds. Teacher organizations were divided ideologically over the professionalism/unionism debate and, as the struggle for liberation intensified, they remained at odds on the question of political alignment. This resulted in vastly different experiences of policy and the cultivation of contrasting organizational styles. The chapter distinguishes between teacher unions that have been associated with 'conservative professionalism' and those who identified with 'unionism' or 'radical professionalism'. The claim is made that organisations belonging to the former grouping in South Africa were better equipped to engage with the analysis of policy, whereas teacher unions with a predominantly 'traditional unionist' background were seriously lacking in policy expertise. The disparate policy experiences of the two groupings are explained, in part, by the nature of teacher-state relations, especially the latter's favourable disposition towards teacher professionalism. However, the nature and content of teacher-state relations has changed considerably since the early 1990s as teacher unionism acquired greater legitimacy. This was accompanied by an increased focus on building teacher union capacity to participate more effectively in labour and policy related debates.

A further claim is that teacher union-state relations are inherently conflictual, notwithstanding the changed nature of state-civil society relations in the context of the transition from one historical epoch to another. For teacher unions, the key challenges revolved around nurturing an appropriate relationship with a democratic government, which presented both opportunities and constraints for their participation in policy development. As a result, with the demise of authoritarianism and the transition to democracy in the early 1990s, although a shift towards transparency and participation of key stakeholders in policy development became evident, effective participation in policy development processes was mediated by economic and political factors. Politically, the struggle for control and ownership of policy was central; while economically, the effects and local responses to globalisation were significant.

## **4.2 Historical overview (1960s-1980s)**

This section offers a brief historical overview, focusing on the zenith of apartheid rule and then shifting to the period of opposition and resistance to apartheid education.

### *4.2.1 Teacher-state relations under apartheid: Exclusion and Resistance*

The pre-1994 apartheid government's approach to policy-making in South Africa was essentially authoritarian, racist and bureaucratic (Chetty, 1992; Shalem, 1992; Young, 1993). One of the consequences of this approach was that participation in the policy process was limited, in the main, to White, mainly Afrikaans-speaking government officials, with little or no involvement by the public at large, let alone key education stakeholders. In this sense, the policy process was technocratic and ethnic in character.<sup>12</sup> White teachers, however, participated in decision-making processes with the benefit of substantial representation in policy-making at the state level and their experiences were characterised by an ethos of negotiation, consultation and participation (Chisholm, 1999).

However, Shalem (1992) points out that participation was confined to a few individual teachers, with the majority of teachers being excluded from statutory policy structures, such as the South African Council of Education (SACE) and Committee of Heads of Education Departments established around 1984. Overall, the interests of White teachers, especially Afrikaans-speakers, became subsumed in the oppressive ideology of Christian National Education. Yet, from the 1980s onwards, many White English-speaking teachers began to question their broader social and political identities in the face of growing resistance to apartheid education (Shalem, 1992). Nonetheless, the apartheid state's totalitarian and protectionist tendencies remained central to the mediation of the participation of White teachers in policy making.

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<sup>12</sup> Shalem (1992), for example, emphasizes the estrangement of White English-speaking teachers from the largely Afrikaans White dominated apartheid education bureaucracy.

Black teachers, on the other hand, were deliberately excluded from participating in education policy processes. The basis for this exclusion was the absolute totalitarian impulse that characterised the development of policy by the National Party government. Initially, there was opposition to government policy, for example the Bantu Education Act of 1953, but government repression in the 1950s and early 1960s curtailed teachers' resistance until the 1980s. Overall, Black teachers worked under a bureaucratic and authoritarian system, in which decisions and policies were formulated for them by mainly White government bureaucrats. This was consistent with the undemocratic and rational approach to education policy-making of the apartheid government.

Commenting on the state of Black education by the end of the 1960s, Hyslop (1999) observes that Black teachers were alienated from the Bantu Education Department by its racist and authoritarian style; and Black teacher organisations had been going through a period of docility, which resulted in a conservative approach based on "non-involvement in politics and dedication to 'professional' life as the best path for the teacher" (Hyslop, 1999: 112). The apparent goodwill between the Bantu Education Department and the African Teachers' Association of South Africa (ATASA) resulted in growing mistrust among many Black African teachers about their organisations' ability to defend their interests. Increasingly, especially with the radicalisation of younger Black teachers from the early 1970s, the established Black teacher organisations were regarded by many teachers more as 'handmaidens' of the state rather than as 'custodians' of members' interests.

The organisation of teachers also reflected the racist and undemocratic policies of the apartheid regime. Separate teacher organisations representing Whites, Coloureds, Indians and Africans had established themselves by the 1960s. ATASA was formed in 1962 and comprised affiliates from the four provinces at the time, these being, Transvaal, Natal, Orange Free State and the Cape. The Teachers Association of South Africa (TASA), with its predominantly Indian membership, and the Union of Teachers' Association of South Africa (UTASA), whose membership was drawn from Coloured schools, also emerged in the 1960s, soon after the creation of separate education departments for these groups. The

historical roots of African, Indian and Coloured teacher organisations, however, can be traced to the early 20<sup>th</sup> century. White teacher organisations had already organised themselves since the 1920s under the banner of the Federal Council of Teachers Associations; and became known as the Teachers Federal Council (TFC) in 1986. All of these racially-based organisations espoused a traditional 'professional' approach in dealing with the education authorities, relying primarily on strategies of consultation and persuasion, while eschewing militant and 'political' action (Hyslop 1990; Govender, 1996).

In the 1980s, with the intensification of the political struggle for liberation, several progressive teacher unions emerged. The National Education Union of South Africa (NEUSA) was established in 1980, and was the first union to organize teachers nationally on a non-racial basis. Several smaller teacher unions emerged during the educational and political upheavals in South Africa from 1985-1990, such as the East London Progressive Teachers Union (ELPTU); the Western Cape Teachers Union (WECTU); the Democratic Teachers Union (DETU) and the Mamelodi Teachers Union (MATU). They adopted a strong unionist approach in dealing with educational change and policy. From the outset, the progressive unions had a combined political and educational agenda. They constituted themselves as non-racial<sup>13</sup> and allied themselves to the vanguard organizations of the liberation struggle, notably the ANC, the Congress of South African Trade Unions (COSATU) and the South African Communist Party (SACP). A serious schism resulted between the new generation of progressive unions and the older, professional associations. The latter were labeled conservative because they prioritized their commitment to the interests of the 'child' over those of 'politics'; while the former were labeled radical and regarded themselves as 'workers' and would not balk at taking strike action (Govender 1996). The discourse around whether teachers were 'workers' or 'professionals' became 'symbolic markers of political difference' (Chisholm 1999: 114) and continues to characterize the fragmentation of the teachers' movement in South Africa to this day.

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<sup>13</sup> "Non-racial" refers to the practice of not discriminating against individuals and organizations on the basis of racial classification.

With the demands for democracy in South Africa during the 1980s, the apartheid government, in its attempts at education reform, allowed the participation of the conservative 'professional' Black teachers' organisations in departmental curriculum committees, and certain national commissions (for example, the 1981 De Lange Commission). However, as Badat (1991:24) observes, key stakeholders such as progressive political organisations, and especially the newly emergent teachers' unions were excluded from educational reform activities. As such, the state's management of the education policy process was characterised by racist and undemocratic practices, and where teachers were concerned, a favouring of a conservative professional approach. This was the general picture through much of the 1960s to the early 1990s.

#### *4.2.2 Seeds of change in teacher-state relations: The legacy of people's education*

As opposition to apartheid intensified in South Africa during the 1980s, a sustained campaign was mounted against apartheid education. At the height of the education protests, in which thousands of teachers participated, education in Black schools had come to a virtual standstill. This led to the formation of the National Education Crisis Committee (NECC) in 1985 (Hyslop, 1990: 112). With the launch of the NECC, and its campaign for People's Education, the seeds of an alternative and democratic discourse in education were planted. In the ensuing years, a vision of a non-racial, democratic education system was formulated within the democratic movement, under the leadership of the NECC, which was effectively the internal education organ of the ANC in exile. The progressive teachers unions (and, to some extent, ATASA) were key players in the building of this vision (Hyslop, 1990: 112).

The notion of people's education has had important implications for a conception of an alternative and democratic future education system in South Africa, and the role of teachers within that system. A definition of people's education was offered at the First National Education Consultative Conference in 1985:

*...people's education is education that:*

- (i) enables the oppressed to understand the evils of the apartheid system and prepares them for participation in a non-racial democratic system*
- (ii) eliminates illiteracy, ignorance and the exploitation of one person by another*
- (iii) eliminates capitalist norms of competition, individualism and stunted intellectual development, and replaces it with one that encourages collective input and active participation by all, as well as stimulating critical thinking and analysis*
- (iv) equips and trains all sectors of our people to participate actively and creatively in the struggle to attain people's power in order to establish a non-racial democratic South Africa*
- (v) allow students, parents, teachers and workers to be mobilised into appropriate organisational structures which enable them to participate actively in the initiation and management of people's education in all its forms*
- (vi) enables workers to resist exploitation and oppression at their workplace.*

*(Resolutions from the first National Consultative Conference, Johannesburg, 1985)*

There is a strong focus on participation for political ends in the above conception, which resonates with the 'political' approach to education policy work (see Section 2.8.1). The Conference also underlined the central role of teachers in people's education by resolving that:

- (i) teachers should work actively with students towards the formation of democratically elected Student Representative Councils (SRCs)*

- (ii) *teachers should work closely with parents and students in dealing with the current education crisis*
- (iii) *teachers should become involved in community struggles and help to set up Parent Teacher Associations (PTAs) in all schools*
- (iv) *education programs for teachers which bring out the history of progressive teachers' struggles, the role of teachers in the community, and the role of teachers' unions, should be conducted*
- (v) *teachers should work to unify all teachers into a single, progressive teachers' body*
- (vi) *meetings of teachers should be called in all areas to give students and parent organisations an opportunity to address them on the education crisis.*

*(Resolutions from the first National Consultative Conference, Johannesburg, 1985)*

The role of teachers as agents of change and activists, both for broader educational struggles and in respect of their own development, is given considerable emphasis in the NECC's conception of teachers. As Gardiner (1990) observes, the progressive teacher unions were active in organising activities and campaigns in pursuit of the goals of people's education. A key project relating to teachers was the development of the techniques for a radical pedagogy and appropriate curricula. As a result, various subject commissions were established in which NEUSA, the largest of the progressive teacher unions, played an important role (Nkomo, 1990). This resulted in the publication of a History workbook and proposals for a restructured set of principles for the teaching of English for use in secondary schools. Another important project and one which relates directly to school governance was the democratic movement's campaign to establish Parent-Teacher-Student-Associations (PTSAs). These were intended to replace the discredited school committees comprising parents and the school principal as they were regarded as mere functionaries of apartheid education. The call for students and teachers

to be a part of school governance structures was seen as critical in the organisation and in the propagation of people's education.

In the execution of its projects, the NECC, particularly through the vehicle of PTSAs exercised the greatest degree of consultation and sought deliberately to reflect the aspirations of communities (Gardiner, 1990). However, the achievement of the aims and objectives of people's education was severely compromised by the state of civil war and unrest in many parts of the country. The apartheid state, threatened by the revolutionary content of people's education, imposed restrictions under emergency regulations on the introduction of alternative curricula in Black schools, detained many NECC leaders, arrested teachers and students, and banned several organisations, including the progressive teacher unions (Govender, 1996). Together with other repressive measures, the apartheid state ensured that work on the development of people's education would be extremely difficult. As a result, much of the initiative and impact of people's education were nipped in the bud. Nevertheless, the people's education movement of the 1980s was to bequeath several legacies that would impact the nature of teacher-state relations in the policy domain post-1994:

- The principles of consultation, active participation and learning which characterised people's education were to reverberate for the next two decades, with implications for the development of policy in the 1990s, and especially post-1994. In particular, the recognition of teachers as key stakeholders in education policy formation in the 1990s can be traced back to the involvement of progressive teachers' unions in the education struggles of the previous decade. The same unions would unite under the banner of SADTU in 1990, a development that would have far-reaching ramifications for the teachers' movement in South Africa.
- An important campaign of the progressive teacher unions was their struggle for recognition by the apartheid state, and their demands to be regarded as critical partners in education. These campaigns would lay the foundation for more

constructive teacher-state relations after 1994, made easier by the election of South Africa's first democratically-elected government.

- The role of teachers in curriculum development and in school governance was firmly placed on the agenda. The campaign to establish democratically-elected PTSAAs was to sow the seeds for a key aspect of the formulation of the South African Schools Act in the 1990s.
- More broadly, the link between teachers' lives, education and politics had been inserted in the public discourse on education transformation.

In summary, by the end of the 1980s, the authoritarian, racist and technocratic model of policy making was under serious threat. The 1980s had culminated with strident cries for a more inclusive, participatory education policy process by the democratic movement in South Africa. Dramatic political changes marked the start of the following decade, and, together with the impact of global economic discourses, a significant re-arrangement of the education policy landscape in South Africa was heralded.

#### **4.3 The transitional context and its impact on policy development: A question of contestation and compromise**

From the outset of the negotiations for a new political dispensation in South Africa, it had become clear that deliberations on a future education system would be highly contested. At the same time, there was a willingness to achieve maximum consensus on the part of the main protagonists, the ANC and the National Party (NP). The ANC, for its part, following the collapse of communism, began distancing itself from radical economic ideas, such as nationalisation of mines and banks. There was also a growing appreciation among its leadership that "since human capital [was] a highly mobile resource, it was in the ANC's interest to find ways to placate the White minority and to avoid accelerating emigration" (Fiske & Ladd, 2005: 37).

The forum for negotiations, the Congress for a Democratic South Africa (CODESA), which was constituted in 1991, became the lynchpin of South Africa's negotiated political settlement. Although there was a diversity of ideas represented by the various groupings in the negotiations process (various political parties and homeland governments), the two most powerful positions coalesced around the incumbent NP government and its supporters, on the one hand, and the ANC Alliance on the other hand. While the former's position was based on a reformist educational programme to ensure the protection of White privileges acquired under apartheid, the latter's reform agenda was based on a more fundamental restructuring of education to ensure access and equity to the vast majority of Black South Africans, who had hitherto been excluded from most social services.

Nevertheless, agreement was achieved on the need for a united country, multiparty democracy, separation of powers and a bill of rights that would protect minority rights and private property. However, the talks ruptured in May 1992 over the issue of a unitary state. Ironically, the NP government was concerned about the devolution of too much power to a Black-led centralised governance system, which had served the cause of Afrikaner self-advancement so well. Therefore, the NP sought some form of federal political arrangement, which would allow it to exercise regional or local influence, while the ANC, concerned about constraints on its capacity as a future ruling party, favoured a system of majority rule (Fiske & Ladd, 2005). The resumption of negotiations, however, was soured by an outbreak of violence from both sides of the political spectrum as the main contenders sought to promote their own vision of a new South Africa.

Nonetheless, the rationality and sanity of negotiations won in the end, and by the end of 1993 agreement had been reached on an interim constitution, political franchise for all races and the formation of a Government of National Unity (GNU). While the National Party agreed to compromise on the issue of a unitary state, it had won important concessions with the entrenchment of private property rights and its insistence on a capitalist economic system (Fiske & Ladd, 2005: 38). Moreover, through the ANC Alliance's proposal of the 'sunset clauses', the protection of the positions of existing civil

servants had been guaranteed (Adler & Webster, 1995; Marais, 2001). These political compromises would later have a constraining effect on the ANC government's ability to effect desired changes.

In the education sector the NP had demanded an 'education clause' which would allow parents and students to choose the language of instruction in state schools; eventually the ANC agreed to a compromise clause guaranteeing such a right where it could be 'reasonably provided'. Similarly, Section 247 of the Interim Constitution provided for bona fide negotiations with existing school governing bodies (primarily, White schools) if any changes to their powers were to be contemplated by a new government. The status of these governing bodies became a key area of contestation during the formulation of SASA, dividing the public at large, as well as creating further conflict and fragmentation within the organised teaching profession, and is dealt with in section 5.2.1. Nonetheless, important concessions had been gained from the negotiations for a new, democratic constitution by conservative forces. As will be seen in section 5.3.2, these concessions would seriously impact the depth of changes the ANC government would be able to effect in education. One of the consequences of the discourse of consensus-seeking was that the influence of the people's education discourse of the 1980s became diluted.

Generally, with the shift towards democratic institution-building in the early 1990s, consensus-building and the involvement of stakeholders in policy development started taking center-stage. This was reflected in the Constitutional injunction to "heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights" (Preamble to the South African Constitution, 1996, cited in Motala and Pampallis, 2001). The authors, Motala and Pampallis, go on to stress that the "policies of the government in the transition period must be viewed as an extension of the process of settlement since no political party was free to fashion its policies without reference to the idea of consensus" (2001: 14). This gave rise to a situation "*where stepping into the 'new' era with a broad vision of social reconstruction and equality [would be] continuously impeded by the ghost of the old structures of power and domination*" (Fataar, 1997: 70). As Nzimande (1997) points out, the political compromise

in the transition to democracy allowed actors spawned by the apartheid regime to wage their own struggle for the protection of privileges accumulated during the apartheid era.

#### *4.3.1 Education policy contestation during the transition*

Similar contestations and compromises that characterised constitutional and political negotiations emerged with regard to preparations for a post-apartheid education system. In the climate of negotiations that characterised the transition, the apartheid government produced a set of policy reforms, the Education Renewal Strategy (ERS) in 1992; which was aimed at signaling some movement away from the system of apartheid education. However, the ERS provoked much criticism from progressive academics and policy analysts. Badat (1991) argues that the ERS, like its predecessor, the De Lange Commission, professed to be providing policies based on equality for all South Africans without taking into account inequalities based on race, class or gender. Moreover, the ERS's point of departure was a capitalist social order and its process was based on technocratic rationale which emphasised the neutrality of scientific expertise (Badat, 1991). With regard to teachers' involvement, while the conservative teacher organizations under the umbrella of NAPTOSA participated in this initiative, SADTU did not, as it was considered an illegitimate policy exercise by the democratic movement (Sayed, 1995).

At the same time, the Mass Democratic Movement (MDM), a conceptual home for progressive organisations that had not been banned by the apartheid state, produced several policy documents arising out of consultations from a diverse range of organisations and communities (Pandor, 2001). The NECC paved the way for progressive thinking when it commissioned the National Education Policy Investigation (NEPI), which was completed in 1993. It yielded several education sector reports, which represented the democratic movement's ideas on a future education system (Wolpe, 1996; Young, 1993). The reports covered the areas of Adult Basic Education, Adult Education, Curriculum, Early Childhood Educare, Education Planning, Systems and Structure, Governance and Administration, Human Resources Development, Language,

Library and Information Services, Post-secondary Education, Support Services and Teacher Education. Various policy options were contained in the report which incorporated the principles that had emerged from the People's Education movement. This included the empowerment of communities and individuals through equal opportunity in education, a new curriculum and ethos, and greater involvement in the governance of education and the formulation of education policy (Pandor, 2001). NEPI also identified the complex challenges facing new policy-makers, such as redressing the financial disparities in education financing that would be inherited from the past. Therefore, Education was poised to be highly contested from the early days of the transition.

With the intensification of political negotiations, the apartheid government's capacity to conceptualise new policies had diminished considerably. This was partly as a result of the democratic movement's efforts to arrest the government's unilateral restructuring of the education system. This resulted in the establishment of the National Education and Training Forum (NETF) in August 1993. The forum comprised key stakeholders in education and training which included central government (still headed by the National Party), business, all the Bantustans (homeland governments), the training sector, universities, parents, church organisations and NGOs. The forum's main aim was to promote a negotiated restructuring of education during the transition and to maximise participation of stakeholders in the resolution of crises and the formulation of policy. In Badat's (1991) view, the NETF was an "*important vehicle for the expansion of public participation in education policy formation*".

At an operational level, the NETF underlined the potential of a representative forum in the public policy making domain. At the same time, the democratic movement sought to consolidate its education policy programme in anticipation of a new ANC-led government. The result was the ANC's publication of '*A Policy Framework for Education and Training*' in 1994. The document dealt mainly with education provision at the school and college level, with scant coverage of higher education. It echoed much of the same sentiments as the NEPI report by undertaking to ensure community participation

in policy development and school governance, the integration of education and training, and providing learners with critical problem-solving skills and abilities. The ANC framework also affirmed its commitment to the principles of equity, redress, gender equality and non-racialism (Pandor, 2001). Not long afterwards, in the run-up to the elections of 1994, the MDM published the Reconstruction and Development Programme (RDP). The RDP dealt with all aspects of social and economic life in a democratic South Africa. Its education policy confirmed that there would be 10 years of basic education and training provision, that access to further and higher education would be increased and that education and training would be linked to a coherent and planned Human Resource Development Strategy (see 4.3.4 for further details).

Although education policy development from 1993 had been dominated by the initiatives and programmes of the MDM, this progressive phase of policy work did not escape criticism. Policy development within the democratic movement was confronted by shortcomings associated with the ANC as the transition took shape, particularly the ANC's lack of policy conceptualisation for a post-apartheid South Africa (Marais, 2001:76). In education, while the NEPI documents mapped out a vision for education transformation, they remained silent on how it was to be implemented or achieved. Overall, the policy in this early period reflected pre-election posturing. The National Party's ERS document sought to comfort its White minority constituency against the perceived threat of a decline in educational standards given the prospect of a Black-majority government. On the other hand, the ANC and MDM policy proposals were typical of election rhetoric; big on ideas but thin on concrete plans for implementation. Moreover, forums, such as the NETF, had their own constraints. For example, although the NETF offered a new policy space for 'progressive' forces, it was a space in which privileged voices tended to dominate because of their experience in policy work and in government (cf. section 4.4).

#### **4.4 The changing face of South African civil society**

Under apartheid, the notion of civil society in South Africa was associated primarily with organisations that represented the interests of the politically disenfranchised majority. The best examples of this relates to political and social movements, such as the United Democratic Front (UDF), and trade unions, such as COSATU. Numerous NGOs, although many were staffed predominantly by progressive members of the White community, represented the aspirations and concerns of the oppressed Black majority. These organisations had a strong political agenda which focused on the attainment of a democratic political dispensation. Therefore, during apartheid, civil society organisations were forced to mobilise against the state because of their exclusion on racial grounds from any form of political representation (Friedman & Reitzes, 1995). As opportunities for legal organisation opened in the late 1970s and 1980s, a network of civic, youth and other movements arose and coalesced into the UDF. In the education sector, student, parent and teacher organisations constituted the 'education civil society', and these again were primarily Black. White teacher organisations, given their partisan relationship with the apartheid state, and their failure to identify with the interests of the Black majority, excluded themselves from the broader, predominantly Black civil society movement of the 1980s. In its crudest conception, the face of civil society prior to the 1990s was essentially Black and associated with political powerlessness.

An important part of civil society in the 1980s was the formation of the UDF in 1983, which was a broad-based anti-apartheid coalition, consisting of community organisations, civics, religious bodies, students' and teacher organisations'. The UDF's vision of a democratic South Africa was based on the idea of "*people's power*", which arises when people feel they have control over the various aspects of their lives – where they live, work, how to get educated, etc – and these things are not done by the government but by the people themselves (Houston, Liebenberg & Dichaba, 2001). The UDF was regarded by many as the internal ANC of the 1980s and together with COSATU and the NECC constituted a formidable alliance against the apartheid state. The newly established progressive teacher unions, such as NEUSA, were allied to the NECC, and in this way

many teachers, who would later become members of SADTU, began their political activism against apartheid. In the aftermath of the banning of the UDF, the NECC and other social formations in the mid-1980s, the democratic movement regrouped under the banner of the Mass Democratic Movement (MDM), which ensured that internal opposition to apartheid would continue (Adler & Webster, 1995).

With the unbanning of the ANC, the SACP and other political organisations in February 1990, the notion of the MDM gave way to the ANC Alliance<sup>14</sup> (hereafter referred to as the Alliance), which was essentially a political compact comprising the ANC, COSATU and the SACP. However, the South African National Civics Organisation (SANCO), an off-shoot of the UDF, and the National Education Coordinating [changed from 'Crisis'] Committee (NECC), both key constituencies of the erstwhile MDM were also considered part of the Alliance (ANC, 1994). Of the teacher unions, SADTU was widely recognized as part of the Alliance through both its affiliation to COSATU and the NECC, and through its stated policy of political alignment with the ANC. An important aim of the Alliance was to ensure that the democratic movement led by the ANC would emerge victorious in the 1994 elections. Sectoral programmes of action were to be established to ensure the achievement of this goal. Therefore, in the education sector, education organisations from the MDM came together under the banner of the Education Alliance. This was especially significant because the NECC, which had previously been the organisational base of the MDM's education bodies, had disbanded in 1994. Besides SADTU, other key members of the (ANC) Education Alliance included the Congress of South African Students (COSAS), comprising school-based students; the South African National Students Congress (SANSCO), comprising tertiary-level students; and the Union of Democratic Universities of South Africa (UDUSA). The Education Alliance's main aim was the transformation of the education system in South Africa based on the principles of non-racialism, non-sexism and democracy. At a broader level, the Education Alliance sought to advance the political agenda of the ANC Alliance and to ensure an ANC victory in the country's elections.

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<sup>14</sup> The ANC Alliance is also referred to in the literature as the 'tripartite Alliance', for example, Adler & Webster, 1995; although in recent years, the latter term has also come to be associated with the compact between government, business and labour.

Given that SADTU's policy positions in the 1994-1996 period were influenced significantly by its links to the Alliance, it is important to emphasise the origins of policy thinking within the Alliance. Drawing on the notion of People's Power as advocated by the UDF and the NECC in the mid 1980s, the democratic movement's post-apartheid central policy framework was eventually encapsulated in the ANC's RDP. Adler & Webster (1995: 95) point out that although "*the RDP [was] an Alliance document, it originated in COSATU and represents a significant attempt to move policy beyond socially and economically conservative goals by taking as its point of departure people's basic needs*". The RDP (dealt with more fully in section 4.5) served as the guiding policy framework for the ANC and its allies in the run-up to the 1994 democratic elections. A key strategy of the Alliance in this period was the combination of mass action with negotiation, the former component influenced largely by COSATU, although by the elections of April 1994, the ANC had re-established its hegemony in the democratic movement and the Alliance itself (Adler & Webster, 1995). Therefore, civil society in the 1980s and early 1990s was seen largely in terms of the ANC and its allies, as Black and historically disenfranchised.

The above picture of civil society was to undergo significant changes from the early 1990s that were consistent with political changes and the impact of neo-liberal hegemony. This had already begun to take shape with the beginnings of policy contestation in the processes of the ERS and NEPI documents as well as the machinations of the NETF (see previous section). The face of the education civil society began to reflect a concoction of small but powerful interests, notably middle-class - especially White - parents, business groups and 'policy experts' (Chisholm & Fuller, 1996; Deacon & Parker, 1998; Govender, 2001). In the context of political negotiations and the growing hegemony of neoliberalism, "*the constituencies driving the education agenda and the content of that agenda changed substantially*" in the 1990-1994 period (Chisholm & Fuller, 1996: 703). The more radical and participatory elements of people's education, which foregrounded a strong role for civil society, became diluted. As early as 1990, the Nelson Mandela-initiated Education Delegation, which met with the apartheid

government to deal with the crisis in education, although consisting of representatives from various opposition groups, did not include student organisations. Similarly, of the 80 odd representatives on the NETF plenary body, only 12 represented constituencies drew affiliations to the democratic movement (cf. 4.3.1 for details). Therefore, the NETF came to be “*dominated by representatives whose history and allegiance*” lay with the old, apartheid order and not with the democratic movement (Chisholm & Fuller, 1996: 705).

Positing a similar argument, in which development is seen to be privileged over democracy, Deacon & Parker (1998:132) contend that “*diverse new oppositions have emerged, old tensions have resurfaced and multiple realignments have been set in motion*”. In particular, the authors contended that the hitherto racially-based civil society opposition would become class-based, with business, organised labour, an expanding middle-class and intellectual elites becoming most influential; while rural voices, together with those of women, youth, the non-unionised and the unemployed, could become sidelined; though not entirely silenced. Simultaneously, teachers and students' groups aligned to the MDM had become weakened (Deacon & Parker, 1998 and Chisholm & Fuller, 1996). SADTU had become inward-looking and concentrated largely on building its own organisation and campaigning around salaries and working conditions, although, the union maintained a critical stance towards the government's human capital-oriented education policies and continued to highlight the importance of pedagogical change, teachers' professional commitment and deepening democratic school reform (Chisholm & Fuller, 1996).

Concomitantly, there has been a weakening of civil society organisations, as was the case elsewhere on the African continent (see section 2.5.1). Mass-based constituencies within civil society, including civic organizations and women's movements found their agency power somewhat constrained because of their loyalty to the newly elected ANC government. Moreover, many of their leaders had become part of the new political establishment. For example, Jay Naidoo, General Secretary of COSATU was appointed as RDP Minister in the new Cabinet and Blade Nzimande, a member of the SACP's Central Committee became a Member of Parliament (MP). SADTU's then President,

Shepherd Mdladlana and General Secretary, Randall van den Heever also became ANC MPs. However, this 'honeymoon' period was to be short-lived as dissatisfaction within the labour movement with the government's adoption of neo-liberal economic policies (personified by the Growth, Employment and Redistribution Programme, GEAR, 1996) grew.

#### **4.5 Globalisation, state policies and teachers' roles**

The global impact of neo-liberal agendas, particularly economic, was also felt in South Africa. With the collapse of Stalinist states in eastern Europe and the former Union of Soviet Socialist Republics (USSR), the rise against the one-party state in Africa, and the overburdened welfare states of Western Europe, there has been a growing disillusionment with state centrism and a simultaneous ascendancy of a neoliberal economic agenda, which has shaped South Africa's transition, as it has done elsewhere in the world (Chisholm & Fuller, 1996; Friedman & Reitzes, 1995). However, the influence of neoliberal economics was subjected to modification by local conditions and the specificity of the economic, political and historical conjuncture of South Africa's transition. In South Africa, while the new government showed signs of dependency on World Bank policies which stressed privatisation, decentralisation and cost-sharing (Chisholm, 1999), it also had to accommodate the interests of the political left, represented by the radical labour movement, the Congress of South African Trade Unions (COSATU), to which SADTU is affiliated, and the South African Communist Party (SACP).

In spite of the pervasiveness of the politics of negotiation, a more complex reading of South Africa's transition had emerged. Marais (2001) has argued for an interpretation that views the transition as an inconclusive outcome of a confluence of economic, ideological and political contradictions that accumulated since the 1990s. Such a reading is both historical and global as it seeks to probe South Africa's political-economic underbelly, the developments leading to the political settlement, the terms of the transition, the ideological and structural shifts, both local and global, and the strengths and weaknesses

of the contending forces. Just as the negotiated political settlement provided the conditions for South Africa to become more fully integrated into a global market-driven economy, the same conditions gave rise to a context within which new alliances, educational restructuring and policy work took place. The shifting nature of state-civil society relations, teacher-state relations and teachers' influence in policy making, it is contended, is best understood within this discourse of the 'global' and the 'local'.

Just prior to the 1994 elections, the ANC released the RDP, which was an integrated socio-economic policy framework, intended to underpin the ANC's legislative programme of government. The RDP document represented in the main the ANC-led democratic movement's primary goal, that is, the mobilization of "*all our people and our country's resources toward the final eradication of apartheid and the building of a democratic, non-racial and non-sexist future*" (ANC, 1994:1). Its contents included sections on: Meeting Basic Needs, such as Housing, Transport and Health Care; Developing our Human Resources, which included Education and Training; Building the Economy; and Democratising State and Society. An important principle of the RDP was the integration of growth, development, reconstruction and redistribution into a unified programme, which challenged the orthodox belief that growth should precede development. The key to this integration was to put in place:

*...an infrastructural programme that will provide access to modern and effective services like electricity, water, telecommunications, transport, health, education and training for all our people. This programme will both meet basic needs and open up previously suppressed economic and human potential in urban and rural areas. In turn this will lead to an increased output in all sectors of the economy...* (ANC, 1994: 6)

The RDP implied a critical role for teachers in the development of the country's human resources, which was spelt out as follows:

*The reconstruction of education and training requires a body of teachers, educators and trainers committed to RDP goals and competent in carrying them out. This requires that they are able to understand and respond flexibly to the challenges of the new approaches to curriculum, method, delivery and certification which an integrated system of education and training demands. They must dedicate themselves to enhancing the quality of learning and achievement throughout the system. Teachers, educators and trainers who are inadequately educated, badly treated by their employers, and poorly rewarded cannot be expected to fulfil these expectations. (ANC, 1994: 66)*

In acknowledging the dialectic nature of teacher-state relations, the RDP document further emphasized that:

*A transparent, participatory and equitable process to review salaries and conditions of service will be established. It will guarantee a living wage to the worst-paid teachers. It will also establish appropriate career paths, introduce criteria for the recognition and grading of teachers and trainers, and promote professional development within the proposed national qualifications framework. (ANC, 1994:67)*

Therefore, teachers were recognised in the RDP document as the 'foot-soldiers' of the state's programme of reconstruction and development in education. At the same time, the state recognised the need to redress the inequalities of the past in terms of teacher salaries and qualifications. When the ANC-led government assumed office in 1994, it soon realised that the challenge of transforming the education and training sector was an enormous task given the fiscal and budgetary constraints it faced. Therefore, it was not surprising that teacher unions and the state were still locked in battle over salary backlogs at the beginning of 2005 and that teacher education and professional development remain burning issues. The popular explanation for the stagnation of the State's delivery of the RDP is the ANC government's shift to neoliberal ideology as the basis of its macro-

economic framework. As Adler & Webster (1995: 1) argue, although the RDP “*embodies the longstanding central demands of the pro-democracy movement for a more radical social and economic program of transformation*”, the ANC-led GNU would become pressured by international agencies, such as the IMF and World Bank to follow neo-liberal economic policies.

In more general terms, the RDP emphasized that “*those organizations within civil society that participated in the development of the RDP will be encouraged by an ANC government to be active in and responsible for the effective implementation of the RDP*” (Adler & Webster, 1995: 1). Apart from the key role of government in the RDP, participation by civil society organizations was also seen as essential. In particular, trade unions, sectoral social movements and civic organizations were encouraged to develop RDP programmes of action within their own sectors and communities (ANC, 1994:131). Even as the RDP document was being released, the Alliance, of which SADTU was an active member, had started to apply the RDP framework in their own areas at provincial and local levels (Adler & Webster, 1995: 147). However, this initial state-civil society “unity in action” was to be short-lived as the state’s swing to neoliberalism and market-led development policies gave rise to increasing tensions within the ANC-Alliance and organizations of civil society.

In 1996, barely two years after coming into power, the ANC-led government released the Growth, Employment and Redistribution Strategy (GEAR). The new macro-economic framework was premised on key tenets of neoliberal economics, notably fiscal austerity, deregulation, privatization, competitiveness, and stringent monetary policy, aimed primarily at boosting investor confidence and growth (Adelzadeh, Alvillar & Mather, 2001; Rogerson, 2001). Job-creation was entrusted largely to the private sector, through tax benefits, growth of the export sector and semi-privatisation of state assets. GEAR linked Human Resource Development (HRD), in particular education and training to economic growth, stressing that economic growth is a prerequisite for redistribution (Motala, 1996). With regard to educational spending, the strategy called for cost controls

through the reduction in subsidies to the more expensive line items and greater private sector involvement in higher education.

As expected the framework was welcomed by the business sector, but was severely criticised by the labour movement, particularly COSATU, who described it as neo-liberal and called for a regulated labour market and greater emphasis on domestic production (Motala, 1996). Adopting a similar view Adalzadeh et al (2001: 240) contended that the “*trickle-down theory of economic development*” was an inappropriate framework for the achievement of sustainable livelihoods in South Africa as it ignored the link between better income distribution and growth, undermined the role of a developed domestic market and reduced the role of government at the expense of the private sector in stimulating the economy. With GEAR’s emphasis on labour market skills development, and the central role of education and training, teachers and educators generally were expected to play a key role, similar to that outlined in the RDP (see above).

Some analysts even suggest that the RDP itself had laid the basis for South Africa’s turn to market-driven economic policies as it gradually succumbed to the dominant ideology within the global economy. Deacon & Parker (1998), for example, argue the central role of education in the RDP with its emphasis on redressing educational inequalities among historically disadvantaged groups such as youth, women, the unemployed and rural communities, places development “*first and foremost, for not only is development to make possible the ‘special’ redress of inequalities but it is also to foster national identity. Democracy and the need to accommodate diversity are not discounted, but they are subordinated to the priority of development*” (Deacon & Parker, 1998: 139). This privileging of development (with economic growth as its end-goal) over democracy (with equity and redress as its end goals), paved the way for the state’s more absolute turn to neoliberal economics in the form of GEAR. One of the consequences of this turn to neoliberal economics was the gradual squeezing out of the role and influence of mass-based civil society organizations, as government restricted its consultations on growth and development to business and labour (Deacon & Parker, 1998). Therefore, the

importance attached to the role of civil society formations in the RDP was replaced by South Africa's own version of corporatisation (Friedman & Reitzes, 1995).

In the education sector, policy development and reforms became responsive to the new economic and global challenges, but were equally concerned with breaking with the past so as to give effect to the democratic movement's educational goals. The resulting tension was therefore about balancing contradictory aims, that is, trying to achieve both democratic and market-oriented goals and values simultaneously (Kruss, 1998:98). Gradually, though, with the ANC's economic and ideological shift, introduced in its Reconstruction and Development Programme (RDP, 1994), and consolidated with its replacement by GEAR, the government's social transformation agenda had moved national policy sharply to the right, thereby subjecting the goals of equity and democratisation in education to the rationale of market-led fiscal and governance policies (Motala and Singh, 2001). Concurrently, there has been a revival of human capital theory in which teachers' roles are narrowly conceived as producers of human capital for economic growth; and the introduction of new policies promoting new forms of management, teacher accountability and outcomes-based curricula (Chisholm, 1999). Overall, the state's agenda of compromise and consensus-seeking in the education sector loomed large. As Trevor Coombe, a senior official in the new ministry expressed it: "*education policy making was saturated with compromises*"<sup>15</sup>.

#### **4.6 The beginnings of a 'representative' model of participation**

In the 1980s, the high point of the People's Education Movement and Mass Democratic Movement (MDM), led by the NECC and UDF, respectively, participatory democracy became central to the notion of "*people's power*". In practice, this entailed the undertaking of administrative, judicial, welfare and cultural duties by 'organs of people's power' – street committees, defence committees, shop-steward structures, student representative councils and parent/teacher/student associations (Houston, Liebenberg &

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<sup>15</sup> Lecture presented to the Education Policy Winter School, University of the Witwatersrand, 15 July 2004)

Dichaba, 2001). Representation was devolved to the lowest possible levels, with individual participation at these levels a major priority. The involvement of citizens especially at the lower levels was regarded as critical if people's power was to be achieved. In the words of Chisholm & Fuller (1996: 701), "*the democratic movement's understanding of democracy was rooted in conceptions of mass participatory democracy and a radical egalitarianism concerned with democratisation of control over schooling*". However, this vision of democratisation was not consistently implemented in the 1980s, "*as townships and schools became battlegrounds, pitting students against the military and eventually leading to the State of Emergency*" (Chisholm & Fuller, 1996: 701).

The ideals of direct participatory democracy would gradually give way to the Western liberal tradition of representative democracy, which emphasised individualism and capitalist norms, the direct antithesis of what was envisaged by the early visionaries of South Africa's democratic movement. Therefore, although the mass-based democratic tradition of People's Education and the MDM in the 1980s served as a beacon, participation in policy development in the 1990s was premised largely on the involvement of key stakeholders in education, invoking a model of representative democracy. This was reflected in the NEPI process and the various policy development initiatives of the democratic movement. One of NEPI's founding principles was that parents, students and teachers must participate in the development of educational policies (Sayed, 1995). An Executive Committee, which included representatives from the ANC, COSATU, the NECC and its sectoral affiliates (SADTU represented teachers), and progressive academics was established. In order to create a more participatory research process, NEPI established various consultative forums. Within these forums, the work of the research groups was discussed with a wider public, mainly members of progressive groups. NEPI opted for a 'popular' conception of consultative forums, in which the formation of public opinion rested on achieving social consensus (Sayed, 1995). As a result, a more participatory and inclusive approach to policy work was adopted.

Another significant development regarding participation in education policy development during the transition was the increase in the number of education stakeholders who

demanded to be heard. For example, the business sector emerged as a key participant. White lobby groups, comprising parent and teacher organisations, also became active. The polarisation of teacher unions deepened, both in respect of labour relations and education policy. With the entry of business and other actors into the policy fray, it was clear that the formulation of educational policies was to become highly contested. As such, the scene had been set in the transitional period, prior to the April 1994 elections, for an inclusive, widely representative, participatory education policy process, quite different from that under the apartheid government.

In the course of the shift towards an inclusive policy process, there was a gradual appreciation of the many challenges that lay ahead. First, a decisive shift towards the principles of participation and transparency in education policy work had evolved. While policy makers began to appreciate the value of consultation and consensus, a diverse range of stakeholders, with competing interests, became active. As Badat (1997:19) argues, a more democratic and transparent policy process makes it potentially far more 'contestatory and conflictual'. Given this development it is not surprising that compromise and consensus-seeking were to spearhead government's policy agenda. Second, a notable feature of the transition has been the use of consultative forums in the policy arena. Badat (1997) argues that forums like the NETF were an important vehicle for expanding public participation in education policy formation, while Parker (1993) acknowledges that the concept of forums in NEPI served as important sites wherein civic, intellectual and political actors could engage with each other. Extending this view, Sayed (1995) stresses the importance of consensus-seeking mechanisms within forums, as a means to resolving tensions between role-players and different ideological positions.

However, the extent to which the notion of forums facilitated the participation of mass education organisations and key constituencies in policy debates has been seriously questioned (Badat, 1997; Friedman & Reitzes, 1995; Parker, 1993 & Sayed, 1995). Some authors (like Friedman & Reitzes, 1995) have argued that effective participation by the full spectrum of civil society organisations rests less in the establishment of forums than in parliamentary and electoral reform. Parker (1993:226) bemoans the fact that those

without intellectual skills or without the policy analysis capacity of established organisations (such as women and rural people), were voiceless in the forums of NEPI, and consequently powerless in key deliberations. Sayed (1995) echoes this sentiment in observing that the creation of bodies such as the NEPI Executive Committee and its various consultative forums did not guarantee effective participation, for example, problems relating to attendance and voice. This became more marked in education and training consultative forums after 1994, for example, the Gauteng Education and Training Forum, wherein historically privileged voices, such as White teacher organisations and the business sector tended to dominate policy debates (Govender, 2001). Central to this criticism has been a concern over the domination of the process by intellectuals and technical experts, in both the NEPI and CEPD, with progressive teachers' unions and other stakeholders playing a peripheral role (Lindsay, 1995; Sayed 1995). As Chetty (1992) elaborates, the discursive shift in policy from a 'discourse of needs' to a 'discourse of means' saw many key actors within the democratic movement being ill-equipped for the work of policy generation and formulation.

In many ways, the NEPI process provided the ingredients for a representative or stakeholder-driven model of policy making. This was reflected in the representation of key stakeholders from the MDM on the NEPI Steering Committee/s; the policy experts that were commissioned to drive the research process in consultation with stakeholders; and the concept of forums in NEPI. Following the NEPI process, the notion of stakeholder consultation became central to ANC education policy making, both before and after it came to power. As a result, direct participation of individuals based on direct democracy, although intended by the MDM, never quite materialised.

#### **4.7 The changing face of the teachers' movement in South Africa**

Amidst the turmoil of the democratic struggles of the 1980s, a concerted effort had been made to unite all teachers into a single, national teachers' body. The unity initiative, which gathered momentum with the signing of the Harare Accord on Teacher Unity in 1988 failed for various reasons, including disagreements on whether the new organisation should be a unitary or federal structure, a trade union or a professional body and on the

question of political alignment.<sup>16</sup> What emerged instead was the formation of two national organisations that coalesced around different organisational principles and strategies. The progressive teacher unions, led by NEUSA, merged into SADTU in October 1990. The racially-based conservative teacher organisations united in a federal alliance under the umbrella of NAPTOSA in August 1991. There were two exceptions. The United Teachers Association of South Africa (UTASA), which represented Coloured teachers, chose to remain unaffiliated until it was able to resolve outstanding organizational and policy issues.<sup>17</sup> The Teachers Association of South Africa (TASA), which had represented Indian teachers, disbanded in 1992, and encouraged its members to join SADTU. Teacher union fragmentation continued to be a major phenomenon in the 1990s. By and large, it reflected the broader cultural, ideological and political contestations of South Africa's transition and is central to understanding the nature of teacher union-state relations during this period.

Given the climate of political change, teacher unions had begun to brace themselves for a new dispensation in education. The shape of teacher unions in the 1990s was to be influenced quite decisively by new legislation. Ground-breaking labour legislation was introduced. Besides recognition of workers' rights in the new constitution, teachers' rights to collective bargaining and strike action were guaranteed in the Labour Relations Act of 1995. With the passing of the Education Labour Relations Act in 1993, a formal mechanism for collective bargaining and determination of labour policies, the Education Labour Relations Council (ELRC), had been instituted. The ELRC is composed of equal numbers of Employer and Trade Union representatives, with the former representing both provincial and national departments of education. All major teacher unions, including SADTU, NAPTOSA and SAOU are represented on the Council based on proportionality according to vote weights (ELRC, 2005). Key objectives of the Council include:

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<sup>16</sup> The Harare Accord on Teacher Unity was the result of an initiative by the All Africa Teachers Organisation (AATO), the World Confederation of Organisations of the Teaching Profession (WCOTP), the ANC and COSATU to promote unity between the established teacher organizations, such as ATASA and TASA, and the newly emergent teacher unions, such as NEUSA, of the 1980s. (See Govender, 1996 for a detailed account)

<sup>17</sup> As it turned out, UTASA would join NAPTOSA at the latter's second founding in 1994 (for details of NAPTOSA's second founding, see Chapter seven).

- To maintain and promote labour peace in education
- To prevent and resolve labour disputes in education
- To promote collective bargaining and perform dispute resolution functions
- To confer on workplace forums
- To conduct research, and to promote training and build capacity in education (ELRC, 2005)<sup>18</sup>

Although the ELRC ensured that teacher union concerns would be articulated during the process of policy development, the focus within the ELRC tended to give priority to the basic conditions of service of teachers as evidenced in its objectives. This created tensions between teacher unions themselves as they “did not necessarily share common visions because of their own separate ideological heritages. The ELRC serve[d] as a forum of teacher union affiliations which share[d] different conceptions of what are the ‘rights of teachers’, ranging from a strong labourist/ economic perspective (traditional trade union conceptions [read SADTU]) to a strong conviction on the ‘educational quality service role of teachers’ [read NAPTOSA]” (Samuel, 2004) (*cf. Chapters 6 and 7 for details on the ideological positions of the unions*). Nevertheless, the establishment of the ELRC was significant as it marked the institutionalization of teacher trade unionism in South Africa.

The early 1990s was also the period when the idea of a ‘dialectical unity’ between unionism and professionalism was mooted (Hindle & Simpson 1993). In time, even the older, ‘professional’ teacher organizations would come to accept and even embrace tenets of unionism. The National Education Policy Act of 1996 provided for the management of education along national and provincial lines, which compelled teacher unions to restructure to ensure a presence in the nine provinces. Moreover, in terms of the Act, government was required to consult with the organized teaching profession and other stakeholders in the area of policy development. It should be remembered, though, that the recognition of unionism by the state had followed a long struggle by the progressive

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<sup>18</sup> Education Labour Relations Council, 18 October 2005 <http://www.elrc.org.za/services>.

teacher unions since the early 1980s (cf. section 4.2.1), a struggle that had been underpinned by tensions between adherents to unionism, on the one hand, and professionalism, on the other.

With the dawning of a new, democratic government in South Africa, SADTU experienced phenomenal growth as more teachers joined its ranks, especially the younger generation of Black teachers. This was particularly the case from 1993-95, when about 80 000 teachers joined SADTU on the back of a massive recruitment drive and the fervour around South Africa's new democracy, taking its membership to close onto 100 000 (SADTU Congress Report, 1995: 17). SADTU's historical alliance with the pro-democracy movement led by the ANC proved decisive, following an ANC victory in the elections of 1994. The impetus for SADTU's meteoric rise in this period, therefore, was largely politically-inspired. SADTU would continue to sustain its membership growth over the next four years, but before delving into these statistics, it is necessary to evaluate the changes within the rest of the organized teaching sector.

NAPTOSA and its affiliates were confronted with challenges of their own as new legislation, cultural tensions and the politics of non-racialism caused them to fragment and restructure. When NAPTOSA was formed in 1991, most of its 16 affiliates were from the African Teachers Association (ATASA) and the White Teachers Federal Council (TFC). In November 1994, the United Teachers' Associations of South Africa (UTASA), representing Coloured teachers, joined them. A major blow to NAPTOSA's unity initiative was the withdrawal of its White Afrikaans-speaking teacher organisations in June 1996. Among the reasons cited for their withdrawal were the treatment of the Afrikaans language and its mother-tongue status, the inclination of some NAPTOSA affiliates to engage in resistance politics, and reservations concerning affirmative action (NAPTOSA Report, 1994-1998: 6). As a result, a third teachers' union, the Suid-Afrikaanse Onderwysersunie (SAOU), was established and duly recognised by the ELRC.<sup>19</sup>

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<sup>19</sup>On 27 August 2002, NAPTOSA and SAOU entered into a working agreement for the "purposes of negotiation, consultation and bargaining". A development with ramifications for the labour movement in

However, the tensions that resulted in the breakaway of the Afrikaner-bloc had been simmering within NAPTOSA for some time. At NAPTOSA's Standing Committee meeting on 19 February 1996, three affiliates – the Association of Professional Educators (APEK), the Cape Teachers Professional Association (CTPA) and the Natal African Teachers Union (NATU) – had articulated several concerns relating to the state of the federation. APEK and CTPA were concerned that no progress had been made towards establishing a unitary structure for NAPTOSA, which was a key reason for joining NAPTOSA in 1994. Together with NATU, the afore-mentioned organisations also expressed concern over the lack of racial representivity in the Executive Committee, among office staff and NAPTOSA's representatives serving on various departmental and other committees, including the composition of its bargaining team in the Education Labour Relations Council (ELRC). Both CTPA and NATU articulated obscure threats that its members might seek membership elsewhere, particularly within SADTU, if there was no progress in addressing these issues. As a result, many members from these disaffected affiliates joined SADTU and this defection translated into another reason for the tremendous boost in SADTU's membership during this period.

Between 1994 and 1998, several of the founding members of NAPTOSA merged with others to form new unions, under new names, or disbanded so that their members could join other affiliates. For example, the establishment of the National Union of Educators (NUE) in 1997 was a culmination of a merger process that started in 1995, involving the White Transvaal Teachers' Association (TTA), the Coloured Transvaal Association of Teachers (TAT), and the White South African Teachers' Association (SATA). This union brought together teachers from the provinces of Gauteng and the Eastern and Western Cape. The NUE has since extended its membership to include African and Indian teachers, with branches established in Alexandra, Lenasia, Mamelodi and Soweto in the

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SA was the establishment of the Confederation of South African Workers' Unions (CONSAWU) on 8 March 2003. One of the main reasons behind the move was the need for "a strong platform for the combined but independent and non-aligned unions in South Africa". NAPTOSA has been a prime initiator in the process, with its Executive Director, Henry Hendricks, serving as Chairperson of the confederation's Steering Committee. (NAPTOSA National Archives. A New Roleplayer: Welcome to CONSAWU. September, 2002, *NAPTOSA Update*, 2-3).

Gauteng province. It also has members in most other provinces and remains an influential affiliate within NAPTOSA.<sup>20</sup> In terms of a labour ruling that all references to racial groups be removed, a number of NAPTOSA's affiliates were unable to register as trade unions. Subsequently, these organizations in 1998 registered under new names, for example, the Natal African Teachers' Union (NATU) registered as the National Teachers Union (NATU) and the Transvaal United African Teachers' Association (TUATA) became the Professional Educators' Union (PEU).<sup>21</sup>

These developments were symptomatic of how the broader political and legislative dynamics of the transition had shaped the responses of teacher unions in different and contradictory ways. On the one hand, the formation of the NUE symbolized the willingness of some constituencies to embrace the new, non-racial democracy in South Africa, and leave behind the baggage of their racialised history; on the other, the concerns of 'Afrikaans' teachers over the erosion of their 'cultural' heritage, meant that some aspects of South Africa's political history would be perpetuated in the transition. At an ideological level, all the NAPTOSA affiliates were still bound by their commitment to professionalism, and, for the most part, were trade unions in name only.

SADTU's membership continued to show enormous growth, jumping from 106 000 members to about 200 000 between 1996 and 1999, a growth of 88.3%. It was only towards the latter part of 1999 that its membership peaked, and then experienced a slight decline, in the period thereafter. NAPTOSA's membership grew marginally, while SAOU experienced a similar decline to SADTU (see Table 2). Statistics reveal that the majority of teachers employed in mainstream schools, that is, both public and

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<sup>20</sup> Similar developments had unfolded in Kwa-Zulu Natal, where the White Natal Teachers' Society (NTS) and the Coloured Society of Natal Teachers (SONAT) merged to form the Association of Professional Educators of Kwa-Zulu Natal (APEK) (NAPTOSA National Archives. NAPTOSA Term Report, November 1994-October, 1998: 6; and interview with NUE official, 26 April 2002).

<sup>21</sup> On 1 November 2006, NAPTOSA was registered by the Registrar of Labour Relations as a trade union following the amalgamation of its affiliates, thereby signaling its change to operate as a unitary structure. This was a major organizational shift as it had hitherto operated as a federal structure (see sections 7.1, 7.5.2 and 7.7.2).

independent schools, belong to unions. In 2001, of the 354 201 teachers in the system<sup>22</sup>, approximately 97% (or 344 437) were members of unions.

**Table 2: Union membership**

	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>
<b>SADTU</b>	218 878	214 247	211 480	210 235
<b>NAPTOSA</b>	84 841	91 375	90 157	95 988
<b>SAOU</b>	46 920	43 878	42 800	41 315

*Source: ELRC Annual Report, 2002 & SADTU Congress Report, 2002*

The changing fortunes of teacher unions in relation to membership were accompanied by significant changes in their financial positions. For example, SADTU's income for 2001 comprised of membership subscriptions (60.5%); ELRC levies (15.6%); insurance commissions (9.5%); and grants, sponsorships and advertising (14.4%).<sup>23</sup> Based on rough calculations, SADTU's annual budget for 2003 was about R100 million. The ability of unions to maintain their custodial role, including the provision of 'professional' benefits (such as group insurance policies, financial investment schemes, holiday packages), depends substantially on their financial stability. Within this context, membership subscriptions are paramount. The financial power and stability of unions is an important aspect of their overall status in the education sector, enabling them to expand the quality of service to members and, more importantly, the quality of their influence in the education policy arena. SADTU's growth and improved financial autonomy since 1993

<sup>22</sup> As per the 2001 Snap Survey conducted by the Department of Education. A small number of NAPTOSA and SAOU members were believed to be from the pre-primary and ELSen/special schools' sectors, which were not accounted for in the department's survey (See Govender, 2004).

<sup>23</sup> SADTU National Archives. SADTU Secretariat Report, Book 2, 5<sup>th</sup> National Congress, ICC, Durban, Kwa-Zulu Natal, 8-11 September 2002, p. 92; Discussion with R. Naidoo, SADTU, 29 January 2003.

provided the basis for it to develop its policy and research capacity; on the other hand, its reticence in providing similar professional benefits for its members to those provided by its rivals contributed to a loss of membership and income. Generally, any perceived loss of political influence in the policy domain will ensure that membership competition and financial stability remain high on the agenda of teacher unions.

#### **4.8 The changed nature of teacher union-state relations in the 1990s: Implications for teachers' influence in education policy formulation**

As mentioned earlier, the apartheid state had favoured a conservative professional form of teachers' organization, which was challenged in the mid-1980s by the newly emergent teacher trade unions. This challenge had consolidated in the early 1990s, but would gradually give way to a 'new realism' as teacher unions began to adopt a 'professional unionist' approach in confronting the organizational and political challenges in the latter 1990s (cf. section 2.4.1 on the professionalism-unionism debate). Teacher unions may, therefore, employ strategies of unionism and professionalism, independently or together, depending on the particular historical, political and ideological conjuncture (Ginsburg et al, 1980: 206). The state also thrives on this potential. On the one hand, unions are given the space to defend members' interests; on the other hand, they are encouraged to work in partnership with government in the development of policy and to uphold standards of 'professionalism'. More specifically, the relationship with the state has been managed closely by the unions, in terms of membership strength, union cooperation and strategic alliances with labour, political parties and other stakeholders, both nationally and internationally<sup>24</sup>. The emergence of teacher unionism as a force in the mediation of teacher-state relations was also a historical product of the entrenchment of the labour movement in South Africa particularly with the formation of COSATU in the early 1980s.

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<sup>24</sup> Teacher organisations in South Africa have long had linkages with the international teaching fraternity. Since 1990, these linkages have been consolidated and strengthened. SADTU, for example, is an active member of Education International (EI), representing over 20 million teachers worldwide (SADTU National Archives. SADTU NEWS, March 1996, 4(1)).

An important development post-1994 was the ANC-government's recognition of teacher unionism as part of a democratic labour dispensation, thereby guaranteeing teachers' rights as workers. At the same time, the new government invoked the notion of teacher professionalism through the establishment of professional bodies, notably the South African Council for Educators (SACE), which was responsible for the professional registration of teachers and developing a professional code of conduct. The SACE's mandate does not extend to include discussion of broader education policy issues (SACE Act (No.31 of 2000))<sup>25</sup>. The Education Labour Relations Council (ELRC), although established to deal primarily with labour matters, also served as a forum for broader policy discussion and debate. These structures, arguably, contained teachers' activism within the confines of the boardroom, and as a result curbed teacher resistance and militancy, which had become an important element of SADTU's identity prior to 1994. Although the unionism/professionalism divide was part of an historical legacy, this study suggests that it was also a consequence of post-apartheid government management of teacher-union state relations: legislative accommodation of teacher unionism, on the one hand, and institutional accountability of teacher professionalism on the other.

With an increasingly favourable political and legal climate in the 1990s, teacher trade unionism became entrenched in South Africa, resulting in the rapid growth of SADTU. In the years following its establishment in 1990, SADTU confirmed its unionist policies as it strengthened its alliance with COSATU. Politically, the union has remained an important part of the ANC Alliance, and has maintained its commitment to the workers' struggle and the advancement of a socialist agenda in South Africa, in spite of tensions over the ANC-led government's economic policies (SADTU Congress Reports, 1995 & 2002). This has been associated with certain costs, notably the loss of senior leadership to government, and a consequential weakening of capacity within SADTU. It has also compromised the union's independence (see Chapter 6 for details).

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<sup>25</sup> The South African Council for Educators (SACE) had yet to be formally established in the years of SASA's development, although discussions between teacher unions and government for its formation were fairly advanced.

Besides the political dimension of teacher union-state relations, there were significant changes in the domain of labour issues. The road to achievements on the labour relations front had not been easy. It was only after many years of struggle that the labour rights of teacher unions were recognized. SADTU embarked on strike action in 1993 over salary disputes and the period was marked by ongoing tensions between SADTU and NAPTOSA, with allegations of the apartheid state's favouring of the latter (SADTU Congress Report, 1995:22). A year later, NAPTOSA and its affiliates had to deal, for the first time, with a pro-unionist government, and found the new labour environment somewhat intimidating:

*The ELRC and its committees such as the Bargaining Committee...became the main battlefield where...NAPTOSA had to adapt to the hard world of trade unionism and to operating in a hostile environment as the second largest employee party (NAPTOSA Report, 1994 -1998: 17).*

At the same time, SADTU, determined not to be perceived as a 'handmaiden' of the state, embarked on a National Day of Action on 12 May 1994, over the restructuring of education and other issues, barely weeks after the first democratic elections. In 1997, NAPTOSA clashed with the new government when the federation forced an agreement with the employer over the latter's partisan behaviour during collective bargaining (NAPTOSA Report, 1994 -1998: 18). This represented quite a turnaround in the fortunes of teacher organizations in South Africa, as under apartheid, it was the NAPTOSA affiliates that enjoyed a cosier relationship with government. That relationship had been underpinned by the state's anti-unionist stance and a reciprocal reliance on the ideology of professionalism.

In spite of these tensions, teacher unions have generally benefited from the new and more structured labour relations environment. The latter paved the way for increased cooperation between unions and also resulted in notable achievements around salary increases and parity, thereby addressing historical inequalities based on race and gender.

Pension and other benefits, such as medical aid and housing subsidies were brought in line with the public service at large. After a protracted struggle, including marches and rallies by teachers across the political spectrum, agreement was also reached on post provisioning and teacher retrenchment.<sup>26</sup> In part, these achievements may be attributed to closer working relations between teacher unions, as they gradually set aside historical differences and united around mutual interests. The state encountered united teacher resistance especially with regard to cutbacks in education spending and rationalization policies (Vally & Tleane, 2001). Teacher union struggles, therefore, extended beyond shop-floor concerns to embrace broader policy issues in the middle-to-later 1990s. The nature of contestation was typical of policy dynamics and social change, and brought to the fore issues of underlying power relations and control (see Bowe et al, 1992; Prunty 1985; Taylor, Rizvi, Lingard, & Henry, 1997), as well as issues relating to redress, policy ownership and the privileging of 'elites'. This was certainly the case when the ANC-led government took up the challenge to transform South Africa's education system.

Simultaneously, there was a gradual thawing in the attitude of NAPTOSA and SAOU to trade unionism, which culminated in affiliates within these organizations joining SADTU in strike action for the first time in August 1999.<sup>27</sup> The dispute, which centered on salary increases, was part of a larger public service strike organized by COSATU. Although still bound by their commitment to 'conservative professionalism', the two unions identified with the broader grievances of the public service at large, and this marked a turning point in teacher union cooperation. As a result, teacher unions' capacity to effect change and influence policy is not just a consequence of close relations with government but also with forces within civil society, such as the labour movement. At the same time, teacher unions' ability to forge a closer working relationship among themselves in dealing with traditional union concerns and 'professional' matters signaled a new realism in teacher unions' ideological and strategic practices.

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<sup>26</sup> NAPTOSA National Archives, Pretoria, NAPTOSA, *Report on the period 11 November 1994 to 28 October 1998*; SADTU National Archives, Matthew Goniwe House, Johannesburg, SADTU, Secretariat report to the Third National Biennial Congress, July 1995.

<sup>27</sup> Interview, Pieter Martins, CEO, SAOU, 28 January 2003 & NAPTOSA National Archives, Pretoria, NAPTOSA, *Report on the period 1 November 1998 to 31 October 2000*, p.12.

## 4.9 Conclusion

Teachers' participation in policy making in South Africa has historically been shaped by political and ideological forces. The apartheid state nurtured an exclusive policy terrain that privileged White teachers. At an ideological level teacher organisations that espoused a professional approach to education were privileged by the state. This situation changed drastically after 1994 when teacher unionism, non-racialism and democratic policy making became institutionalised. However, the changes did not translate into teachers having a powerful influence in education policy making although it did give them a voice. Some of the constraints on teachers' influence included the government's adoption of a neo-liberal macro-economic framework and the establishment of policy making mechanisms, such as the ELRC, which, in practice, were aimed at 'managing' teacher-union state relations. Significantly, what also emerged was that the emerging ANC-led democratic government was not very much different from its predecessor in using the ideologies of unionism and professionalism in their management of state-teacher relations. The one important difference being that the ANC-led government recognized unionism whereas the latter did not. This historical trajectory of states' manipulation of unionism and professionalism has been a characteristic of many states throughout the world (see section 2.4.1).

Nevertheless, the legacy of People's Education continued to reside in the minds of 'progressive' teachers and other education stakeholders as they continued to agitate, minimalist as this was, for representation on policy making structures. As a result, teacher organisations, especially the likes of SADTU, had to settle for second best, that is, unable to secure a more direct involvement in policy making there was consolation through representation on various policy structures. Chapter Five explores this and related themes in more detail.

## CHAPTER FIVE

### THE MAKING OF SASA: BALANCING STATE CONTROL AND DEMOCRATIC PARTICIPATION

*Some of the consultations, I would argue, were forced, and some of it was government policy, a model that included engaging with experts and the participation by different organised formations in the consultation process. We had to go through all those processes...But our view generally was that we are not against participation as long as it was not co-determination. That's the basis of our approach to policy-making (Interview, Thami Mseleku, Department of National Education).*

#### 5.1 Introduction

This chapter will focus on the key phases of the South African Schools Act's (SASA) development to provide the necessary background and framework for situating the subsequent chapters on teacher unions and the 'grassroots' experience. It provides a descriptive analysis of the policy making process of SASA, primarily from the perspective of the state, particularly the department of education and its policy makers. It also provides insights into civil society participation in the process, emphasizing the role of key education stakeholders. Three critical moments in the formulation of SASA denote its process as quite unique. These are the workings of the Committee to Review the Organisation, Governance and Funding of Schools (Review Committee), the Section 247 consultations, and the legislative process. These moments are of particular relevance because of their emphasis on public participation, and because each represented a significant moment in the struggle for ownership and control of policy making. Teacher unions were a key actor during these critical phases, but they were not the only actors.

As part of the analytical framing of the chapter, Hartwell's assertion that the "*primary challenge of an education policy commission [or committee] is to provide a*

*comprehensive, participative exercise in social learning, leading to significant educational change which is understood and supported by the public and the key actors in the educational system*", will be interrogated (1994: 51). In this study, the Review Committee constitutes the equivalent of the education policy commission. Hartwell's assertion, moreover, will be extended as a theoretical proposition to interrogate the two other phases in the formulation of SASA, namely the Section 247 consultations and the Parliamentary process. It will therefore be used as a frame for the study as a whole.

## **5.2 The formulation of SASA in the context of educational reform**

Following the ANC's election to government in April 1994, a non-racial, democratic National Ministry of Education was established. The new Ministry embarked on a major process of policy formulation over the next five years. A plethora of commissions, White papers and education Acts were produced, as the government sought to transform the education system from one that had been designed to satisfy the needs of a minority to one that would be responsive to the needs of all citizens. The period 1994-1996 was dominated by the drafting of Education and Training White Paper 1 (March 1995), and the various texts relating to SASA (outlined in section 5.3). Several policy documents relating to teachers were produced, for example, a Green Paper on Teacher Supply, Utilisation and Development. Ground-breaking labour legislation was also introduced to accord with principles of labour justice and respect for workers' rights (cf. section 4.5). As a result, South Africa became recognized internationally for having the most progressive labour relations legislation across sectors, including education.

Education and Training White Paper 1 constituted the "*first steps in policy formation by the Ministry of Education in the Government of National Unity*" (DoE, 1995: 13). It outlined various policy proposals that the new ANC-led government was going to embark upon. This included sections on the reconstruction and development of the education and training programme; the constitutional and organizational basis of the new system, such as the division of national and provincial functions; the funding of the education system; and the reconstruction and development of the school system, which provided an early

indication of government's plans relating to school ownership, governance and finance. However, the details of the government's proposals on a reorganized school system would ultimately become the subject of SASA, the key focus of this study.

The Schools Act (as it became widely known) essentially sought to revamp the organisation, governance and funding of schools in accordance with constitutional guidelines. It represented the new government's first major attempt to transform South African education by applying principles of equity and consistency throughout the school system (Motala, 1996). As noted in Chapter Two, education reform is one of the most contested in the public domain because of the vested interests of many stakeholders, not least of which are parents, religious bodies, the business sector, teachers and political parties. The development of SASA was no exception.

### *5.2.1 Historical and constitutional legacies*

Contestation relating to the organization, governance and funding of schools in South Africa has been an integral part of the country's socio-political history.

The issue of school *governance* had been the subject of contestation from the mid-1980s (see section 4.2.2), and became wrapped around the debate on centralization and decentralization of power to schools and the corresponding governance structures. Two traditions of governance had manifested themselves by the early 1990s, marked by different racial experiences. These were the democratic movement's Parent Teacher Student Associations (PTSAs) and the White Model C schools with their own form of governance structures. Historically, Black, Coloured and Indian schools were governed by management councils or school committees, with advisory powers only and were usually controlled by the principal (Grant Lewis & Motala, 2004: 117). As part of the educational protests of the 1980s, the democratic movement mooted the notion of democratically elected PTSAs, which emphasized the involvement of parents, teachers and students in decision-making. This idea would constitute the kernel of the democratic movement's policy proposal for school governance in the 1990s.

In contrast, the NP government proposed the notion of management councils for schools, with parents having greater power than teachers. This was the model of governance that became associated with the Model C school option, which the majority of White schools (about 96%) had chosen, when the NP government began implementing its Education Renewal Strategy in 1992. These schools had acquired significant autonomy and powers since then, especially in the setting of exorbitant school fees which had the effect of excluding poor children, who were mainly Black (Grant Lewis & Motala, 2004: 118). As a result, the status of these schools in the post-1994 dispensation became highly contentious, as their vision of a decentralized model of governance differed quite fundamentally from the democratic movement's vision of a centralized model. As will be demonstrated in Chapters Six and Seven, teacher unions with historically determined racial and political allegiances would position themselves on the opposing sides of this debate.

The issue of school *financing* was also hotly contested. The fulcrum of the debate was about achieving funding equity to ensure that Black schools would have the necessary funding to enable them to provide the kind of education quality that would at least be on par with their White counterparts. It soon became apparent to the new government that finding the necessary financial resources posed an immense challenge. The third dimension of SASA was about rationalizing the different types of schools in the system so that the *organization* of schools would be less complicated and easier to manage. Nevertheless, even here, there was heated debate, especially around state assistance to private or independent schools.

As part of the negotiations for a new political dispensation in the early 1990s, the contending parties had agreed on the drafting of a new constitution. Here again, clauses relating to education would become the centre of conflict. The NP had demanded an 'education clause' which would allow parents and students to choose the language of instruction in state schools; after much posturing and contestation by opposing sides, the ANC agreed to a compromise clause guaranteeing such a right where it could be

'reasonably provided'. Similarly, Section 247 of the Interim Constitution provided for bona fide negotiations with existing school governing bodies (primarily White schools) if any changes to their powers were to be contemplated by a new government. These provisions would eventually have a significant impact on the participation and influence of interest groups in the development of SASA. As will be discussed (cf. sections 5.3.2.1, 6.6.2 and 7.6.2), these clauses would not only extend the consultative process, but would become major areas of contestation in the development of SASA.

The formulation of SASA was mediated by political, constitutional and economic factors. Principles of inclusivity, transparency and, above all, the need to achieve maximum consensus, would come to characterize educational reform during this period. However, as expressed by a senior official of the DNE at the time, the extensive Section 247 consultations was brought on by the constitutional injunction and not by the state's democratic benevolence:

*The view that we took was that as long as we conducted business as required by statute or by the constitution, we would not be blamed or we would not be found not to have consulted (Interview, C.Madiba, DNE).*

### **5.3 Critical moments in the development of SASA**

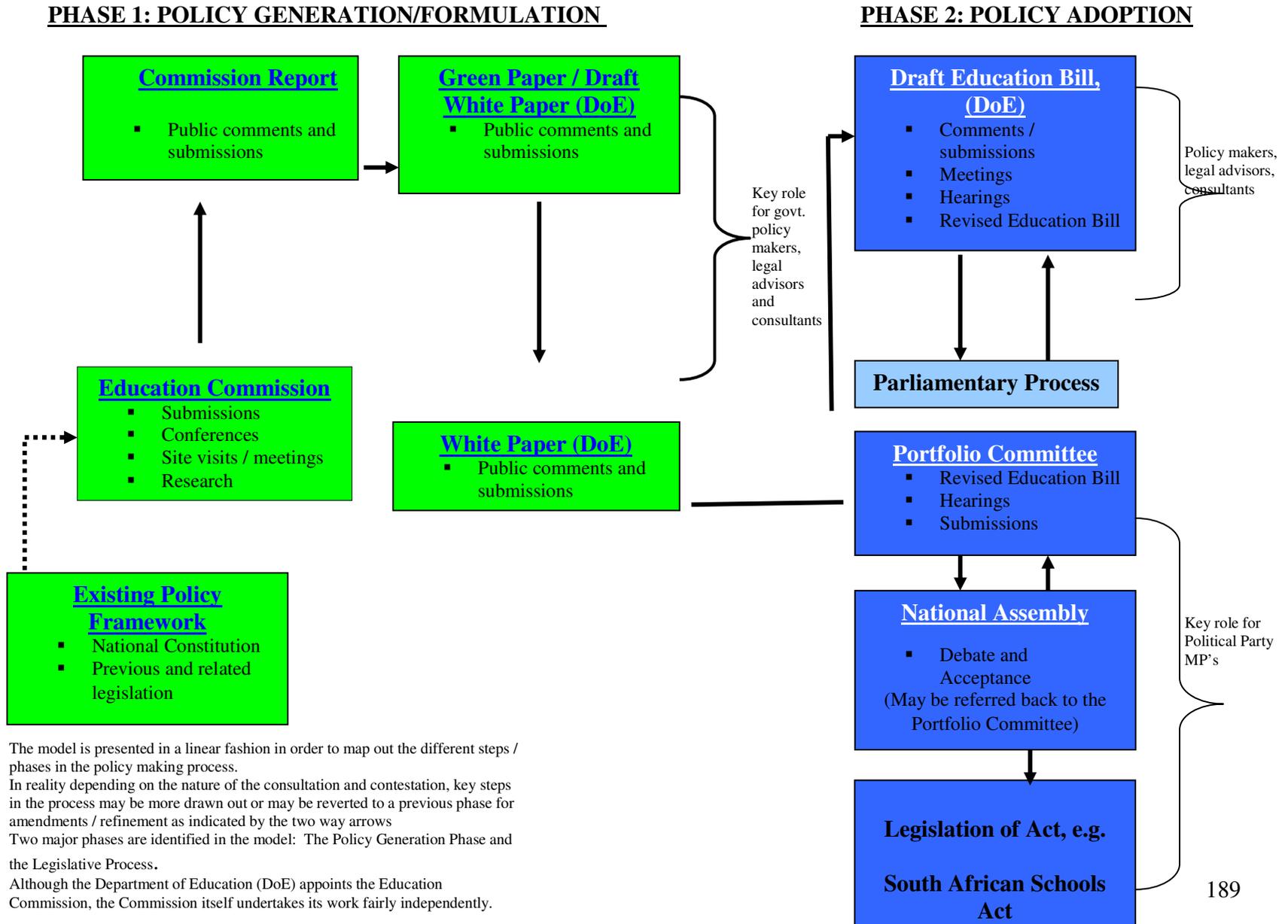
#### *5.3.1 Background*

Some analysts, notably Lungu (2001), have described the policy making process in South Africa as the White Paper process because of the stress on formulating national policies through this type of government document. According to Lungu (2001: 95), the process commences with the publication by a national department of a discussion document, often a product of a government-appointed think-tank or committee (see Figure 6). This is followed by an extensive research stage, consisting of exploring policy options, visits by members of the committee to various national sites and institutions abroad, and consultation with other government departments and relevant stakeholders. The next

stage is the release of the Green Paper, which highlights a number of issues/questions regarding a specific policy, and after approval by the national Cabinet, it is published for general comment. Thereafter, provincial workshops, parliamentary portfolio committee hearings and workshops on selected topics are held, often culminating in a national conference. The finalized policy options are then published in the form of a White Paper. From hereon, public policies follow either the Parliamentary process, beginning with a draft bill, or opt for an executive policy programme led by the national department concerned. The South African Schools Act of 1996 followed the former route. Lungu notes that the White Paper process conforms in large measure to the agenda-setting/policy generation and policy formulation stages described above: "*The emphasis in this process is on problem identification and definition, and generating a broad consensus on policy proposals and strategies*" (2001: 95).

The parliamentary or legislative process builds on the White Paper process, beginning with a draft bill by a national department (cf. Figure 6). The draft bill is refined and redrafted and submitted to the National Assembly or the National Council of Provinces in Parliament. It is simultaneously referred to the relevant portfolio committee for consideration. These committees typically conduct public hearings and revise the bill and then resubmit it to one of the houses of Parliament. After one house approves the bill it goes to the other; when both houses of Parliament have approved the Bill, it is presented to the President for signing off and then published as an Act of Parliament, thereby bringing it into law. In Lungu's description, the legislative process is essentially the policy adoption stage (2001: 95).

**FIGURE 6: A GENERIC MODEL OF EDUCATION POLICY MAKING**



**Notes:**

1. The model is presented in a linear fashion in order to map out the different steps / phases in the policy making process.
2. In reality depending on the nature of the consultation and contestation, key steps in the process may be more drawn out or may be reverted to a previous phase for amendments / refinement as indicated by the two way arrows
3. Two major phases are identified in the model: The Policy Generation Phase and the Legislative Process.
4. Although the Department of Education (DoE) appoints the Education Commission, the Commission itself undertakes its work fairly independently.

### *5.3.2 The policy making process of SASA*

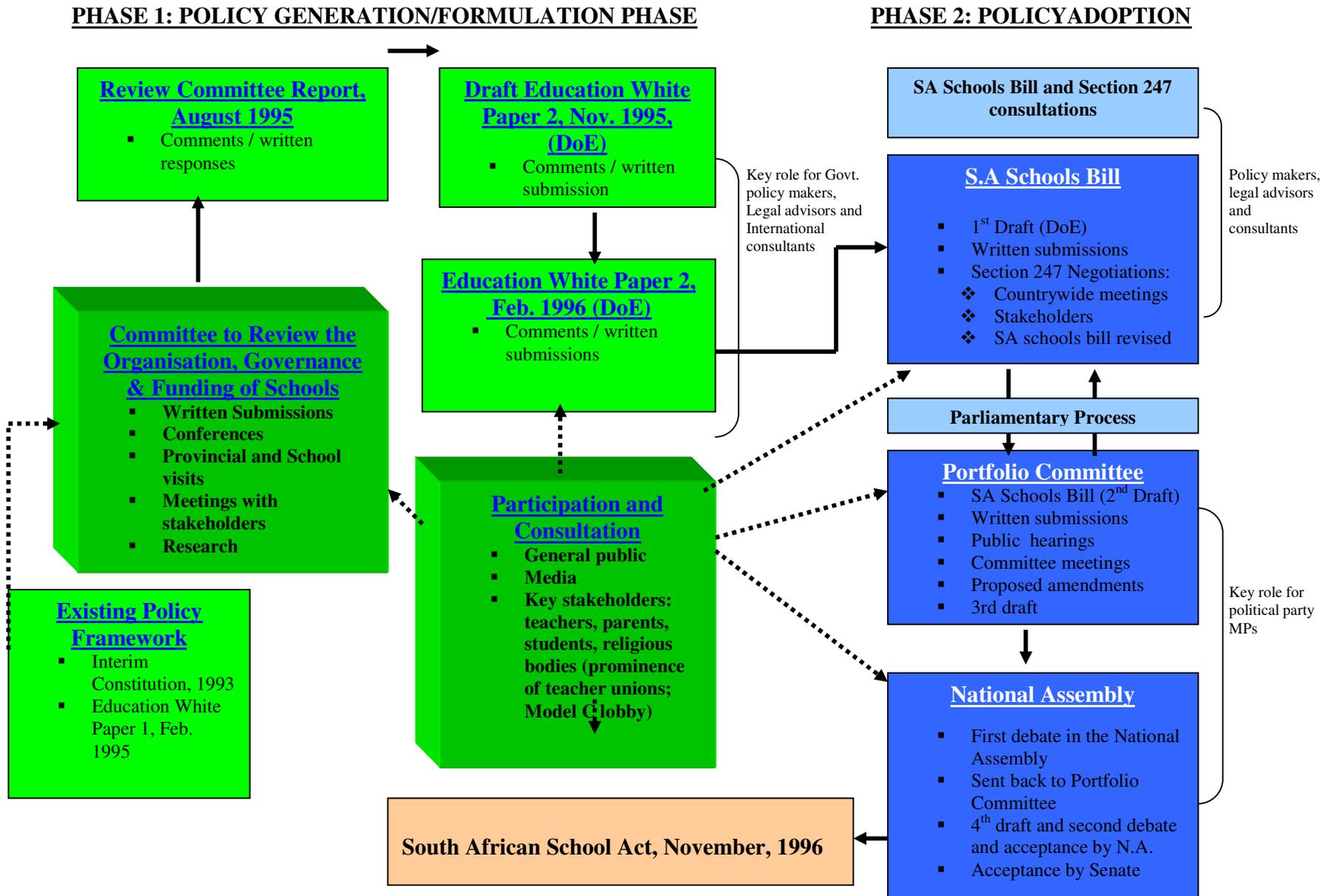
Education policy making in South Africa in the post-1994 era has followed a similar format to that described by Lungu (2001), with variations according to the sector and issues involved. Figure 6 illustrates a generic model of education policy making and Figure 7 illustrates the model that was followed in the formulation of the South African Schools' Act. Two key phases are identified in both the models: Phase 1: The Policy Generation/Formulation Phase (The White Paper Process) and Phase 2: The Policy Adoption Phase (The Legislative Process). For the South African Schools' Act, Phase 1 had an added dimension: The Section 247 Consultations. This serves to underline the uniqueness of the constitutional requirement for government to undertake specific consultations arising from the political negotiations, and because the Section 247 consultation process afforded stakeholders further opportunity to participate in the policy formulation of SASA.

Figure 7 and Information Box 3 provide a detailed description of the evolution of SASA. As depicted in Figure 7, the process began formally with the work of the Committee to Review the Organisation, Governance and Funding of Schools (hereafter referred to as the Review Committee) in April 1995. The Review Committee Report was followed by two White papers (Draft Education White Paper 2 (equivalent to a Green Paper), November 1995 and Education White Paper 2, February 1996). The two White papers formed the government's responses to the Review Committee Report. [These are shown in the center column of Figure 7]. The February 1996 version of White Paper 2, following amendments based on various submissions, was eventually published as the South African Schools' Bill, which after a lengthy process of public deliberation and contestation (occasioned primarily by the constitutional requirement embodied in Section 247 of the Interim Constitution of 1993), was revised and presented before Parliament in August 1996. The South African Schools Bill (Draft 2) would undergo two further revisions following the extensive legislative/parliamentary process before being passed

Teachers' participation in policy making: The case of the South African Schools Act

by Cabinet to become the South African Schools Act in November 1996. [cf. third column of Figure 7 shown as Phase 2: The Legislative Process].

**FIGURE 7: THE MODEL OF EDUCATION POLICY MAKING FOR THE SOUTH AFRICAN SCHOOLS ACT**



Key:  
DoE – Department of Education

Teachers' participation in policy making: The case of the South African Schools Act

Information Box 3 outlines in tabulated form the constituent aspects of the phases depicted in Figure 7.

### **Information Box 3: The Formulation of the South African Schools Bill**

#### **THE FORMULATION OF THE SOUTH AFRICAN SCHOOLS BILL**

##### **1. The Policy Generation/Formulation Phase**

Interim Constitution

White Paper 1, February 1995

Review Committee Report, August 1995 and submissions in response

Draft White Paper 2, November 1995, and submissions in response

White Paper 2, February 1996

##### **2. The Policy Adoption Phase**

###### ***2.1 SA Schools Bill and Section 247***

SA Schools Bill, Draft One and responses

Section 247 meetings across the country

Meetings in Pretoria with representative organizations

###### ***2.2 Into the Parliamentary process***

SA Schools Bill, Draft Two

Cabinet Approval (31 July & 7 August)

Portfolio Committee on Education: written submissions, public hearings, committee meetings, amendments proposed

SA Schools Bill, Draft Three, first debate in the National Assembly

Reconsideration by the Portfolio Committee (fourth and final draft)  
Final Acceptance by Assembly and Senate  
Passed into legislation as the South African Schools' Act, Number 84 of 1996  
on 6 November

In the sections that follow, the key phases of SASA's development as outlined above will be discussed in further detail.

*5.3.3. Phase One: Generating Consensus: From the Review Committee to Education White Paper 2 (April, 1995 – February, 1996)*

Although the Interim Constitution and White Paper 1 had established a basis for the development of policy on schools (depicted as Existing Policy Framework in Figure 7), the real business of exploring options for a future schools' policy in South Africa commenced with the appointment of the Review Committee in 1995 (the Agenda-setting or Policy Generation component of Phase 1 reflected as the shaded section in the extreme left column of Figure 7).

5.3.3.1 Background

As noted in Chapter Two (cf. section 2.5), the education commission has become synonymous with policy making in Anglophone countries on the African continent. Prevailing political and economic conditions have often provided the context within which such commissions or committees are established. One of the main reasons for advocating its use is its propensity to generate public participation and involvement in policy making (Evans, et al, 1996). In developing SASA, a similar commission, the Review Committee was established; part of the motivation for its establishment was the need for widespread public consultation (cf. Terms of Reference of the Review Committee later in this section).

Historically, commissions in South Africa have been used in a narrow, technicist<sup>28</sup> fashion, with little or no public participation (Cross, 1999; Davies, 1984), as a brief review on the subject illustrates. In the 1930s, under the Hertzog-Smuts United Party government, the Interdepartmental Committee on Native Education was set up as part of a broader state initiative to ascertain the economic and social position of Black people. The commission was dominated by senior state officials, with the exception of one senior Afrikaner academic, E.G. Malherbe, then Director of the Council for Educational and Social Research. It was critical of missionary education, argued for some preservation of Native culture, advocated for a liberal approach, and rejected total segregation (Cross, 1999:80). Another commission, the Eiselen Commission (1949-1953) was appointed to give effect to the NP government's apartheid ideology. Its members were mainly academics, both White English-speaking and Afrikaans-speaking. The commission, under the chairmanship of Dr WWM Eiselen, recommended the concept of Bantu education in which schools would serve to reinforce the social institutions of 'Bantu' society. According to Cross (1999:81), academics such as Eiselen and others advocated racial segregation as the condition for the preservation of European culture, White supremacy and Afrikaner identity. These ideas formed the basis of several commissions in the 1930s and 1950s.

The establishment of education and related commissions in South Africa has also had a strong correspondence with concerns of capital and big business at particular crisis points, particularly from the 1940s onwards. The needs of commerce and industry have prompted calls for educational reform over many decades. These calls were not unrelated to the unfolding political and economic crises in South Africa. The launch of the Urban Foundation by two of South Africa's major capitalists, Harry Oppenheimer of Anglo American and Anton Rupert of the Rembrandt Group in November 1976, symbolized the 'political economy' pressures of the time (Davies, 1984: 353). As a result of such developments, a reluctant apartheid state was pushed into contemplating educational reform.

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<sup>28</sup> The term 'technicist' is used in this thesis to refer to highly sophisticated and technical methods, such as statistical techniques and economic modeling in describing the rational, expert-driven approach in policy making (cf. section 2.6.2 for details).

Following a state-capital summit meeting on 22 November 1979, the government announced in June 1980 the establishment of a commission of inquiry into all aspects of education to be undertaken by the Human Sciences Research Council under the chairmanship of JP de Lange (Davies, 1984). Davies notes that the state-capital partnership had its origins in earlier commissions, which had emerged in the context of securing “*co-optation and [to] remove the obstacles of capitalist development*” (1984: 355). The first of these, the Wiehahn Commission on industrial relations recommended the removal of the industrial colour bar legislation, a consequence of which would be a greater role for education and training in meeting labour market needs. The Riekert Commission was tasked with investigating the proper utilization of ‘manpower’ in the urban areas, leading to recommendations for the state’s educational apparatus to implement labour training policies. However, by 1980, very little was accomplished by the government in responding to these recommendations. Arguably, the setting up of commissions of inquiry by the state in these earlier decades may be seen as stalling mechanisms to appease powerful interests, such as business. It also served a direct legitimization purpose for the government of the day.

The composition and processes of these commissions were largely technicist and bureaucratic in orientation. The members usually comprised a few experts and government bureaucrats. There was little attempt to solicit public opinion and participation. Therefore, they did not serve a social dialogue purpose. In the post-1994 era, however, a noticeable shift in approach may be discerned. Two examples illustrate this shift. First, the ANC’s Reconstruction and Development Programme (see 4.3.4), which was published in 1994, was the culmination of a long process of consultation within the democratic movement. As expressed by Nelson Mandela, then President of the ANC, in the book’s Preface:

*The document is the result of many months of consultation within the ANC, its Alliance partners and other mass organizations in the wider civil society. ... The RDP was not drawn up by experts – although many, many experts have participated in that process – but by the very people that will be part of its implementation (ANC, 1994).*

Although the RDP was a political manifesto and not the work of a policy commission, it does illustrate the new mindset that had begun to permeate South Africa with regard to participation in policy-related initiatives. The ANC's conception of the contribution of 'experts' to policy making as part of a wider process of engagement with civil society in the years preceding its status as the ruling party in government is also significant (SADTU, as an ally of the ANC, held similar views with regard to the notion of 'expertise' (see section 6.5)).

Second, Education White Paper 1, released in March 1995, was the product of a long process of consultation and discussion, first as part of the NEPI process and then in the ANC's development of its *Policy Framework for Education and Training* (see section 4.3.2). The White Paper itself was first published as a draft document to solicit public comment. There was extensive media coverage and many individuals, organizations and institutions made submissions (DoE, 1995:5). As will be seen, the process pursued by the Review Committee on School Organisation, Governance and Funding, which followed closely on the heels of Education White Paper 1, would set a new precedent for consultations and participation in policy making in South Africa. This thesis, however, does not intend to romanticize this shift, but instead subject it to critical scrutiny, especially the extent to which the content and nature of teachers' participation contributed to the consolidation of democratic practices in policy making.

#### 5.3.3.2 The South African Schools Review Committee (April – August, 1995)

The Committee to Review the Organization, Governance and Funding of Schools was established in April 1995 by the then Minister of Education, Prof. Sibusiso Bengu. The committee was charged with the task of providing an initial framework that would lead to legislation on schools in accordance with the Constitution and Education White Paper 1 of March 1995.

**Information Box 4: Terms of Reference of the Review Committee**

**THE TERMS OF REFERENCE OF THE REVIEW COMMITTEE**

To analyse and describe the current pattern of school organization, governance and funding in terms of existing laws and regulations.

On the basis of legal opinion, to advise on the implications of the 1993 Constitution in respect of school organization, ownership, governance and funding.

To commission research, and to take submissions, both written and oral, from whomever it wishes, on the current and future pattern of school organization, governance and funding.

In the light of the above, and taking into account the broad statement of principles contained in White Paper 1 to make recommendations to the Minister of Education on a proposed national framework of school organization and ownership, and norms and standards on school governance and funding, which, in the view of the Committee, are likely to:

- command the widest possible public support;
- accord with the requirements of the Constitution;
- improve the quality and effectiveness of schools; and
- be financially sustainable from public funds.

*Summarised from DoE Report of the Committee to Review the Organization, Governance and Funding of Schools, 1995:2*

Significantly, the ANC-led Government of National Unity's (GNU) policy agenda for compromise and consensus-seeking revealed itself from the outset of the development of SASA as encapsulated in Information Box 4 on the 'Terms of Reference'. It was also

clear that the work of the Committee would be guided by constitutional provisions, thereby signaling from the outset that policy making is an inherently legal process, notwithstanding the political spaces afforded for dialogue and debate.

*a) Composition of the Committee*

In inviting nominations, the Minister of Education stressed that while members appointed to the Committee would be expected to serve in their personal capacities, and would be selected individually on the basis of expertise, experience, knowledge and judgment, the overall composition of the Committee would reflect the principle of representivity. At the outset, this decision placed a great deal of tension and challenge in the work of the Committee and brought to the fore critical questions such as:

- Would individuals associated with particular interest groups such as teachers and parents undertake their work in a dispassionate and objective manner, given the unprecedented nature of working in a committee that aimed to reconcile diverse interests and aspirations?
- What about the political allegiances of participants given the context of transformation within which the work of the Committee was being undertaken?

In effect, this thesis will attempt to provide answers to these questions.

In the end, the Committee comprised seventeen members, including experienced school managers, researchers, policy analysts and stakeholder representatives (see Information Box 5). The members were drawn from different schooling traditions and political perspectives. The Chairperson served as a full-time member, together with an administrative secretary, while the other members were part-time, working on average two days a week for about five months (Review Committee Report, 1995:7)

**Information Box 5: Members of the Review Committee**

Prof. Peter Hunter (Chairperson), Professor Emeritus in the Faculty of Education, University of the Witwatersrand

Mr Eliam Biyela, Professional Secretary, Natal African Teachers' Union (NATU)

Mr Reg Brijraj, Head of Mathematics, Daleview Secondary School, Mt Edgecombe, and Vice-President of the South African Democratic Teachers' Union (SADTU)

Mr Jonathan Godden, Education Policy Analyst, Centre for Education Policy Development (CEPD)

Mr Peter Buckland, Director, Education Policy and System Change Unit (EDUPOL), National Business Initiative

Mr Mark Henning, National Director, Independent Schools Council

Dr Adele Gordon, Co-ordinator, Rural Education Facilitators Project, Centre for Continuing Education, University of the Witwatersrand

Mrs Gugulethu Mtombeni, Biology Adviser, Department of Education, Kwa-Zulu Natal

Dr Neil McGurk, Programme Manager: Culture of Learning Presidential Lead Programme of the Reconstruction and Development Programme (RDP) and Headmaster of Sacred Heart College, Johannesburg

Mr John Pampallis, Director, Education Policy Unit, University of Natal, Durban Campus

Dr Anbanithi Muthukrishna, Lecturer, School of Education, University of Natal, Durban Campus

Mrs Naomi Peagam, Vice-Chairperson, Western Cape Parents and Schools Association

Professor Thomas Park, Professor of Didactics, University of Stellenbosch

Mr Zolile Siswana, Assistant Project Manager in the Culture of Learning Presidential Lead Programme of the Reconstruction and Development Programme (at the time of his appointment National Organiser to the National Education Co-ordinating Committee (NECC))

Ms Angelina Ramorola, Director, Capacity-Building, Reconstruction and Development Programme (RDP)

Professor Jacobus Steyn, Director, Co-ordination and Planning, Transvaalse Onderwysersvereniging (TO)

Dr H T (Hennie) van Deventer, Chairperson, Federation of Parents Associations of South Africa and Chairperson, South African Federation of State-aided Schools

**Source:** Review Committee Report, 1995

The composition of the committee reflected a clear acknowledgment of the value attached to the role of academics and policy experts, who took up seven of the seventeen positions, including that of Chairperson. It is also important that at least three persons were from the government's Reconstruction and Development Programme (RDP). The new government, the GNU, had agreed that the RDP, together with the Interim Constitution would constitute critical reference points in the development of policy. Parent and school associations (essentially White<sup>29</sup>) were also well represented, as were

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<sup>29</sup> Black parents had not been organized in any way at the national level at the time.

the major teacher unions, thereby ensuring the participation of key education stakeholders.<sup>30</sup> The composition of the committee sought to embrace a broader range of interests than earlier commissions. It is important to note, however, that the composition retained an 'expertise' or 'education knowledge' base, as all the participants were from various organizations involved in the education enterprise.

It is equally important to note the political background of many of the representatives. As Ginsburg (1995) and Bowe et al (1992) remind us (cf. section 2.6), education policy making is primarily a political process, in which conflict and contestation loom large. The political allegiance of several members of the Committee, especially the organizations and constituencies they represented, was well established. The Natal African Teachers Union (NATU) (and by association, its representative, Eliam Biyela) had a long history of identification with the political aspirations of the Inkatha Freedom Party (IFP) in Kwa-Zulu Natal. SADTU (Mr. Rej Brijraj) and the NECC (Mr. Zolile Siswana) were openly committed to the ANC Alliance, whereas the Centre for Education Policy Development (CEPD) was, and continues to be, the ANC education policy think tank. Mr. Jonathan Godden, an education policy analyst at the CEPD, and Mr. John Pampallis, Director of the Education Policy Unit, University of Natal, Durban, and a known ANC education activist, who had been head of the ANC's education training department when the movement was still in exile in Tanzania were widely recognized as supporters of the democratic movement, as was Dr. Adele Gordon, then Co-ordinator of the Rural Education Facilities Project, Centre for Continuing Education, University of the Witwatersrand. Dr. Neil McGurk was well known as a pro-democratic change person, whose institution, Sacred Heart College, was one of few schools that had challenged apartheid dogma prior to 1994. Both Dr. McGurk and Ms. Angelina Ramorola, as part of the senior management of the RDP, by association, would be regarded supporters of the ANC.

The membership of the Transvaalse Onderwyserunie (TO) (represented by Professor Jacobus "Koos" Steyn), comprising White Afrikaans-speaking teachers, had strong

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<sup>30</sup> The case study chapters of teacher unions that follow explore in detail the experiences of the teacher union representatives in the work of the Committee.

allegiance to the NP and other smaller White-based political parties. Similarly, the Federation of Parents Associations of South Africa, the South African Federation of State-aided Schools (Dr. Hennie van Deventer) and the Western Cape Parents and Schools Association (Mrs. Naomi Peagam), would primarily have identified with policies of White political parties, both English and Afrikaans-speaking, as their membership cut across linguistic divides. The political allegiance of other members of the Committee was less certain. Nonetheless, the extreme positions articulated by the White schools' lobby and representatives of the democratic movement were counterbalanced/mediated by the voices of moderation, represented largely by non-activist academics and educationists, such as Mrs. Gugulethu Mtombeni, Biology Adviser, Department of Education, Kwa-Zulu Natal, Dr. Anbanithi Muthukrishna, Lecturer, School of Education, University of Natal, Professor Thomas Parks, Professor of Didactics, University of Stellenbosch, and, of-course, the chairperson of the Committee, Professor Peter Hunter, who had been appointed largely for his reputation as being a neutral academic, who would bring a sense of balance and realism to the work of the Committee. This grouping was regarded as politically non-aligned, although they would have been largely supportive of the political changes towards the establishment of a democratic dispensation in South Africa. Mr. Peter Buckland (National Business Initiative) was known as a progressive policy analyst in some circles, although his association with the National Business Initiative (NBI), by implication, placed him in the 'neoliberal' camp; as was the case with Mr. Mark Henning of the Independent Schools Council. It would be fair to state that "expert authority", as well as the widely representative backgrounds of the committee members had much to do with the various compromises reached in the Committee's work, which are reflected in the Committee's main recommendations (cf. Information Box 7).

***b) The Work of the Committee: An instrument of public participation and social dialogue?***

The Committee met for the first time on 6 April 1995. Overall, the Committee held one three-day and nine two-day meetings, the final one on 24 and 25 August 1995. All the meetings were held at the head office of the national Department of Education, Pretoria. Besides these meetings, teams of Committee members (in some cases the full Committee) participated in the various activities of the Committee across the country. These included briefings, visits to provinces and conferences.

***i) Briefings***

At its very first meeting the Committee was briefed by Professor Sibusiso Bengu, the Minister of Education, Mr Renier Schoeman, the Deputy Minister of Education, and by the Director-General of Education, Dr Chabani Manganyi. There were other briefings by various experts and representatives during the course of the Committee's work, which focused on (Review Committee Report, 1995: 11):

- Constitutional provisions on schooling, by Advocate Matthew Chaskalson and by Professor EFJ Malherbe, professor in Public Law at the Randse Afrikaanse Universiteit;
- Labour law in education, by Mr. Tinus Maree;
- School funding, Dr Gert Steyn, Chief Director: Education and Training Resources, national Department of Education, and Professor Anthony Melck, of the University of South Africa, Vice-Chairperson of the Financial and Fiscal Commission; and
- Perspectives on farm schools, by five leaders of the South African Agricultural Union (SAAU) and its provincial affiliates, led by Mr. M van Niekerk and a

group consisting of representatives of the following organizations: National Union of farmworkers, Network against Child Labour (NACL), Farmworker Research and Resource Project (FRRP), Rural Education Forum (REF), and the South African Agriculture and Plantation Allied Workers Union (SAAPAWU).

It is important to note the preponderance of the 'voice of moderation' associated with a number of persons involved in these briefings. To begin with, the ANC's own Minister of Education, Professor Bengu, was regarded as a moderate education reformer, as was his chosen Director-General, Dr. Manganyi, regarded as a surprise appointment within the MDM because of his political neutrality. Mr. Renier Schoeman, the Deputy Minister was a National Party MP, and together, this triad of political and administrative heads of education represented a solid foundation for compromise and consensus-seeking in the education policy domain during the ANC's first five years in government. This was consistent with the overall tone of political reconciliation of the ANC government under the leadership of Nelson Mandela (1994-1999).

It is also significant to note the role played by Afrikaner academics with regard to the legal and financial aspects of the Committee's work. Tinus Maree was a legal advisor to the TO, the Afrikaans teachers' body that had been affiliated to NAPTOSA. The expertise of Anthony Melck, a UNISA academic, with experience in fiscal policy, was also drawn on by NAPTOSA in developing their submissions on school funding (see Chapter Seven). Both the new government's Review Committee and teacher unions representing largely White minority interests utilized to some extent similar sources of expertise. The various briefings focused mainly on technical aspects of policy making, such as those relating to legal and financial issues. Indeed, the 'technicist' nature of the Committee's work, underlined by a reliance on experts in law, education funding and policy analysis, was perceived as compromising the role and influence of some members of the Committee. In the words of the SADTU representative, Rej Brijraj:

*It was a very technical exercise as if the Committee was not grappling with the aspirations of the majority of the people. The total package of reforms had become diluted because of the expert inputs by conservative unions and*

*their allies. There were similar dynamics in other education policies [being developed at the time] - the highly technical nature of proceedings for which the conservative teacher unions were better prepared (Interview, Rej Brijraj, SADTU and Member of Review Committee).*

## **ii) Conferences**

An important aspect of the committee's work was members' participation in several conferences that dealt with issues relating to its brief. There were two types of conferences: first, those that were jointly organized by the government and university policy units or think tanks; and, second, one conference organized by a particular constituency.

The academic nature of the conferences provided the ideal platform for members of the Review Committee to be exposed to sober judgment and objectivity. This satisfied the terms of reference of its work particularly with regard to seeking consensus and meeting diverse interests. This dimension of the Committee's work was highlighted in its report:

*Members of the Committee came to this assignment [participation in various conferences] from a variety of perspectives and backgrounds of educational experience. The enquiries and discussions were conducted in a good spirit throughout, and members often exhibiting different emphases in their interpretations, **showed a willingness to compromise.** (Review Committee Report, 1995:14 - Own emphasis).*

The first conference was held in Durban, South Africa on 25-26 April 1995 on the theme, *Towards a new framework for school organization*. The conference was jointly hosted by the national Department of Education and the Education Policy Units of the Universities of Natal and the Witwatersrand (Wits EPU). In many ways, this conference represented the start of the Review Committee's engagement with education stakeholders on issues relating to its work. The conference was officially opened by the then Director-General in the Department of National Education, Dr. Chabani Manganyi, who outlined briefly

the functions of the Review Committee and introduced its chairperson, Professor Peter Hunter.

The composition of conference participants included academics and researchers, representatives from government, NGOs, students and teachers, for example, participants included Mr. John Pampallis, Director of the Education Policy Unit, University of Natal; Mr. Henry Stone, Superintendent-General of the former Department of Education, House of Assembly; Mr. Nazir Carrim, University of the Witwatersrand, School of Education; Advocate Matthews Chaskalson, Mr. Leon Tikly, University of the Witwatersrand, Education Policy Unit; Ms Jane Hofmeyr, Urban Foundation; Dr. Blade Nzimande, Chairperson of the Parliamentary Portfolio Committee on Education; Dr. Huw Davies, Executive Director, NAPTOSA; Mr. Duncan Hindle, President, SADTU; Mr. Enver Motala, Gauteng Department of Education; and Mr. Renier Schoeman, Deputy Minister of Education. There were also representatives from the Congress of South African Students (COSAS); the Federation of State-Aided Schools (FEDSAS), a national school governing body association representing White schools; and the Rural Education Forum, an NGO. Besides its chairperson and John Pampallis, other members of the Review Committee who participated were Mr. Peter Buckland, Mr. Reg Brijraj and Mrs. Gugulethu Mthombeni.<sup>31</sup>

The conference programme provides useful insights into what the conference hoped to achieve. It commenced with an input by Professor Peter Hunter on the objectives and intended processes of the Committee's work, such as commissioning research, considering written and oral submissions, and undertaking provincial visits. This was followed by a paper from John Pampallis on *School Organisation in South Africa: What we have inherited and what we can do about it?* The respondents were Dr. Henry Stone and Mr. Nazir Carrim, thereby pitting a conservative academic (the former) against a progressive one; followed by a plenary discussion. The core sessions of the conference comprised commissions on key topics and position papers by representatives from various organizations. There were four parallel sessions:

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<sup>31</sup> SADTU National Archives, Matthew Goniwe House, Johannesburg, Conference file of delegate, JJ Mabena, Conference: *Towards a new framework for school organization*, Durban, 25-26 April, 1995.

- Session 1: Constitutional implications (led by Matthews Chaskalson);
- Session 2: Towards a New Framework of School Finance and Governance (led by Leon Tikly);
- Session 3: Governance Structures: Participants, Powers and Processes (led by Peter Buckland); and
- Session 4: Redistributing Human and Material resources (led by Jane Hofmeyr).

The various conference participants including the Review Committee members as well as teacher union representatives distributed themselves in the various commissions. The first day of the conference ended with a dinner address by Dr. Blade Nzimande, Chairperson of the Parliamentary Portfolio Committee on Education (and a senior ANC MP), on the topic: *Towards a new framework for school organisation*. The paper captured, at a very early stage in the development of SASA, the main areas of contestation, such as allocation of resources, the future status of Model C schools, roles of parents and students in school governing bodies (SGBs), constitutional matters and powers and functions of SGBs.

The second day of the conference was devoted to 'position papers' of various organizations. These were, the National Association of Professional Teachers' Organisations of South Africa (NAPTOSA) – a paper by Huw Davies (the association's Executive Director at the time) entitled, *Some thoughts on the Financing, Governance and Structuring of Schools*; the South African Democratic Teachers' Union (SADTU) – a paper by Duncan Hindle (the union's Vice President for Education at the time) entitled *Towards a new Framework for School Organisation*<sup>32</sup>; and the Rural Education Forum – a paper by Charles Nwaila entitled *Towards a new Framework for School Organisation*. COSAS and FEDSAS were also represented but did not present formal papers. The rest of the conference was devoted to commission report backs and conference summaries.

The observations of a delegate, Mr. J.J. Mabena, regarding the closing address to the conference by the Deputy Minister of Education, Mr. Renier Schoeman (a National Party

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<sup>32</sup> The teacher union papers are analysed in Chapters Six and Seven (cf. sections 6.6.1 and 7.6.1)

MP), and the former's comments on the conference as a whole are worth noting as they capture much of the tension and politicking that characterized the conference:

*The conference was well organized. It monopolized all the expertise across the country...The strong point of a conference of this nature [are] the commissions. The commissions afford all the delegates a chance to contribute. Commissions need to be well briefed and their topics well defined. Although I am not criticizing the definition of topics of this conference, I must say that some of the commission leaders had a different agenda.*

And

*...he [Renier Schoeman] indicated clearly that the principle of inclusivity was marginalized at the conference because all the Afrikaans universities were not invited to participate. By so doing, conference did not recognize the diversities that exist in the country.*

One of the issues that was hotly debated at the conference was the future of Model C schools.<sup>33</sup> Many delegates, especially those from the democratic movement expressed concern that too much attention was being given to the protection of these White schools. This was evident, for example, in the summary report of one of the delegates, Mrs. Gugulethu Mthobeni, as paraphrased by Mr. J.J. Mabena:

*She reminded the conference that we are actually dealing with change and we should not be compromising. She criticized the conference for spending two days talking about Model C schools and neglected the 87% of the schools that have all types of crisis. With regard to governance and finance,*

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<sup>33</sup> Model C refers to the category of White schools which chose to remain state-aided, when they were given certain options in 1992 under the National Party government – the state continued to pay only the salaries of permanent teachers while the school governing body would be responsible for the running costs of these school. This category constituted 94% or 1860 of all White schools. (See section 8.2 for details)

*the privately paid teachers are the issue of concern not the privileged minority.*

As a result, from the outset, the future of Model C schools became the center of controversy as it impacted on the issues of equity, privilege and the difficult decisions relating to school funding. In many ways, the government (and the Review Committee) used the conference as a sounding board to gauge the opinions of key stakeholders in education to get a sense of what the main areas of contestation, and who the main protagonists, were likely to be. It was also an opportunity to tap into some of the best academic minds on the challenges faced by the Committee – this was evident from the conference programme. Subjecting the work of the committee to academic and ‘expert’ scrutiny is a way of gaining legitimacy for the process. This notion was reinforced in subsequent conferences, as will be seen.

The second conference, the *International workshop on school organization, governance and funding* was organized by the Review Committee, in conjunction with the University of the Western Cape’s Faculty of Education, in Cape Town from 29-30 May 1995. The participation of a number of experts with experience in different country contexts of issues relating to the committee’s brief was facilitated by funding from several foreign governments. In total, seven different country perspectives were presented, as well as an input by the International Institute for Education Planning. The participating countries included Canada, France, India, The Netherlands, Norway, Scotland and Zimbabwe. The South African participants included a number of political and education stakeholders.

The third conference in which the Committee participated was the *National Colloquium on Local/District Governance in Education* organized by the Centre for Education Policy Development (CEPD) in collaboration with the national Department of Education, held in Vanderbijlpark, South Africa, between 28 and 29 June 1995. Once again, presentations were made by experts from seven foreign countries, Canada, Chile, England and Wales, India, Scotland, the USA and Zimbabwe. About sixty South Africans participated, with a strong contingent from the provincial departments of Education. The colloquium’s main aim was to contribute “*to the democratic transformation of South African education by*

*giving impetus to the process of educational decentralization and the strengthening of local/district governance”* (CEPD, 1995:1). Following the presentations by the various country experts, several major themes were identified, including capacity-building imperatives and the issue of policy trade-offs, with specific reference to cost versus equity and efficiency benefits. In concluding, the colloquium invited the group of international participants to highlight priorities for action. Their recommendations included:

- Decentralising from the school ‘down’ to the top management – that is, deconcentrating authority by using a ‘trickle-up’ effect which leaves as much practical decision-making as possible with schools (and their communities) and districts;
- Developing and implementing capacity-building strategies – for teachers and managers – as the key to quality improvement;
- Implementing a new funding formula, initiated nationally, to start to redress identified inequities within the system;
- Involving the community leaders and staff in clusters of schools for managing school improvement plans; and
- Concentrating on processes rather than structures, on implementing rather than on developing operational procedures. (CEPD, 1995: 25-26).

It is interesting to note, that of the seven country perspectives, four were from the developed world and three from developing countries comparable to South Africa. This highlights the enormous influence of international ideas and experiences on South Africa’s policy development processes post-1994, sometimes referred to as ‘policy borrowing’. Secondly, it is worth noting that some of the recommendations emphasised the importance of linking school governance and funding issues to the improvement of education quality, thereby alluding to the long-term nature of education change and development. Thirdly, the central co-ordinating role assigned to the CEPD, the ANC government’s education policy think-tank, and the preponderance of senior provincial education department officials suggests that the colloquium was being used strategically by the state to prepare the groundwork for a new schools’ policy based on the discourse

of education decentralization, which had by then entrenched itself in the developed world and had started to leave its imprint on countries of the South. Indeed, education decentralization policies swept across Africa and Asia during the 1980s and 1990s, with strong encouragement from international agencies such as the World Bank (Osei & Brock, 2006).

Besides the above three academically-oriented conferences that members of the Review Committee participated in, they also attended a conference/congress that was constituency-based. From 16-17 June 1995, the Committee's chairperson and two other members attended the *Afrikaanse Onderwyskongres* (Congress for Teaching in Afrikaans) in Bloemfontein, South Africa. The organizing committee of this event, which was attended by almost 600 delegates from Afrikaans-speaking organizations, "*set as their objective the empowerment of Afrikaans-speaking persons in South Africa in such a way that the future of education and training by means of instruction through the medium of mother-tongue could be ensured*" (Mondstuk, 1995: 1; translated from Afrikaans). Several papers were presented by Afrikaner academics and clerics covering topics relating to '*The grammar of Afrikaans*' (Professor Johan Combrink), '*Christian values and norms in education and training*' (Reverend W.C. van Wyk) and '*Education in a Multicultural Community*' (Dr. H.J. Stone). Papers were also presented by Dr. H van Deventer, a member of the Review Committee, on '*Parental involvement in Afrikaans Education*', and by Dr. Huw Davies (Executive Director, NAPTOSA) on '*The management, control and financing of education*'. The Congress programme dovetailed with the work of the Review Committee, and was clearly intended to influence the Committee's deliberations on a new school system. At the end of proceedings, the Chairman of the Review Committee, Professor Peter Hunter, who was present at the Congress, was requested to make representations to the Minister for the Review Committee's report to be made available for further discussion and inputs (Mondstuk, 1995: 1).

One of the most important decisions taken at the conference was the establishment of the South African Foundation for Education and Training (Suid-Afrikaanse Stigting vir Onderwys and Opleiding (SASOO) to serve as a watchdog body for Afrikaans-medium

education and training in South Africa. The Foundation was founded on a strong religious ethos, claiming that it accepted:

*The Bible as its basis, gives active support to the realisation of a Christian value system, and subscribes to the educationally accountable principle of mother tongue instruction and culture-oriented education. In order to promote such education in the Afrikaans sector of Southern African society and in education in general, the Foundation aims inter alia (as one of its main objectives) to mobilize and co-ordinate expertise, available infrastructure and other resources in the Afrikaans sectors of the Southern African community* (Translated from Mondstuk, July, 1995:1-4).

As will be seen (cf. Chapter Seven), SASOO would play a pivotal role in mobilizing the Afrikaans-speaking community in support of clauses in SASA that would guarantee the continuation of Afrikaans-medium schools with a strong religious orientation.

Insights from all of these conferences were built into the proposals for a new framework of school organization contained in the Report (Review Committee Report, 1995: 13-14). From the description of the participants at these conferences, with the exception of the Afrikaner constituency-based congress, it is clear that the aim was to be as inclusive of the key stakeholders in education as possible. The predominance of academics and policy experts, nevertheless, indicate a concern with technical and policy expertise. This was associated with recognition of the importance of both local and international developments in the field or put differently, the influence of the notion of 'policy borrowing' that characterized policy making at the time. The three conferences organized by the Department of Education and the Review Committee, all held within a space of three months, at the beginning of the Review Committee's work, underlined the extremely academic and technical nature of the work of policy commissions. This dimension characterized much of the content of the conferences, for example, the identification and initial airing of key areas of contestation and a concern over issues of capacity-building and processes.

At the same time, underlying political tensions suggest that there was an equally strong sense of the political dimension in the work of policy commissions. In terms of the nature of participation, the policy conferences were confined largely to policymakers and academics, with key education constituencies involved, notably, teachers, students and parents. Participation was confined to senior representatives of these constituencies, thereby feeding into the notion of 'representative participation'. This type of participation is not uncommon, both in developed and developing countries. For example, a comparative study of five African countries in the early 1990s found that the participation of stakeholders such as teachers, parents and students was a key issue for effective policy formulation (Evans, 1994 & 1996; cf. section 2.5).

*iii) Visits to provinces (May-July, 1995)*

Members of the Review Committee, in teams of three, visited all nine provinces to engage in discussions with a range of stakeholders. The visits were undertaken between May and July 1995. The main purpose of the visits was to deepen the Committee's understanding of the conditions under which schooling occurs; ascertain the range of perceptions held with regard to appropriate arrangements for the ownership, governance and funding of schools and identify the factors needed for developing the framework, norms and standards required by the Committee's brief. An important aspect of the team composition was the deliberate mix of persons from different backgrounds and experiences – which led to new friendships “*between people who would not normally have encountered each other at all*” (Interview, Professor Peter Hunter, Chairperson, Review Committee). This was also intended to foster greater understanding among members of the Review Committee of their diverse views and opinions given their different political and educational perspectives, and experiences.

The provincial visits were undertaken as part of the consultative/participatory process of the work of the Committee. It was also a way of securing nationwide support for the Review Committee's work and ultimately the recommendations they would make. Among the stakeholders consulted in the different provinces, the Committee met with several teachers' organizations, school management staff and teachers (see Information

Box 6). It is interesting to note that a number of teachers were consulted, but certainly the majority of consultations were with members of the organized teaching corps. Besides teachers, consultations/visits were conducted with officials of education provincial and district authorities, school governing bodies, student organizations, the business fraternity, traditional leaders in rural areas, religious bodies, school principals, inspectors of education, provincial Members of the Executive Council (MECs - equivalent to provincial Ministers of Education), school community members, rural-based NGOs and trade union affiliates. *(See Appendix 7 for a full list of schools and stakeholders consulted during these provincial visits).*

**Information Box 6: A sample of teachers and teacher unions consulted in provinces**

<b>PROVINCE</b>	<b>TEACHERS/ TEACHER UNIONS CONSULTED</b>
<b>KWAZULU-NATAL</b>	Teachers of the AJ Mwelase High School, Lamontville, Durban Teacher from Georgenau Farm School Mrs D Sithole, teacher, Port Shepstone area
<b>FREE STATE PROVINCE</b>	Teaching Staff of the Dr Blok Secondary School Management Team of the Dr Blok Secondary School ThabaNchu Principals Forum Oranje Vrystaatse Onderwysersvereniging, then an affiliate of NAPTOSA SADTU representative Staff of the St Josephs Christian Brothers College Representatives of the PTSA of Daluxolo Primary School Staff of the Daluxolo Primary School
<b>GAUTENG</b>	Association of Professional Teachers (APT) Suid-Afrikaanse Onderwysersvereniging (SAOV)
<b>EASTERN CAPE</b>	SADTU, Eastern Cape Province Members of the organized teaching profession, Eastern Cape Province The Eastern Cape Teachers' Association (ECTA), affiliated to NAPTOSA, which included the following organizations in the Eastern Cape Province: Cape Association of Teachers' Union (CATU), Cape Teachers Professional Association (CTPA), Suid-Afrikaanse Onderwysersunie (SAOU), South African Teachers' Association (SATA)

<b>NORTHERN PROVINCE</b>	SADTU NAPTOSA Transvaal United African Teachers' Association (TUATA), an affiliate of NAPTOSA Association of Professional Teachers (APT), an affiliate of NAPTOSA Teachers Federal Council (TFC)
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In its planning, the Committee undertook to visit a fairly representative sample of schools in terms of context and category. These included: rural, community, farm, informal settlement, township, suburban; primary, secondary, state, state-aided (including Model C), private, "relinquishing department" (ex-department), farm school, general, vocational, schools for learners with special educational needs and other relevant institutions. Following these visits, the Committee concluded that their understanding of the situation in schools had been substantially enhanced, especially with regard to rural areas (Review Committee Report, 1995: 12).

*iv) Written submissions*

Apart from information gathered from provincial visits, conferences and the various briefings outlined above, the Committee also received about 200 written submissions, following an invitation advertised in newspapers and by circular to a wide range of educational organizations and institutions. The largest group of respondents was Model C schools, which provided 62 submissions. Many of these submissions argued for greater decentralization of the powers of governing bodies and the need to maintain the high standards of education quality provided by Model C schools. Other respondents included schools in other categories, parent associations, teachers' organizations, universities and research institutes, religious bodies, and individual parents and teachers.<sup>34</sup> The Committee had noted the fact that most of the submissions were from White interest

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<sup>34</sup> See Chapters 6 and 7 for details of submissions made by teacher unions.

groups as they were used to writing memoranda. It therefore undertook not to privilege their responses at the expense of majority concerns (Interview, Professor Peter Hunter).

*v) Research*

The Committee also found it necessary to commission research into two areas: the governance and funding of schools in the former homelands and in informal settlements (Heather Jacklin, University of Cape Town); and the involvement of learners in the governance of schools (Sibusiso Sithole, University of Natal Education Policy Unit (Review Committee Report, 1995: 12). In considering the spectrum of activities and work of the Committee, it is reasonable to assert that the Committee represented a 'participation' milestone in the history of the country.

*vi) Insights from consultative process*

There were several important insights the Review Committee derived from the various conferences attended, provincial visits, written submissions and commissioned research.

First, although most of the former departments provided for statutory governance structures in state schools, these were mainly advisory and consultative, with no substantive powers. In terms of composition, the structures were composed of parents and the school principal; only in the former Indian schools were teacher representatives included. White model C school governing bodies were an exception as they possessed considerable powers, including setting financial policy and managing school funds, appointing and dismissing staff members, deciding on additional curriculum programmes and determining the school's admission policy. In the words of the Review Committee:

*The introduction of the Model C system appears to have increased parental participation in the affairs of the school, in some cases unleashing the creative developmental and planning energies of school communities and mobilizing substantial additional funds for use by the schools (DoE, 1995:21).*

Parent-Teacher-Student Associations (PTSAs) had been established in many African schools, and in a number of schools for Coloureds and Indians, as alternative governance structures by the democratic movement from the mid-1980s. The Review Committee found that PTSAs faced many difficulties in functioning for several reasons, including hostility from the authorities, lack of clarity on their role, and inadequate skills and knowledge to function competently. Nevertheless, they continued to exist and have played an important role in crisis management and conflict resolution during the height of the educational turmoil of the preceding decade (cf. section 4.2.2). In a similar vein, it was ascertained that many of the old statutory governance structures, especially those in African schools, had little legitimacy in their communities and had literally collapsed as functioning structures long before the end of apartheid. As a result, the issues of the composition of SGBs and their powers and functions were key areas of contestation that the Review Committee had to deliberate.

Second, community schools, which were the dominant type in the former homelands and catering mainly for African pupils, were found to be severely under-resourced because of the prevailing poverty, prompting the following description by the Review Committee, “*it is hardly surprising to find most [of these] schools in a wretched state, experiencing difficulty in attracting qualified teachers and consequently offering an education of inferior quality*” (DoE, 1995:18-19). This was especially the case for schools in rural areas, where there were shortages in terms of buildings, equipment, books and other learning resources. Moreover, access to basic services such as electricity, running water and telecommunications was usually non-existent. State funding for many of these schools was limited to teachers' salaries, textbooks and stationery; whereas all other expenses, such as building maintenance, cleaning materials and equipment, educational resources, sports equipment, etc. had to be borne by the school community. Significantly, most communities where community schools existed preferred their schools to be converted to fully state-funded schools, but wished to maintain and even extend the rights of governing bodies/school committees. Many schools indicated a preference “*to maintain the legal capacity-building to collect additional funding from the community and to control the use of these funds*” (DoE, 1995:19). Nevertheless, the issue of free

education, as a means to redressing historical funding inequalities based on race, was to become a key area of contestation that the Committee had to address in its recommendations.

The Review Committee also identified several features that had characterized apartheid education. These included the racist character of school organization, governance and funding, wherein schools for Africans were the most under-funded and the least capable of delivering quality education and the lack of democracy in the school governance system, where in most cases teachers, learners and members of the broader community were not involved in the governing bodies (DoE, 1995: 26).

A particular insight highlighted by the Review Committee was their perception on School-Community Relations in Rural Areas:

*Submissions and visits to schools in rural areas revealed tensions between the school personnel on the one hand and the broader community on the other. This manifested itself in the apparent difficulties experienced by teachers and parents in working together. Reasons for this varied across settings but on analysis the tension mainly derived from the living and working conditions of teachers in rural areas.*

*In the former homelands teachers tend to live in a nearby urban settlement and commute to work rather than live in the village. Why? First, they are not able to access their housing subsidy because the land is Tribal Land. Secondly, the poor service infrastructure makes village life unattractive. Thirdly professional life as a teacher, besides being extremely onerous because of their lack of resources and overcrowding of schools, presents few challenges as long distances prevent teachers from accessing INSET.*

*These same difficulties face teachers on farms. But they are further disadvantaged as they are dependent on the farmer for accommodation. Living on farms means the teacher may be subject to the living conditions*

*which the farmer places on his workers; their professional status can be undermined by the farm school managers who are able to exert great pressure on the school, even over professional matters. Many principals and teachers reflect their anguish over this state of affair. (DoE, 1995: 28).*

The situation pertaining to teachers' status in especially farms schools as depicted above is reinforced by the case study of a farm school in this study, wherein teachers' ability to participate in policy making, even at the school level, was severely constrained by the authoritarian attitude and actions of the farm owner/manager (cf. Chapter Eight, section 8.3.3).

***c) Key challenges and lessons for the Committee***

Four of the Committee members were interviewed in this study. They included the Committee Chairperson, Professor Peter Hunter and the three teacher union representatives. Based on their collective experience, various issues were highlighted with regard to participation by teachers and other stakeholders in the work of the Committee.

One of the issues that presented the Committee with the biggest challenge was ascertaining options in relation to the funding of schools. The options had to take into account the ANC's commitment to free education for everybody which was just not practical, *"Nevertheless you had the concern that pupils should not have to pay fees, you had to get a formula in which there would be a just distribution of resources taking into account redress, equity, all those issues - that was a difficult process."* The second major issue centered on the role of the parents, *"the predominance of parents or not in the governing bodies. And we got a near consensus, with the exception of van Deventer - there were these two traditions, the struggle tradition that was for stakeholders to have equal representation, and the Model C tradition where parents would dominate"* (Interview, Professor Peter Hunter).

The issues of school funding and the powers and functions of SGBs were two critical areas of dispute among representatives of the Review Committee, with strong racial undertones. In particular, those representing White privileged interests, notably Dr. H.T. van Deventer (referred to in the above quotation), the Chairperson of both the Federation of Parents Associations of South Africa and the South African Federation of State-aided Schools (essentially most White schools in the country), Professor Jacobus Steyn, representing the interests of White Afrikaner teachers, and to a lesser extent, Mr. Mark Henning, National Director of the Independent Schools, argued for the maintenance of the high standards set in the privileged White public and private schools, and for state subsidies to continue. In acknowledging historical disparities in school funding and resources, they argued instead that schools in under-privileged communities be empowered to reach the standards already set by the White schools. Dr. van Deventer, in particular, expressed his reservation in no uncertain terms, as contained in *Note 1* at the beginning of the Review Committee's Report:

*Dr H T van Deventer has signed this report subject to this record of the fact that, while approving the report as a whole, he dissents from those paragraphs which entail a limit placed on the powers of public school governing bodies and therefore of the parents represented in them. While recognizing the responsibilities of the State, he believes that the rights of parents in education are over-riding, and that they would be violated by the limits upon them proposed here in such matters as **the appointment of teachers and the determination of school-fees, language of instruction, religion and other admission criteria**, which should be vested as original powers in the school as a legal persona within the parameters of the Constitution. He further believes that a governing body with the necessary capacity should be allowed **a management model in which State involvement is limited, and parent involvement is at the highest level**. He therefore dissents from those paragraphs which are in conflict with this position. (DoE, 1995) (Own emphases)*

The issues highlighted in bold italics were to become the main areas of contestation between the White schools' lobby, and key constituencies within the democratic movement, notably SADTU, not only during the Review Committee process, but throughout the development of SASA (see rest of Chapter Five, Chapters Six, Seven and Eight).

When the Chairperson of the Review Committee was asked about which constituency, in his view, had the most influence on the deliberations of the Committee, whether it was the teacher union representatives or representatives of some other constituency, he responded by stating: "*I stop short of saying that theirs [the teacher union representatives] was the major influence. I couldn't point to anybody as having a major influence*" (Interview, Professor Peter Hunter). This is hardly surprising given that the main task of the committee was to weigh up all the evidence put before it, through written submissions, site-visits, conferences, commissioned research, etc. and base its recommendations on what would be perceived as rational and balanced. This is essentially the perceived role of academics, especially those known to be politically neutral.

According to the Chairperson of the Review Committee, it was found that because of the nature of the work members on opposing sides of the political spectrum did not articulate their views as strongly as they would do in public – there was a tendency for members in the Committee to roll up their sleeves and attend to business, even if divided on ideological grounds (Interview, Professor Peter Hunter). As a result, a key lesson for members of the Committee was that working as part of a national government-appointed team implied looking beyond narrow, sectoral interests. There was also the view by teacher unions that task teams offered greater opportunities to influence policy deliberations:

*I think on the task team you had a smaller grouping that was actually robustly debating processes and your recommendations and suggestions. And in such a forum it is far easier to actually articulate and persuade, giving examples of experiences from one's own organisation, and the*

*influence was there... in the task teams you engage with the correct level of person, a person that is going to make the final decision, and you are able to mould or debate or persuade them* (Interview, Mr. Dave Balt, National Union of Educators and NAPTOSA)

Another lesson, especially for members from urban backgrounds was a gradual appreciation of the poor learning conditions in rural schools (cf. earlier description of the conditions of learning and teaching in rural and farm schools).

In summary, the process of the Review Committee was a genuine attempt on the part of the state to consult widely and to capture the spirit and promise of democracy envisaged by the People's Education Movement of the 1980s and the Mass Democratic Movement (MDM). This was reflected in the Committee's involvement in various conferences, provincial visits and consultations in all nine provinces, and the Committee's commitment to carefully review written submissions. At the same time, the Committee made optimal use of the academic expertise at its disposal, and where necessary commissioned appropriate research. There was therefore a strong technical and "expert-driven" dimension to the work of the Committee. It was both a technical exercise, involving experts and consultants, and a social dialogue process that sought to take account of a broad spectrum of views in order to reach consensus on areas of policy that were highly contested. The participation of teachers and their unions as key stakeholders was duly recognized in the process, but their inputs were not privileged above those of other stakeholders, such as representatives of parent associations and the academic community, in particular (cf. chapters Six and Seven for details of teacher unions' involvement in the Review Committee process). Participation in the work of the Review Committee was also a learning experience, especially for members from opposing sides of the political spectrum. Old enemies began to appreciate each other's position, and new friendships were forged, which would have been unthinkable, under the previous dispensation.

**Information Box 7: The Committee's Principal Recommendations (summarised)**

**Recommendation 1:** There should be two categories of schools: public schools and independent schools. The former is funded totally or largely by the state; the latter is privately owned and whose teachers are appointed by the school. A crucial difference is that the public schools are accountable to the state, specifically the provincial departments of education, whereas the latter is not.

**Recommendation 2:** Each public school should have a governing body comprising the principal and representatives of the parents (to be numerically the strongest representation on the body), the teachers, the learners (in secondary schools only), the non-teaching staff and the local community.

**Recommendation 3:** All public school governing bodies should have the same basic powers. These include decision-making on school times, codes of behaviour, subject choices, community use of school facilities, school-community relations, ethos of the school and fund-raising.

**Recommendation 4:** The final decision for the appointment of teachers should rest with the provincial authorities. However, the appointment of teachers should follow the recommendation of the school governing body.

**Recommendation 5:** Beyond the basic powers referred to above, governing bodies may be accorded additional "negotiable" powers if they have the necessary capacity. Examples of such powers include: the maintenance of buildings, the purchase of textbooks and materials and the purchase of equipment.

**Recommendation 6:** In public schools a partnership funding approach is recommended, balancing the demands of the four key principles: attaining equity, redressing past imbalances, advancing quality, and improving efficiency. A key recognition of the recommendation was that the provision of quality education for all at no direct cost to parents and community is not affordable from the resources

currently allocated by the state for education.

**Recommendation 7:** The Department of Education should facilitate negotiations between governing bodies and provincial departments required by section 247 of the Constitution, where governing bodies are dissatisfied with the proposed changes to their powers and functions.

**Recommendation 8:** Where implementation of the framework requires transfer of ownership and assets, negotiations between the affected parties should take place to facilitate such transfer.

(Source: Review Committee Report, 1995)

5.3.3.3. From the Review Committee Report to Education White Paper 2 (September 1995 - February 1996)

Following the release of the Review Committee's report, there were wide-ranging responses from the public, a formal response by government in the form of Draft Education White Paper 2, another round of public submissions, and eventually the drafting of Education White Paper 2, which was to form the basis of the South Africa's Schools Bill.

*a) Public response to the Review Committee's report*

Overall, the DoE received 152 individually composed letters, of which 78 were from individuals (most of which were written in Afrikaans), 42 from schools (mainly Model C schools), 10 from church organizations (all written in Afrikaans) and 22 from various other organizations. The latter included three branches of the Afrikanerbond, the Interkerklike Kommissie vir Onderwys and Opleiding (IKOO), and the Suid-Afrikaanse Stigting vir Onderwys en Opleiding (SASOO). Moreover, there were 2000 'copied' responses, in which a standard letter format was used – these dealt mainly with the Model

C and/or the Christian-ethos themes, as did the letters from the schools and church organizations.<sup>35</sup>

Public response to the recommendations of the Review Committee Report was varied. The TO welcomed the key recommendations, indicating that the teachers' union had expected Model C school assets to revert to state control, but was heartened that schools would continue to have full use of the buildings as legal entities, and that little would change as far as the rights of Model C schools were concerned. A major concern for the TO was the funding of education, indicating that "*it was a fairy tale that compulsory free education was possible in South Africa*", thereby welcoming the proposal that parents would have to pay school fees.<sup>36</sup> On the other side of the public spectrum, the Congress of South African Students (COSAS) rejected the recommendation for compulsory school fees and the proposal that private schools should be subsidized by the state. The position of COSAS represented the position of organizations from within the democratic movement, including SADTU (cf. Chapter Six).

A major source of concern for many groups and individuals, mainly White Afrikaans-speakers and religious bodies, was that the report did not make provision within the public school category for schools with distinctive cultural, religious and language traditions. These submissions made it clear that their particular interest was in maintaining a Christian ethos and the Afrikaans language. They denied any racial motive and emphasized that: "*pupils not sharing the culture would be welcome if they were to abide by the ethos of the school*" (DoE, 1995a: 51). NAPTOSA, the TO and SASOO all supported the principle of recognizing cultural diversity in schools within a state-funded public school system, and argued that South Africa's new constitution provided for such diversity as did a number of western countries. However, a different approach to "*non-monopolising religion-based schools [was] reflected in the Catholic Institute of Education's desire for an effective partnership with the public system*" (DoE, 1995a : 51).

Teacher unions expressed additional concerns around governance and funding issues. NAPTOSA was concerned about the report's frequent reference to the state as the senior

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<sup>35</sup> DoE. 1995. *The Organisation, Governance and Funding of Schools: A Draft Policy document for discussion (Draft Education White Paper 2)* Annexure 3: p.50.

<sup>36</sup> The Citizen. *Schools Plan gets TO backing*. 1 September 1995.

partner and wanted the “negotiable powers” for school governing bodies to include more important functions than those included in the report. SADTU wanted negotiable powers to be granted in consultation with key stakeholders and to explicitly exclude the hiring, transfer and promotion of teachers (DoE, 1995a: 53). On the question of funding, both NAPTOSA and the TO accepted the partnership funding approach (Option 3 in the report) with some reservations, as did the Eastern Cape Council of Teacher Organisations (ECCTO). SADTU maintained its stance for free and compulsory education although the union indicated it would review its position in the light of scarce resources (DoE, 1995a: 54) (cf. sections 6.6.1 and 7.6.1 for details of SADTU and NAPTOSA’s comments).

At a broader political level, organisations within the MDM had also mobilized themselves to engage with new education policies, in the form of the ANC Education Alliance. Members of the Education Alliance included the NECC, COSATU, COSAS, SANSCO, and UDUSA. The main aim of this alliance was the eradication of apartheid education and its replacement with a non-racial, non-sexist, democratic system of education in South Africa (cf. section 6.4.2.1. on the ANC Education Alliance). The Alliance considered the Review Committee’s report at a workshop on 4 October 1995. It agreed with the main thrust of the recommendations of the report but proposed a refinement of several recommendations. These were, in the main, no funding for independent schools; a reaffirmation of the Alliance’s policy of free and compulsory education; a questioning of the continuation of Model-C schools and that the issue of additional powers to schools be treated with extreme caution (ANC Alliance, 1995). It is important to note that SADTU’s own submission on these issues was identical in substance to the Alliance positions as articulated here (see section 6.6.1).

### ***b) Government response to the Review Committee report***

The government issued its formal response to the Committee’s proposals in the form of *Draft Education White Paper 2: The Organisation, Governance and Funding of Schools: A Draft Policy Document for Discussion, November 1995* (cf. Phase 1 in Figure 7). In the main, the government endorsed the Committee’s recommendations but avoided comment on the thorny issue of school funding until it had considered all the options

carefully. The writing of Draft White Paper 2 (the Green Paper) in response to the Review Committee Report was assigned by the DoE to Professor Peter Hunter, Mr. Peter Buckland and Mr. Jonathan Godden, all members of the Review Committee. A White Paper Reference Committee, comprising representatives from the Department of Education, the Provincial Departments of Education, the Department's Legal Advisory Services, and chaired by the Director-General was established to approve the Draft White Paper before it was to be published. The Draft White Paper was eventually submitted for consideration by Cabinet on 7 February 1996.

The role of the Department's legal team, recognized in the composition of the drafting team, that is, the White Paper Reference Committee, would ultimately play an important role in the drafting of SASA. Besides its own full-time legal advisor, Advocate Eben Boshoff, the Department contracted the services of three other legal experts to serve on its legal panel during the drafting of SASA. These were Advocate E. Bertelsman (Senior Counsel), Advocate M.N.S. Sithole and Mr. B. Barry, an attorney (Heds of Education Committee (HEDCOM) Minutes, 16 October 1995). The main reason for the appointment of the legal panel, in the Minister's own words, was *"to advise me on the legislative and legal implications of the Review Committee's recommendations and in particular the course of action which suggested itself in order to implement a new pattern of school organization, ownership, governance and funding...Once the White paper was completed, I requested the panel to assist my Department with the drafting of a new South African Schools Bill"*.<sup>37</sup>

The involvement of legal experts in policy making was apparently not a common practice in South Africa. As expressed by Advocate Bertelsmann at a Council of Provincial Education Ministers Workshop to discuss the legal implications of the Review Committee Report on 18 January 1996:

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<sup>37</sup> DOE Archives, Pretoria, Media statement by the Minister of Education, Prof. SME Bengu, 3 April 1996: *Memorandum by the Department of Education on a Draft School Finance Policy, Draft South African Schools Bill and Negotiations Document for the Section 247 Negotiations with Public Schools*, p. 1.

*It was an unusual position for lawyers to be part of a creative think tank for formulating new policy, [nevertheless it was] a fascinating exercise.*

(HEDCOM Minutes, 12 February 1996, Annexure 6: 3)

The main reason that government chose to assign a prominent role to lawyers in the process was to obtain proper advice on the interpretation of Section 247 of the Constitution, as this had implications for the substantive content of subsequent negotiations with existing SGBs (see section 5.3.4.1). Beyond that, the department recognized that the drafting of policies in the form of legislation required the use of legal and technical terminology, which lawyers with experience in education could provide.

Subsequently, the Department commissioned two international consultants, Prof. Christopher Colclough and Dr Luis Crouch, to investigate the economic implications of the Review Committee's Report. The Department was convinced to follow this route because of pressure from the National Treasury regarding the limits of the education budget, and a realization within the DoE that there was a need to undertake cost analyses of the different options proposed. The consultants reviewed the advantages and disadvantages of the Review Committee's three financing options:

- Option One: the minimalist-gradualist approach;
- Option Two: the equitable school-based formula approach; and
- Option Three: the partnership funding approach.

The Committee eventually proposed a fourth option: the User-Fees Model, which was an adaptation of Option 2:

*This was a formula-driven redress process that made provision for Governing Bodies to charge school fees to finance expenditure beyond what could be afforded from state funding. This would empower them to raise fees or voluntary contributions from parents to meet the needs of their schools. The fees would be compulsory and defaulting parents could be sued for payment. However, a national income threshold would be established below*

*which no parent could be compelled to pay. Moreover, no child would be excluded from school on grounds of a parent's default* (DoE, 1996).

The rationale behind the consultants' model was that the Review Committee's version of Option Two would have a fatal consequence. In their view, over the five year period during which budgetary allocations to schools would be reorganized in favour of equity and redress, the decline in public funding for previously privileged schools would push middle-class parents out of the public school sector and into the independent school sector. Among those departing would be many opinion-formers and decision-makers whose influence in favour of sustained public funding for public education would consequently be diminished. According to the consultants, the inference was based on trends in other transitional economies.<sup>38</sup> In the view of one of the consultants, Luis Crouch, it was critical to retain the "personal support" of key elements of the middle-class, such as editors and Members of Parliament, for the public school system, otherwise these influential decision makers would rather send their children to private schools, a tendency borne out by international experience, especially in countries with big income differentials, such as Mexico, Brazil and South Africa.<sup>39</sup>

It should be noted that formal consultations had been held with teacher unions, namely, NAPTOSA and SADTU, and the South African Association for State-aided Schools (SAFSAS), which were considered in the formulation of the draft White Paper. The concerns raised here by delegations representing the Afrikaans community were the same concerns raised by their representatives that had served on the Review Committee (see section 5.3.1), particularly concerns about the protection of language and religion in education. The Afrikaans organizations that were at the forefront of this groundswell of opposition included the Federation of Afrikaans Cultural Organisations (FAK), the Suid-Afrikaanse Onderwysersfederasie (SAOF) (South African Teachers' Federation), to which the TO and other Afrikaans teacher organizations were affiliated, and SASOO. To convey the seriousness of their position, a conference was organized involving some 25 Afrikaans organizations and an appeal was made to President Mandela to meet with a

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<sup>38</sup> DoE, 1996. Education White Paper 2. Pretoria, page 33.

<sup>39</sup> Interview, Luis Crouch, 10 July 2002.

delegation to discuss the future of Afrikaans-medium instruction in South Africa.<sup>40</sup> Their sentiments were captured more forcefully in the February 1996 edition of MONDSTUK, the official newsletter of the TO and its sister teacher organizations within the SAOF (Gauteng, Mpumalanga, Northern Province and North West Province):

*...the Afrikaans communities, and especially the organisations that represent these communities, gave their full co-operation in the interest of peace and reconciliation and an orderly transfer to a new [political] dispensation [in April 1994]. Apparently this contribution by the Afrikaner to bring about peace and tranquility in the country is not equally acknowledged and appreciated everywhere. Especially Afrikaans-medium education is regularly on the receiving end of actions by the education authorities to exert improper pressure on school principals to act in contravention of the stipulations of the Constitution. Pressure groups with a very clear political agenda are also placing unlawful and unfair pressure on Afrikaans school communities to enroll in single-medium Afrikaans schools pupils who also study through medium of English. Subsequently they see to it that, regardless of whether this is practically feasible or not, such pupils are taught in English.*

*Action by the so-called civics, as well as by the COSAS group disrupts and destabilises the teaching of Afrikaans-speaking pupils. The schools in the Afrikaans school communities have always maintained a traditionally healthy climate of learning and therefore cannot tolerate their being disturbed by groups with ulterior political aims. The SAOF (SA Teachers' Federation) has pointed out that in this process of increased pressure the Afrikaans-speaking teachers are placed in the firing line and have to cope with demands for which they have neither been trained nor for which they have initially offered their services.*

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<sup>40</sup> The TO participated in full in this conference and also took part in drawing up statements issued in this regard.

*...it was essential to restore peace and quiet to the education scene since it was clear that tension around these matters was reaching breakpoint in some Afrikaans-speaking communities. Unless the situation was defused, it could have catastrophic results for the country. Violence erupting as a result of this would therefore have to be blamed fully on the national and provincial authorities and the pressure groups concerned (Translated from Mondstuk, Februarie, 1996: 1, 8).*

As will be seen in section 5.3.4.1.d) on Public Participation and Chapter Seven, the Model C lobby, of which the White Afrikaans community (teachers, parents, educational and cultural organisations, etc.) was a part, embarked on a powerful campaign against the South African Schools Bill between April and June 1996 to mobilize grassroots support against aspects of the Bill that were perceived as threatening to the status of Model C schools, especially the perception that the ANC-led government was intent on reducing the powers and functions of SGBs and consequential limits on the role of parents in shaping school policies and ethos. At that stage (April and June 1996), there was little expression of concern from organizations within the democratic movement, such as SADTU and COSAS, besides the written submissions from the teachers' union (see Chapter 6 for details).

The White Afrikaans-speaking community, in particular, maintained strong pressure on government policy makers to safeguard the character and ethos of their schools. Nevertheless, in his message in the introduction to White Paper 2, the Minister emphasized the need for the GNU to take some early policy decisions while it continued with further investigation and consultation especially with regard to section 247 of the Constitution which required government to undertake *bona fide* negotiations with school governing bodies before changes are made.

### ***c) White Paper 2 as the basis of the SA Schools Bill***

After receiving public commentary on Draft Education White Paper 2, the Department published the final version of Education White Paper 2, following Cabinet approval on 6

February 1996. The DoE clarified its policy thinking more clearly and presented some of its initial thoughts on the financing of schools based on the advice of the international consultants, namely, Option Four: the User Fees Model (see above on funding options). That was to mark the start of another significant phase in the formulation of SASA. In the words of Minister Bengu:

*This document has limited but very significant objectives. It sets out the policy of the Government of National Unity on the organization and governance of schools, and the development of capacity for school leadership and governance throughout the country. It also describes how the Ministry of Education intends to meet its obligations to negotiate with public school governing bodies whose rights, powers and functions are to be altered. It gives notice of the Ministry's intention to publish a draft South African Schools Bill for public comment, to publish its proposed policy for school finance and to make its negotiating position publicly known prior to engaging in the negotiation process (Education White Paper 2, 1996: 9).*

The Education White Paper 2 was to form the basis of the South African Schools Bill published in April 1996. The Ministry had developed a comprehensive approach in the development of SASA up to this point by ensuring opportunities for public involvement, and where necessary allowing for more time to engage with more complex aspects, such as in the areas of school funding policy and altering the powers and functions of governing bodies. This included the seeking of proper legal advice and involvement in the process, implying that certain aspects of policy formulation are the preserve of "expert authority", especially where legal and fiscal matters were concerned. In accepting the advice of the international consultants with regard to the funding of schools, policy makers once again recognized the need for "expertise". However, the technical and policy advice of the international consultants was contested, particularly by SADTU and policy analysts from the progressive Education Policy Units (EPUs) at universities, especially the Wits EPU. They argued against the consultants' position that abolition of school fees would lead to the flight of middle-class parents from the public school

system, and argued instead that the policy should be considerate of the majority of parents who were poor or unemployed (cf. section 6.6.2).

Public response to Education White Paper 2 was similar to that for the Review Committee Report. Political parties, such as the NP and Democratic Party (DP) welcomed proposals to have elected representatives of parents and guardians in the majority on public school governing bodies and that independent schools would be subsidized. The Freedom Front (FF), representing conservative White Afrikaner political interests, criticized the proposal that the state would not pay compensation for expropriated property.<sup>41</sup> SADTU maintained its earlier position that Model C schools become fully state-funded, additional powers granted to their governing bodies be reduced, and that compulsory school fees be abolished, proposing instead that voluntary contributions to school funds be made by parents and communities.<sup>42</sup>

In retrospect, Phase 1 of the development of SASA, the White Paper process (or the policy generation/formulation phase) set the broad agenda for the second phase, namely, the Policy Adoption Phase (cf. Figure 7 in this chapter). Key areas of contestation had been identified during the Review Committee's consultative process and in the drafting of White Paper 2, notably issues relating to the status of Model C schools, religious and cultural factors, single medium schools, the powers and functions of governing bodies, school funding norms, etc. The Review Committee process was characterized by seeking a wide range of opinions across the political spectrum and provided several opportunities for public participation – through special briefings, conferences, visits to schools and education organizations in all nine provinces, as well as written responses. Its work spanned five months - April to August 1995. During this phase, especially in the months following the release of the Review Committee's report (September 1995 to February 1996), organizations representing the interests of Whites, especially Afrikaans-speakers, were extremely active and mobilized their communities to ensure that issues relating to language and culture would not be undermined by the transition to a democratic dispensation. This set the tone for a highly charged atmosphere during the next phase,

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<sup>41</sup> Business Day. *Death Knell for Model C schools*. 9/2/96.

<sup>42</sup> The Citizen. *Make Model Cs state schools, says SADTU*. 7/2/96.

that is, the legislative process. It is important to note that the drafting of the Bill, which occurred during March 1996, was confined primarily to departmental officials, especially members of its Legal Panel and the Extended Legislation Committee. There was little if any involvement by teacher unions or other civil society constituencies in the formal write up of the Bill.

#### *5.3.4. Phase Two: The Legislation of Consensus (March – November 1996)*

Cabinet's adoption of Education White Paper 2 signalled the beginning of the legislation phase in the form of the South African Schools Bill (cf. Phase 2 of Figure 7). However, this was not just a matter of policymakers preparing policy for legislation in spite of the considerable consultations and stakeholder inputs in the policy generation phase encapsulated in the work of the Review Committee and earlier processes (cf. 5.3.1). Given the constitutional requirement of section 247, the DoE realized the importance of engaging in another round of consultations with existing governing body structures, which in effect meant engaging with the narrow interests of White school governing bodies. As will be seen, another extensive process of consultations was embarked upon during May and June 1996, which would eventually lead to a significant revision of the original April 1996 version of the Bill. As a result, the passage of the South African Schools Bill through Parliament had to be stalled until August 1996.

##### *5.3.4.1 The South African Schools Bill and section 247*

Following the adoption of Education White Paper 2 by Cabinet, the Ministry embarked on three linked processes which included, completion of the school funding policy document; the drafting of the SA Schools Bill; and formulating its negotiating position with regard to the proposed alterations to the powers and functions of school governing bodies.

A considerable degree of consensus had been achieved with the government's release of White Paper 2, although certain areas of concern and disagreement were evident from the written submissions that were made afterwards. School funding policy remained

unresolved as the DoE was still considering the financial and other implications of the consultants' proposal of the fourth option. Language and cultural issues remained hugely contentious as the remarks of the Minister of Education, Professor Sibusiso Bengu, in his introductory message reflected:

*While this document has been in preparation, the Ministry and Department of Education have received visits from a number of delegations representing organs of the Afrikaans-speaking population. Without exception they have expressed their commitment to our democratic and non-racial Constitution...and redress measures to overcome past inequalities in education provision. At the same time, they have warned of a rising tide of grassroots disenchantment and anxiety among their communities based on the perception that the government is not protecting linguistic and cultural diversity in the education system...[and] that a campaign is being waged to eliminate schools which teach only through the medium of the Afrikaans language (DoE, Education White Paper 2, February 1996).*

In spite of the early warning from sections of the disgruntled White community, the DoE was satisfied that the drafting of the South African Schools Bill could proceed in preparation for the legislative process. The drafting team of the South African Schools Bill, built on the membership of the Legal Panel, produced a bill which incorporated the policy scheme of Education White Paper 2, as well as the legislative implications of the draft school finance policy document. Consequently, the draft South African Schools Bill captured in legislative form the national policy on school organization, governance and funding as approved by Cabinet in Education White Paper 2.

The first draft of the South African Schools Bill was discussed by members of the Extended Legislation Committee, comprising the national Department of Education and Provincial Departments of Education, on 2 March 1996; and thereafter discussed by the Parliamentary Portfolio Committee on Education (Heads of Education Departments Committee [HEDCOM] Minutes, 12 February 1996 & 11 March 1996). The drafting of the South African Schools Bill went hand-in-hand with the Department's preparation and

fulfillment of the obligatory Section 247 consultations which constituted a critical part of the policy adoption phase (see below). The development of the new policy and the drafting of the South African Schools Bill were also undertaken in close consultation with Members of Executive Councils of the nine provinces responsible for Education and the provincial heads of education departments through HEDCOM (DoE, 1996). There was therefore an effort to obtain input from the provincial education authorities, who are the implementing agencies of policy in South Africa.

*a) Section 247 Consultations*

The provision of Section 247 of the Interim Constitution of 1993 gave rise to a unique requirement in policy formulation processes, and provided an added dimension to public participation. Its relevant sub-sections read as follows:

*247. (1) The national government and the provincial governments as provided for in this Constitution shall not **alter the rights, powers and functions of the governing bodies, management councils or similar authorities of departmental community-managed or state-aided primary or secondary schools** under laws existing prior to the commencement of this Constitution **unless an agreement resulting from bona fide negotiation has been reached with such bodies and reasonable notice of any proposed alteration has been given.***

*(3) Should agreement not be reached in terms of subsection (1)..., the national government and the provincial governments shall, subject to the other provisions of this Constitution, not be precluded from altering the **rights, powers and functions** of the governing bodies, management councils or similar authorities of departmental community-managed or state-aided primary or secondary schools provided that **interested persons and bodies shall be entitled to challenge the validity of any such alterations in terms of this Constitution...***

*(Own emphasis)*

Essentially, the government was obliged to engage in negotiations with SGBs if it intended to alter any of its powers and functions and avoid constitutional and legal challenges by vested interests. At the outset, there was considerable discussion within the Department on the interpretation of what constituted 'bona fide negotiation'. As early as 18 January 1996, the DoE held a workshop for provincial education ministers and senior departmental officials on the subject, with specific reference to the legal implications of giving effect to Section 247. The Department's full legal panel was present and the lead input was made by its most senior counsel, Advocate Bertelsman. The legal advice that was provided, which was subsequently adopted by the department, drew attention to three key components of Section 247:

- i. The alterations of the rights, powers and functions of the governing bodies, management councils or similar authorities of departmental community-managed or state-aided primary or secondary schools;
- ii. Bona fide negotiations; and
- iii. Reasonable notice of proposed alterations.

In its *interpretation* of the above, the Legal Team pointed out that:

- Negotiation need not necessarily be a process involving formal oral dialogue;
- Negotiation could consist of no more than an act of communicating with another person or body for the purpose of arranging some matter of mutual agreement;
- Once the new policy had been formulated and the Schools Bill prepared the Department should disseminate the documents and invite SGBs to comment in writing on proposals and further to indicate whether they wished to make an oral presentation in addition to the written submission;
- SGBs wishing to make an oral presentation be given an opportunity to do so on a predetermined date; and
- If the procedures were to be adopted, the essential elements of Section 247 would have been complied with<sup>43</sup>.

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<sup>43</sup> Summarised from DOE Archives, Pretoria, Minutes of the Council of Education Ministers Workshop, 18 January 1996.

The DoE followed the above interpretation almost to the letter when it embarked on the negotiation process with SGBs.

*b) The negotiation process*

Based on the above advice, the DoE issued the South African Schools Bill (*Government Gazette*, 370 (17136)) on 24 April 1996 and announced its intention to commence negotiations on the powers of governing bodies as stipulated in Section 247 of the Interim Constitution. The negotiations process unfolded as follows:

- First, the distribution of a negotiating position document and a copy of the draft South African Schools Bill to all governing bodies on 3 April 1996 (*see Appendix 8*). As required by section 247, the document concentrated on the proposed alterations to the rights, powers and functions of school governing bodies, and invited SGBs to make written responses on the Ministry of Education's proposals on public school governance. A summary of the Bill and negotiating position document had also been published in the Sunday press. This constituted the government's formal notice of its intention to effect changes to school governance policy; and
- Second, the holding of about sixty public meetings nationwide to allow SGBs who had submitted written comments the opportunity to make further oral presentations to the Minister's Negotiating Team, which consisted of four groups. The purpose of the meetings was to allow SGBs the opportunity to express their views and concerns regarding the Proposed Alterations to the Rights, Powers and Functions of Public School Governing Bodies as contained in the draft South African Schools Bill – which government undertook to consider in making any revisions to the Bill; the meetings were scheduled from 3 – 28 June 1996 in all nine provinces.

The entire process was to be concluded by the end of June 1996. Amendments arising out of the section 247 consultations with governing bodies were to be considered when the South African Schools Bill would be tabled in the Portfolio Committee on Education in Parliament (DoE, 1996). In the sections that follow, the main aspects of the South African Schools Bill and the nature of participation and contestation that characterized the Section 247 negotiation process, with specific reference to written submissions and the consultative meetings, are discussed.

***c) Key aspects of the draft SA Schools Bill (April 1996)***

Part of the Department's negotiating position document was devoted to a summary of those aspects of the Bill that were related to the rights, powers and functions of public SGBs. These aspects included sections on School organization, that is, public schools and independent schools; Employment of educators at public schools; Establishment of public school governing bodies; Powers and functions of public school governing bodies; and Ownership and expropriation of property. Although the scope of the negotiation, in terms of section 247 of the Constitution, was confined to government's proposed alterations to the rights, powers and functions of public school governing bodies, SGBs were invited to comment on any aspect of the draft Bill. Given the hitherto expressed opposition to various aspects of Education White Paper 2, the DoE opened the door for much more agitation than would have been the case, had the department confined input at this stage to the section 247 requirement. However, even the DoE could not have anticipated the upsurge in White opposition during the section 247 consultations (discussed below).

According to the draft Bill, SGBs would have the following basic powers:

- Develop the mission, goals and objectives of the school;
- Determine the admission policy of the school, with the concurrence of the Member of the Executive Council (MEC) responsible for education;
- Determine the language policy of the school subject to the appropriate national and provincial policy;
- Determine the policy for religious observance of the school;
- Determine the school's extra-mural and academic curricula;

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- Recommend the appointment of educators and non-educators to the provincial authorities.

In addition, SGBs could be granted financial responsibilities so as to:

- Determine and oversee the school budget;
- Determine and charge school fees payable by parents of learners;
- Purchase text books, educational materials and equipment;
- Maintain the grounds and buildings of the school (DoE, 1996).

As will be seen in this and subsequent chapters, issues relating to school fees and admission and language policies would become hotly contested between pro- and anti-school change groupings during the Section 247 consultations and the parliamentary deliberations.

#### ***d) Public participation***

Public participation with regard to the section 247 consultations consisted of written submissions, public meetings and meetings between the DoE and education stakeholders.

##### *i) Written submissions*

As part of the broader consultative process, the South African Schools Bill was released for public comment in April 1996. More than 1000 written submissions were received on the draft Bill which the DoE claimed were considered in amendments made to the Bill before it was tabled in Parliament. These included comments from several schools or their governing bodies, parent associations, political parties and teacher organizations. Once again, the majority of submissions was from the White Model C constituency and expressed similar concerns. For example, the governing body of a secondary school in Pretoria, in its submission, identified the following areas of concern which it wanted clarified and which it wished to open debate on:

- **School Financing:** the extent of departmental control over school financing, the process of determination of categories of parents exempted from school fee payment, departmental intervention on how school funds may be spent.
- **Co-employer status:** control of the appointment and payment of additional teachers needed by the school.
- **Ownership rights:** the removal of ownership rights to fixed property and improvements; the payment for upkeep and insurance of school premises.
- **Legal implications:** what are the legal implications for schools of their new status under the Bill; what are the implications for communities making a meaningful contribution to running their schools in regard to language policy, religious policy, school ethos, admission of pupils?

The submission concluded with the sentence: *“In our opinion neither written comments, nor participation in public meetings constitute bona fide negotiations on the contents of the Bill”*. Indeed, many of the Model C governing bodies had registered their dissent to the state’s interpretation of “negotiations” as contemplated in section 247 of the Interim Constitution (DoE, HEDCOM Minutes, 18 June, 1996). It became increasingly clear as the Section 247 consultative process unfolded that the White Model C constituency was intent on challenging not just the content of the Schools Bill itself, but also the Department’s interpretation of what constituted ‘negotiations’.

The submission by the NP, the opposition party in Parliament, echoed much of the concerns of the White Model C constituency, with particular emphasis on:

- the competence of a governing body to set and collect compulsory school fees and to apply these in the interests of the school, including in order to employ additional staff; and
- the possibility of the ceding of expropriated fixed assets back to the school in order to foster a sense of ownership.<sup>44</sup>

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<sup>44</sup> Extract from document entitled, *Comments by the National Party on the Draft South African Schools’ Bill*, as published in: South African Schools Bill, (24 April 1996), Pretoria: Department of Education, (*Government Gazette*, Vol. 370, No. 17136).

*ii) Public meetings*

Many of the issues contained in the written submissions received by the DoE were reiterated at the various section 247 consultative meetings throughout the country. Summaries of public participation at the meetings were compiled by administrative staff within the DoE to assist the department's drafting team. The following selection from one such summary gives an indication of the kind of issues raised:

- **Section 9:** It was suggested that section 9 of the draft Bill be deleted and that provision be made for corporal punishment in schools. It was also suggested that provision be made in the Act for alternatives to corporal punishment.
- **Section 13:** It was suggested that governing bodies should be responsible for the redeployment of teachers and that governing bodies should retain the function to appoint private teachers.
- **General suggestions and comments:** It was suggested that the policy on school uniforms should be determined by the governing body. Furthermore, it was suggested that with regard to the finance of schools that it is the duty of the State to provide subsidies to the under-privileged learners. It also suggested that teacher organizations should discuss the appointment of teachers within the ELRC and not within the ambit of the Bill. It was requested that regulations be submitted to advise governing bodies how to manage the funding of schools. It was suggested that transport be made available for teachers (Mpumalanga province).<sup>45</sup>

Although the summary document does not specify who made the specific comments and suggestions, it would be reasonable to associate some of them with teachers or teacher union officials, such as suggestions relating to the appointment and redeployment of teachers and provision of transport for teachers. Moreover, suggestions relating to corporal punishment could also have been made by teachers (cf. sections 7.6.3 and 8.6.2).

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<sup>45</sup> DOE Archives, Pretoria, DOE, 24 June 1996, *Summary of audience suggestions at meetings held at Sekhukuneland, Bellville, Worcester, Towsriver, Welkom, Mmabatho, Johannesburg, Mpumalanga, Langa, Butterworth, Umtata, Ulundi, Empangeni, and Port Shepstone for Consideration in amending the draft Bill.*

The question of school funding, probably the most contentious issue, was also highlighted.

The biggest challenge during the public meetings came from the White Model C constituency. Events in two provinces give some indication of the nature of conflict and disagreement. In the Northern Province, leaders from White teacher unions and SGBs, who had obtained a schedule of the meetings in advance, mobilized community members, especially parents and teachers, and traveled from one venue to the other to lodge their protests against the Schools' Bill, especially concerning the perceived erosion of the powers and functions of SGBs. Some organizations, such as the TO, encouraged their members and regional officials to attend and put particular questions to the departmental team. Governing bodies of Model C schools were encouraged to issue legal challenges especially on the question of school property. (Interviews, Koos Steyn and Eben Boshoff)

In the Western Cape, meetings in Mitchell's Plain, Bellville and Rondebosch were accompanied by protests and walkouts, ostensibly because of the late or non-arrival of documents, and the late notice of the meetings. At a few other meetings, some Model C governing body representatives expressed displeasure at the proceedings and walked out.<sup>46</sup> The displeasure was largely around the Department's interpretation of "negotiations" and the perception that powers and functions of SGBs would be significantly diminished. In many ways, these protests were an attempt to limit as much as possible any intention to centralize decision making with regard to school policies and practices.

While some of the reasons related to procedure and communication, such as the late or non-arrival of documents, there were other more substantive reasons for the protests. These were reflected in a DoE media release at the time:

*Some governing bodies insist that the government must negotiate the very process of negotiation before it can commence. Some insist that section 247*

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<sup>46</sup> DoE National Archives, Pretoria, Media Release on the DoE's Public Meetings on School Governance in the Cape Town area, Issued by Dr Trevor Coombe, Deputy Director-General: Systems and Resources, 6 June 1996.

*of the Constitution requires the government to negotiate and agree changes in their rights, powers and functions with each public school governing body, individually and in person....The suggestion that the draft South African Schools Bill strips parents of all powers and gives them to the government is a gross misrepresentation.*<sup>47</sup>

*iii) Meetings with stakeholders*

The section 247 consultative process culminated in meetings between the DoE and organizations representing governing bodies, school owners and teachers in Pretoria<sup>48</sup>.

From both the oral (made at the countrywide meetings) and written submissions, various amendments to the draft Bill were made by the DoE's Legal/Drafting Panel. Thereafter further meetings were held at the national level with associations of public and independent school governing bodies and teacher unions; and a workshop with HEDCOM on 15-16 July 1996, which was held by the Legal Panel and assisted by members of the Department. Eventually the Department's Drafting Committee, which included the Legal Panel, having considered all the submissions produced the second draft of the Schools Bill in preparation for the Parliamentary phase of the legislative process (HEDCOM Minutes, 12 August 1996).

One such meeting was that between the legal representatives of the South African Federation of School Associations (SAFSAS), SASOO and the DoE's legal team in June 1996 (*cf. Chapter 6, section 6.6.2*). Although the department declared that "*no meetings with legal teams [would] preempt any other processes or result in special deals for interest groups*" (HEDCOM Minutes, 18 June, 1996), claims by SADTU, and members of SAFSAS and SASOO, indicated that the opposite was in fact the case. Nzimande and Mathieson (2004) reinforce SADTU's position. They point out that the Section 247 consultations with the SGBs of Model C schools "*gave them access to the drafting team*

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<sup>47</sup> DoE National Archives, Pretoria, Media Release on the DoE's public meetings on School Governance in the Cape Town area, Issued by Dr Trevor Coombe, Deputy Director-General: Systems and Resources, 6 June 1996.

<sup>48</sup> Attempts to obtain details of these meetings from documents and interviewees had met with little success, with the exception of the meeting between the DoE and organizations described here.

*in the Department of education in the critical final stages of the writing of the White Paper*" (Nzimande and Mathieson, 2004: 10), and as is suggested in the HEDCOM minutes cited above, even in the drafting of the South African Schools Bill, before it was tabled in Parliament.

The main issues that SAFSAS and SASOO representatives are likely to have raised, which were the dominant areas of concern of their broader constituency, the Model C lobby, are maximum devolution of powers and functions to SGBs in line with their adherence to the education decentralization discourse (cf. section 9.4.2.1), particularly around ensuring that SGBs had the powers to set and collect compulsory school fees and that parents constituted the majority representatives on SGBs. These issues were also likely to have been linked to the broader questions of school funding by the state and the balance of power between SGBs and the state, that is, the national and provincial education authorities.

#### 5.3.4.2 The Parliamentary deliberations

Following the section 247 consultations and subsequent amendments, the South African Schools Bill was tabled in Parliament during August 1996. The main changes were on the devolution of greater powers to governing bodies with regard to language policy, school fees and the appointment of additional educators. The hearings organized with regard to SASA was one of the first by the Parliamentary Portfolio Committee (PPC) on Education and proved to be a learning experience for all policy actors, including government. It was the second version of the SA Schools Bill (*Government Gazette*, 374 (17385, 22 August 1996), that was tabled in the PPC once Cabinet had approved the Bill on 7 August 1996.

Typically, the passage of legislation in South Africa's post-1994 era constitutes two key phases: discussion and debate within the Parliamentary Portfolio Committee for Education and debate within the National Assembly. In the former structure, members of the public may be invited to participate, whereas in the National Assembly, participation is restricted to Members of Parliament (MPs) only. This section will therefore focus

primarily on the activities of the former, which afforded teachers as members of the public or as interested stakeholders, the opportunity to participate.

***a) The Parliamentary Portfolio Committee for Education***

With the establishment of South Africa's system of parliamentary democracy post-1994, a new process of consultation and participation by the public in the promulgation of legislation/policy had been ushered in. This has centered on the role of parliamentary portfolio committees in organizing and scheduling public hearings and meetings with key policy stakeholders.

The PPC is a multi-party forum constituted on a proportional basis, that is, its members are all representatives of political parties. The main responsibility of portfolio committees is to give legislative effect to policy or exercise oversight for the passage of legislation through Parliament by facilitating discussion, holding public hearings if need be and making amendments to bills before they pass into law. They fulfill the Constitutional provisions for "*representative and participatory democracy*" and "*facilitating public involvement in the legislative and other processes of the assembly*" (Manual on Committee Procedure for National Assembly Committees, 1997; cited in Nzimande and Mathieson, 2004: 31). According to Pandor (2001), Parliament had agreed in 1994 that the Reconstruction and Development Programme (RDP), as well as the Interim Constitution, would constitute the foundation for developing government policy and legislation. As a result, MPs in the various parliamentary Portfolio Committees used the principles enunciated in these documents, namely participation of key stakeholders, consultation and transparency, as a framework to guide them in the legislative process. In theory, the PPC represents the final opportunity for public participation to influence the changes to legislation. Thereafter, it is left to the political party representatives serving in the PPC and in other structures of Parliament to debate and agree on what becomes law. In practice, however, not all PPCs use their power to hold public hearings as most submissions and debates have already taken place in the public sphere or there is little public clamour for participation at this stage. In the case of SASA, the contentious nature of the issues involved provided the perfect backdrop for ongoing public participation.

The central figure in the work of the PPC was Dr Blade Nzimande, who served as the first post-apartheid Chairperson of the Parliamentary Portfolio Committee for Education (1994-1999). Nzimande was a senior ANC MP at the time.<sup>49</sup> He also chaired another structure of the ruling party that was strategically located in Parliament at the time, namely the ANC Education Study Group, which provided the forum for the ANC and its allies to debate policy prior to issues being debated in the multi-party Portfolio Committee (Nzimande and Mathieson, 2004) (*cf. Chapter 6, section 6.4.2 and 6.6.3 for details*).

### ***b) The passage of the South African Schools Bill in Parliament***

Given the contestations in the earlier phases of SASA's development, in which the White Model C lobby was prominent, there was little chance of a smooth and uncomplicated parliamentary process. Indeed, if anything, the stage had been set for greater opposition and resistance to the Bill because of dissatisfaction within the democratic movement itself, in which SADTU would in the course of events play a central role.

The Parliamentary Portfolio Committee meetings and public hearings constituted the first major phase of debates and amendments in the weeks following the Cabinet approval of the Bill. Members of the public and civil society organizations were given the opportunity to make presentations to the PPC hearings that were held from 2-4 September 1996 (see below). The PPC then met shortly thereafter to commence its own deliberations on the Bill. The deliberations within the PPC would continue for another month, and although there wasn't total agreement between the ANC MPs and opposition MPs (both from the NP and DP), the PPC finally undertook the process of recording the majority's support for the Bill clause by clause on Tuesday 15 October 1996.<sup>50</sup>

There were a number of issues in the second draft of the South African Schools Bill that gave rise to heated debate and controversy during the Parliamentary process, both within

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<sup>49</sup> Dr Nzimande continues to hold several senior positions both within the ANC and SACP, is widely respected for his leadership of workers' struggles, and is a close ally of SADTU.

<sup>50</sup> Sapa. (1996, October 20). *PPC deliberates on Schools Bill*, Sunday Times, p. 10.

the PPC meetings and public hearings, and in the National Assembly. At the general level, the ANC aligned constituencies, notably SADTU, COSATU and COSAS, felt that the changes made to the Bill following the section 247 consultations had favoured largely the White Model C constituency over concerns on the powers and functions of SGBs, particularly around the setting and collection of compulsory school fees. SADTU and its ANC alliance partners, therefore, viewed the PPC phase as critical to reclaiming their role in the policy process, especially as the process had shifted from the DoE back into the political arena (Mathieson, 2001).

As a result the ANC Education Study Group, of which SADTU was a member, and which served as a lobbying group in Parliament, was able to propose and secure substantial changes to the second draft of the South African Schools Bill. These included clarification on the powers and functions of SGBs, especially around admissions policy and the setting of compulsory fees, parental representation on SGBs, and the thorny question of school financing and the balance of power between SGBs and the state. For example, school admissions policy was reverted to the jurisdiction of provincial education authorities, and the setting of compulsory school fees could only be made subject to national norms and standards established by the Minister of Education. In the words of Mathieson (2001:56), "*The potential for a semi-privatised sector within the state education system was thus considerably narrowed, and the power of the state to intervene in schools practicing discrimination in admissions and fees policies was increased*". As a result, the role of the PPC as an oversight mechanism, largely through the dominant political party, the ANC, had been invoked in advancing the interests of the majority of citizens (*cf. section 6.6.3 for further details*). Moreover, the parliamentary process underlined the importance of the participation of civil society constituencies and the potential for them to influence policy processes, independently, but particularly when they establish alliances with political parties within Parliament, as was the case with SADTU's alliance with the ANC and SACP (also *cf. section 7.6 for details of NAPTOSA's alliance with opposition parties*).

Opposition groups, including the White Model C lobby, continued to emphasise issues relating to the powers of governing bodies to appoint teachers and opposition to a

'blanket ban' on corporal punishment in their written and oral submissions to the PPC. Other issues of political interest were, the security of schools; the auditing of school accounts and codes of conduct for parents and teachers (HEDCOM Minutes, 25 September 1996). Many of these issues of contention would constitute the kernel of teacher unions' input and contribution to the parliamentary debates of the Schools Bill. These are dealt with more fully in subsequent chapters. (cf. Chapters Six and Seven).

The PPC, therefore, lived up to the expectation that it provided a forum for public participation in its deliberations, and served an important social dialogue purpose during the legislative phase of SASA's development (cf. Hartwell, 1994). It also provided the legitimacy that was needed to reach consensus in the context of diverse and conflicting interests.

#### **5.4 Conclusion**

The chapter outlined in some detail the various phases in the development of SASA, from the work of the Review Committee to the final act of legislation in November 1996. Importantly, the development of the Schools' Act is located within the context of educational reform of the post-1994 era, taking cognizance of important historical and constitutional legacies. This provides the framework for locating the main content chapters (Six, Seven and Eight) that follow.

The chapter has described a model of education policy making based on the different phases of SASA's development. It has sought to do this from the perspective of the state, especially the DoE, which is charged with the executive and legislative responsibility of making policy. It has also provided a perspective on participation by civil society, which was characterized by greater activity and mobilization by White minority constituencies. Civil society organizations from within the broad democratic movement were relatively inactive, and as will be argued in Chapter Six and elsewhere, the main reason for this was the belief by these organizations that a democratic government elected by themselves, with their organizational support, would ensure that their interests would be advanced. A key analytical point that emerges in the chapter is the relationship between civil society

organizations and their allies in government and its implications for influencing policy making. This question is dealt with in the later chapters.

An underlying theme of the chapter was to interrogate Hartwell's assertion that the "*primary challenge of an education policy commission [or committee] is to provide a comprehensive, participative exercise in social learning*". This chapter provides part of the answer. While 'social learning' and participation of key stakeholders emerge as important features, for example, during the Review Committee process, the Section 247 meetings and the PPC deliberations, it does not tell the whole story. Policy making is equally a highly technical exercise especially when it comes to the drafting and writing of the policy text. Legal and constitutional obligations shape the nature and content of the process, and help draw the boundaries for consultation and participation. Contestation and challenges from various stakeholders compete with the state's agenda as was evident from the written submissions and inputs at public meetings. This underlines the political nature of policy making which is underpinned by pursuit of sectoral interests and power relations. This complexity has only been touched on in this chapter, and will be dealt with more fully in the main data analysis chapters that follow.

Chapter Five, therefore, constitutes the "bridge" to the main content chapters, which make various references to the phases of the development of the Schools' Act as discussed here, and which will also elaborate on important policy trends, such as those relating to social learning.

### **PART III: CASE STUDIES**

- ❖ **CHAPTER SIX: THE CASE OF SADTU'S PARTICIPATION IN THE DEVELOPMENT OF SASA**
  
- ❖ **CHAPTER SEVEN: THE CASE OF NAPTOSA'S PARTICIPATION IN THE DEVELOPMENT OF SASA**
  
- ❖ **CHAPTER EIGHT: FOUR PORTRAITS OF TEACHERS' PARTICIPATION: A GLIMPSE OF THE GRASSROOTS EXPERIENCE**

## PREAMBLE

Part III constitutes the kernel of the study's data analysis, comprising Chapters Six, Seven and Eight. Its main focus is on teachers' participation, primarily teacher unions, in influencing the development of the Schools' Act.

In Chapter Five, several issues of contestation were identified during the process of SASA's development. In the chapters that follow, the issues of contestation that occupied the minds of teacher unions and teachers are explored (see Table 3 below):

**TABLE 3: Key issues raised by Teachers and their Unions in the formulation of SASA**

ISSUES	NAPTOSA	SADTU
Funding of Schools	✓	✓
Powers of Governing Bodies	✓	✓
Composition of SGBs	✓	✓
Employment of Educators	✓	✓
Model C Schools	✓	✓
Independent Schools	✓	✓
Admissions policy	✓	✓
Language	✓	✓
Corporal punishment	✓	
SRCs	✓	✓

The reasons why greater importance was attached to these issues will be explored. Chapters Six and Seven focus on the involvement of the two major teacher unions, namely, SADTU and NAPTOSA. These chapters have a similar structure, commencing with a historical profile of the unions, their main organisational challenges during South

Africa's transition to democracy, followed by the different modes of participation that the unions engaged in and how they became accustomed to the changing policy context. Thereafter, each of the two chapters offers an in-depth analysis of the unions' involvement in the development of SASA, using the framework of policy phases outlined in Chapter Five. Finally, the chapters offer an assessment of the unions' influence in shaping the development of SASA, focusing on the constraints and opportunities for participation, and the lessons learned.

Teacher union submissions covered a range of issues, namely, language; admissions policy; corporal punishment; composition of governing bodies; funding norms; and the status of Model-C schools and independent schools. On some of these issues early consensus was reached with government. However, there were several highly contentious issues, which pitted teacher union against teacher union, and teacher unions against government. The analysis will focus primarily on these areas of contention as a way of assessing the ability of teachers and their unions to influence policy.

Chapter Eight comprises case studies of teachers' experience in the development of SASA at four schools. The main purpose of the chapter is to offer a glimpse into ordinary teachers' experience in policy development in contrast to those of their organisations. This Chapter seeks to shed light on the grassroots' experience of policymaking, the vehicles of participation open to teachers at the school level, and the factors that mediate their experience. In so doing, the chapter illustrates that micro-level factors are critical to appreciating the experience of ordinary teachers in policymaking.

## CHAPTER SIX

### THE CASE OF SADTU'S PARTICIPATION IN THE DEVELOPMENT OF SASA

*...many in the community would have said, "Well, why should we participate in policy, we've elected our government, they'll look after our interests." Many probably would have not bothered to respond to invitations to make a submission, except those perhaps who had potentially something to lose, something to fear.*

*I think the final outcome was not necessarily what SADTU would have advocated as SADTU, but at that stage there was a very close alignment with the ANC and Parliament. There was a lot of persuasion, a lot of discussions about the bigger picture, the strategic goals - those sorts of thing (Interview with Duncan Hindle, ex-President of SADTU, 1995-1996)<sup>51</sup>.*

#### 6.1 Introduction

Chapter Six is a case study of the South African Democratic Teachers' Union (SADTU). It is claimed that SADTU's participation in the development of SASA mirrored its own struggle to forge an organizational identity applicable to the new political and socio-economic terrain that characterized South Africa's transition, especially the changing nature of teacher-state relations in the policy domain. For SADTU, it was necessary to recast its organizational identity and build its membership power base as a prerequisite to having any meaningful impact on policy, and its relations with the state. Integral to its strategy was the placement of senior leadership figures within the post-1994 state political machinery and educational bureaucracy to ensure a more receptive education administration at the national and provincial levels. Ironically, this strategy would be counter-productive as it deprived the Union of its most experienced officials in policy work and undermined its own ability in the policy making domain.

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<sup>51</sup> Hindle is now the Director-General in the DNE, Republic of South Africa.

SADTU's organizational identity was multi-dimensional. Politically, the Union was a key player in the ANC-COSATU-SACP Alliance; in particular, SADTU was a major player of the education sector alliance, known as the ANC Education Alliance (cf. Chapter Four for details). In the early years of its establishment (1990-1996), SADTU played a strong political role in ensuring that an ANC-led government would come into power. In the process, SADTU relied more on its Alliance partners, especially the ANC as the ruling party in the Government of National Unity (GNU) to advance its policy positions relating to SASA, although the Union did make its own submissions. SADTU was equally concerned with its membership interests, which extended beyond the political dimension to include labour relations and professional policy matters. The union was increasingly confronted by the classic 'public versus private' tension. SADTU's survival and development therefore lay in its ability to balance the interests of its membership with those of the public good.

The need for SADTU to adapt to the changed socio-political dynamics of South Africa's transition, thereby giving rise to a multi-dimensional organisational identity, was captured in a report by its Vice-President for Education, Glen Abrahams:

*The political climate, [a] recalcitrant and sometimes hostile Education Ministry, and other forces hell bent on retaining their past privileges by utilizing every possible weakness within the new legislation and Constitution, forced the union to adopt a new strategy to deal with them...We also had to position ourselves in such a manner that made the Union a relevant forum to pursue not only **education** and **social transformation** agendas but also the **professional** needs of our members* (Education Report, August 1995 to September 1998, Addendum to the Secretariat Report, SADTU 4<sup>th</sup> National Congress, 6-9 September 1998: p. 89 ) (emphasis in original).

SADTU's organizational identity reflected various strands, of which the political, unionist and professional were the most important. These strands were refracted in the changing nature of teacher-state relations, often producing conflicting responses to policy

issues as the union grappled with the tension of balancing organizational autonomy with political loyalty. A closer examination of the nature of SADTU's participation and its impact on the formulation of SASA reveals some of the complexities and suggests that a combination of factors had influenced the process. These included:

- The broader dynamics of South Africa's democratic transition, especially the government's policy agenda of compromise and consensus-seeking;
- Changing government-civil society relations and the emergence of a small but powerful civil society lobby;
- The adoption of a rational approach to policy making by the department of education;
- SADTU's political location within the ANC-led Alliance;
- The fragmentation of teacher unions, resulting in SADTU's preoccupation with building a strong national union; and
- SADTU's lack of policy capacity and expertise, as well as its limited experience in the 'politics' of policy work.

The structure of this chapter is as follows: it commences with a profile of SADTU and a brief background to SADTU's engagement with education policy in the early 1990s; it then analyses the different modes of the union's participation in the development of SASA; this is followed by the story of SADTU's participation and especially its influence (or lack thereof) in the key phases of SASA's development (as outlined in Chapter Five); and finally, the chapter attempts to distil the key features and lessons that characterized SADTU's participation.

## **6.2 Profile**

SADTU's origins can be traced to the early 1980s, the period of escalating education protest and resistance to apartheid in the wake of the 1976 Soweto student uprising. As the protests spread, many teachers in Black schools became dissatisfied with the inability of the established racially organized teacher organizations to join in the nationwide resistance to apartheid education. This dissatisfaction gave birth to several progressive

and militant teacher unions that identified with the broad liberation movement in South Africa. The first of these organizations, the National Education Union of South Africa (NEUSA) was established in 1980. Although the majority of its members were African, other groups such as Indian, Coloured and White teachers also joined. By 1984, NEUSA had established a notable presence in the former Transvaal, Natal and Eastern Cape provinces (Moll, 1991).

Between 1985 and 1987, several smaller teacher unions emerged. These included the East London Progressive Teachers' Union (ELPTU); the Western Cape Teachers Union (WECTU); the Democratic Teachers Union (DETU) and the Mamelodi Teachers Union (MATU). These unions adopted a strong unionist approach in dealing with educational change and policy, constituted themselves as non-racial<sup>52</sup> and affiliated to the United Democratic Front (UDF), which signaled their alliance with the vanguard organizations of the liberation struggle, notably the ANC, the Congress of South African Trade Unions (COSATU) and the South African Communist Party (SACP). They drew their membership mainly from younger teachers, especially those politicized by the Soweto uprisings in 1976 (Govender, 1996). These progressive unions were at the centre of the National Teacher Unity Forum (NTUF) initiative to establish a single, non-racial teachers' union in the late 1980s. However, the newly emergent progressive teacher unions and some of the more established teacher associations became divided on issues relating to political alignment, 'unionism versus professionalism', and organizational form (see section 4.5). Consequently, the unity initiative failed, resulting in the establishment of two major teachers' formations, SADTU and the National Professional Teachers' Organisation of South Africa (NAPTOSA).

SADTU was launched in 1990 and comprised of 20 000 members. At its first National Congress in October 1991, the union reported that membership growth had peaked at 37 497. By July 1993, on the occasion of its second National Congress, this figure had jumped to 74 249, an increase of almost 100% (SADTU, 1993). In the ensuing years the union continued its phenomenal membership growth, and by 1995, its membership

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<sup>52</sup> "Non-racial" refers to the practice of not discriminating against individuals and organizations on the basis of racial classification.

reached 100 000. In 1999, SADTU was by far the largest union of teachers in South Africa with a membership of 218 878; while its closest rival, NAPTOSA had a membership of 84 841. In the early years (1990-91), SADTU's membership was drawn largely from the progressive teacher unions as well as from the Indian Teachers' Association of South Africa (TASA), which was the only established association to disband in favour of SADTU. Earlier promises by organizations such as the Coloured Cape Teachers' Professional Association (CTPA) to join SADTU did not materialize because of wrangling over assets and policy disagreements, especially on the question of political alignment.

The goals and programmes of SADTU, which were spelt out during the early years of its establishment, have continued to guide its development to this day (see Information Box 8). Firstly, the Union was committed to a political programme, which was encapsulated in the theme of its second National Congress, namely: "Unionise for Educational Reconstruction and Development". In its Secretarial Report to the second Congress in 1993, the Union asserted its commitment "*to the end of Apartheid in education and the development of an education system which is just and the expression of the will of the people*" (SADTU, 1993: 21). That expression of political intent has underpinned SADTU's political alliances in the last decade or so, particularly with the tripartite alliance of the ANC, COSATU and SACP. Secondly, SADTU openly declared its union identity by stressing that its campaigns "*were clearly of a union nature, namely salaries and the job security of teachers*" (SADTU, 1993: 21). Thirdly, the Union identified the importance of developing its professional programme, especially with regard to education policy; and fourthly, it committed to a programme of building a strong organization with effective structures.

**Information Box 8: SADTU Programmes and goals (1993)**

<b>PROGRAMME</b>	<b>GOALS</b>
<b>1. Political</b>	Ending apartheid in education; reconstruction and development of a democratic education system.
<b>2. Unionism</b>	To enhance teachers' salaries and conditions of service through the establishment of proper collective bargaining councils.
<b>3. Professionalism</b>	To build capacity and expertise in education policy.
<b>4. Organisational development</b>	To become the largest teachers' union in South Africa through the building of effective union structures at national, regional, branch and school site levels

In the years following its launch in 1990, SADTU concentrated on its organizational development and consolidation (primarily, membership recruitment and building its infrastructure). The Union was also engaged in a struggle to gain recognition from the apartheid government, which had a long-standing policy of anti-teacher unionism. As the prospect of the first democratic elections in South Africa drew closer, SADTU had to think ahead of the challenges it would face in its relations with a democratic government. Some of these challenges were captured by Tom Bediako of the All African Teachers' Organisation in 1995:

*As SADTU you should:*

- *Consolidate your political, social, professional and economic gains;*
- *Develop new relations with the Government of National Unity – maintaining your independence but at the same time ensuring that the aspirations of teachers and other workers are not sacrificed;*

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- *Take a leadership role in bringing into being new educational administrators who will identify themselves with SADTU;*
- *Accelerate your membership mobilization and conscientisation so that SADTU can become the most representative union – negotiating for not less than 60% of teachers in South Africa by the year 2000; and*
- *Develop the capacities of both men and women who are capable of representing teachers at all levels of decision making in education.*

(Selected excerpts from the address of Tom Bediako, representing the All African Teachers' Organisation and Education International, on the occasion of SADTU's 3<sup>rd</sup> National Congress, 25-26 August 1995).

### **6.3 Early organizational challenges (1990-1996)**

As the socio-political landscape changed, SADTU was confronted with several challenges related to the above programmes and goals. These were organizational development, membership diversity, political engagement, labour issues, and education policy.

#### *6.3.1 Organisational development*

As a recently established union, SADTU prioritized organizational development and membership recruitment, among others. These organizational development challenges would hamper the Union's ability to impact broader policy issues. SADTU's ex-President, Duncan Hindle explained:

*SADTU might have had a political vision, it had all sorts of political goals etc. but it lacked an organizational foundation. And not just the physical infrastructure, people etc., it was a broader conception of an organisational base that it lacked. I mean none of the progressive unions had a constitution, a membership list, a stop order facility, and not that they didn't have them, kind of didn't know about them almost. I won't say they were that naive, but certainly there was a huge sense of not knowing in a sense what*

*the teachers' organisation thing was. NEUSA was in part a political movement. It never even in its early constitution referred only to teacher membership, it was a national education union that encouraged the participation of parents, teachers and students. So the transforming of SADTU into a teachers' union was in part very strongly influenced by the established organizations, like TASA who came and said, "Hold on, this is what a union does and this is how it works and these are the structures you need".*

*There were financial constraints in the union. It was early days and we were still doing battle with [the NP] government around issues of stop orders and recognition; so there were some difficulties, including being able to facilitate the necessary consultative processes within the union to formalize policy positions.*

As a young union, SADTU grappled with the notion of a teachers' "union" and faced serious capacity constraints. The situation became exacerbated after the elections in 1994 when senior members of SADTU's leadership were released to serve as ANC Members of Parliament and in local government structures, depriving the Union of some of its most experienced leaders (SADTU National General Council (NGC) Secretariat Report, 1996). The leadership exodus from SADTU would continue in 1995 when several leaders and members joined provincial education departments. This would eventually compel the Union to embark on a major capacity-building programme, the ultimate aim of which was to build a strong second and third layer of political leadership in the union (SADTU NEWS, June 1996, p. 4). The 'release' of senior members of its leadership to government was not without its problems, as reflected in the following sentiment:

*The issue of leadership is a difficult one for the Union...However a strategic analysis should be conducted by this Congress to guide the future release of senior leadership by assessing the gains and costs in an objective fashion. We may find that we have erred in the past by allowing the State to choose who they want and appoint them where they wish, rather than strategically deploying our human resources in identified key areas of government.*

*(Cited from Address by SADTU Acting President, Duncan Hindle on the occasion of the union's 3<sup>rd</sup> National Congress, 25-26 August 1995)*

### 6.3.2. Membership diversity

The majority of SADTU's membership, especially in the early years of its establishment, viewed themselves as political activists and organic intellectuals. This identity had emerged as part of their involvement in the struggle for democracy in South Africa (see 4.2). With its growth in membership from 1994, SADTU attracted a number of members from the established 'professional' associations who were regarded as 'conservative'. This led to some tensions between the two 'groupings' and some of the 'conservative' members leaving the Union.

*... they [SADTU members] were basically people who wanted to move with the progressive forces and they felt that they had a duty to transform education and wanted to be part and parcel of that. So they agreed more and more as the years went on. Of course those that didn't agree and who began feeling that the union was too radical left the union.*

*There were very healthy debates around a number of positions of SADTU pertaining to SASA and even SADTU's broader positioning. For example, there were many that thought there was no need for a teachers' organisation to become part of a workers' federation. There were those that felt that teachers are professionals and they should have a different orientation rather than becoming part of COSATU. However, when the dynamics of the transformation and the reasons for becoming part of the federation were explained, namely, that you would not lose your professionalism but rather you would gain 'a thing' regarded as a worker as well - a professional worker. So that joining SADTU does not compromise your professionalism; moreover, you will also have all the rights of workers and it is important for you to associate with the workers*

*so that you have greater bargaining power* (Interview with Rej Brijraj, SADTU).

*I think if you look at the whole debate about the affiliation to COSATU, there were different views, different tendencies within the organisation. Some felt very strongly that COSATU was the right place and obviously that was at a time when the ANC wasn't there so COSATU was the proxy for the ANC...COSATU at that time was both a political and a workers' organisation - there wasn't any sense of professionalism or professional unions at that time in COSATU. So it was, in a sense, a very big debate that eventually got carried by a Congress decision, but certainly not an easy one and not a unanimous one in the end* (Interview with Duncan Hindle, SADTU).

Overall, the differences among SADTU's membership during the transition coalesced around the distinction between progressive and conservative teachers, between 'workers' and 'professionals', which had its roots in the history of teacher organizations in South Africa (see sections 4.2 and 6.2). There was one uniting factor, namely, that members identified with SADTU's pursuit of a single, non-racial, non-sexist education system in the context of South Africa's transition to democracy, which was the heart of the union's political programme.

With regard to the South African Schools' Act (SASA), while there were members who held different views on issues such as corporal punishment and funding of schools, the dominant view within SADTU was usually associated with a pro-human right and pro-poor position, a legacy of the union's involvement in the struggle for liberation in South Africa. The Union therefore adopted a strong anti-corporal punishment stance and a strong free education stance (cf. later sections in the chapter for detailed positions). Views that differed from these positions were usually in the minority and did not pose a challenge to the dominant position. As a result, the majority view usually prevailed. Rej Brijraj, SADTU's Vice-President for Media at the time observed:

*With regard to SASA, the conservative forces within the union did not diminish any of the positions of SADTU whether on the question of representation of teachers on the governing bodies, the union's demand for free and compulsory education for everybody - all of those key issues, including having all schools organized into a single category where certain schools would not be given preferences. The conservative forces may have reflected or raised some points of difference, but fundamentally those conservative forces did not have serious objections to any one of the key issues (Interview with Rej Brijraj, SADTU)*

In broad terms, SADTU's membership was unified around the Union's political programme and goals, which resonated with the broader socio-political transformation in South Africa, following the ANC's election to power in 1994. As a result, the union was not confronted by strong blocs or caucuses within the union in the development of policy positions in the way that its rival union, NAPTOSA was. This was also partly due to its unitary structure (as opposed to NAPTOSA's federal organization) (see Chapter Seven).

### 6.3.3 Political work

As intimated above, SADTU had dedicated itself to ensuring that a new democratic government, led by the ANC, would come into being. For SADTU, an ANC-led government would represent the best opportunity for their members to enhance their status as "professional workers". A key strategic imperative for the Union, therefore, was participation in the political process, encapsulated in the following statements:

*Political leadership, voter education programmes, and educating for democracy in our classrooms are all part of our responsibilities as transformative intellectuals (SADTU, 1993:45)<sup>53</sup>.*

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<sup>53</sup> SADTU National Archives, Matthew Goniwe House, 49 Goud Street, Johannesburg. SADTU Second National Congress 5-7 July, 1993, Johannesburg, Agenda, Minutes (11/12 October 1991), Secretarial Report.

*Post-1994 our agenda was very clear.... We wanted to rid ourselves of apartheid education generally. But we had a specific kind of vision to ensure that democracy comes to the country (Interview with Glen Abrahams)*

#### 6.3.4 Labour issues and education policy

The Union was also constrained by the enormous challenges it faced, both in relation to labour and education policy:

*There was a huge amount going on at that time, not just the development of this particular piece of legislation [SASA], various other pieces going through, developments around labour matters etc. which the union was strongly focused on, so I think our sense was to try and engage as far as possible (Interview with Duncan Hindle).*

In the policy arena, SADTU signaled its intention to become a key player in policy development, “*South Africa will be looking to SADTU, more than any other organization, to reconstruct education, to somehow transform this failed system*” (SADTU Congress report, 1993: 46). This was something of an overstatement, and was certainly optimistic. Although SADTU had developed positions on several policy issues of the day, the Union was not considered a powerful player in the policy arena (Chisholm & Ngobe, 1993:18). Nevertheless, the Union had signaled some independence in this early period, as it differed with NEPI and the ANC on the financing of education, arguing for free education throughout the schooling system, and adopted a more radical stance with regard to private schools, that is, the state should not fund private schools as they were regarded largely as catering for the children of rich families. Simultaneously, SADTU challenged its alliance partners to convince the Union that it had been unrealistic by not taking into account other educational priorities and constraints (Chisholm & Ngobe, 1993: 18-19). The challenge would be taken up when the ANC came to power in 1994, much to the disenchantment of SADTU, and as will be seen, the Union tended to rely on the collective policy capacity of the ANC Education Alliance in the 1994-1996 period when SASA was being formulated.

Overall, SADTU enjoyed a close, but ambiguous relationship with government on policy issues. On the one hand, SADTU's alliance with the ruling ANC government (through COSATU, the Education Alliance of the Mass Democratic Movement (MDM) and the ANC Education Study Group), assured it of having some influence in the policy domain; on the other hand, the state's policy agenda of consensus-seeking and compromise resulted in SADTU's opposition to policy positions adopted by the ANC-led GNU. This was highlighted by its most senior official:

*Where policies deserve to be defended, SADTU will stand rock solid by the ANC-led government. But where policies are indefensible, positions are weak, or practices are unacceptable, then SADTU will assume its fighting character, whatever the source of these policies, position or practices...We will be informed by our principles, and by our knowledge and experience of education. Our independence will never be compromised (Cited from Address by SADTU Acting President, Duncan Hindle on the occasion of the Union's 3<sup>rd</sup> National Congress, 25-26 August 1995)<sup>54</sup>.*

These were strong sentiments, which suited the occasion. The cut and thrust of policy development, however, is seldom so simply juxtaposed. This became apparent as the process of SASA's development unfolded. As will be argued, SADTU's membership of the ANC Alliance was double-edged. On the one hand, it afforded the Union access to the echelons of political power; on the other hand, SADTU's loyalty to the Alliance constrained its independence.

It is also worth noting that SASA was one of the earliest policies in which SADTU became centrally involved, and proved to be a baptism in the craft of policy work.<sup>55</sup> The Union realized its serious shortcomings in terms of policy capacity, expertise and experience, which contributed to the subsequent development of the professional side of

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<sup>54</sup> SADTU National Archives, Matthew Goniwe House, Johannesburg, SADTU, 1995, Secretariat report to the Third National Biennial Congress July 1995.

<sup>55</sup> Interview, T.Mseleku, Ex-SADTU Vice-President, 14 July 2003.

its organizational identity (see section 6.5). Participation in the SASA process, therefore, provided an important training ground for the development of its policy capacity.

#### 6.4 Modes of participation

Teacher unions' participation in the development of policy post-1994 has been founded primarily on a model of representative democracy, in spite of efforts, both by the ANC-government and SADTU to invoke the practice of direct or participatory<sup>56</sup> democracy. The swing towards "representative participation" in education policy development, it is argued, has been determined by the historical convergence of political, economic, ideological and organizational factors that characterized South Africa's transition (cf. sections 4.6 and 4.8). This applies both to the participation of union members within SADTU as it does to SADTU's involvement in policy activities external to the organization. For example, the Union claimed that its decision to amend its constitution "*to allow for an extension of representivity re-affirms [its] commitment to participatory democracy*" (SADTU, 1996)<sup>57</sup>. "Participatory" here is used in the sense that more people could participate in their representative capacities. While greater representivity implies increased participation, it does not translate to direct/participatory democracy. SADTU appears to be conflating an 'extension' of representative democracy with direct/participatory democracy. This was due as much to a legacy of liberation rhetoric, in which the notion of "participatory democracy" was associated with key stakeholders (or representatives).<sup>58</sup>

The following analysis will probe firstly, the various modes of participation that SADTU initiated within its structures in its attempts at seeking policy mandates from its membership; and secondly, the analysis will interrogate the main vehicles of participation

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<sup>56</sup> The term "participatory" is also used in this thesis in a different context, when it is used as a generic adjective to describe a more inclusive, transparent, stakeholder-driven model of participation, for example, when it is used to describe the consultative process of the Hunter Committee as "participatory". It is important to note that in this and other similar contexts, the term does not refer to the notion of "direct democracy", which is discussed as a model of democracy in section 2.7.

<sup>57</sup> SADTU National Archives, Matthew Goniwe House, Johannesburg, SADTU National General Council (NGC) Secretariat Report, 1996.

<sup>58</sup> Indeed, it can be argued that SADTU was not alone in conflating an understanding of direct/participatory democracy with a **deepening** of representative democracy. This feature may be seen as characteristic of the democratic movement as a whole, especially where policy development and decision-making are concerned.

that were available to SADTU in the public domain. Furthermore, a distinction is made between the Union's participation in activities organized by civil society constituencies and those organized by state/government structures.

#### *6.4.1 Internal Participation*

Several policy-related activities were organized by the union for its members to promote information sharing, and as a means to secure policy mandates in the policy making processes of SASA. These activities were chiefly in the form of policy conferences at the national level and branch meetings at the grassroots level.

##### 6.4.1.1. National policy conferences

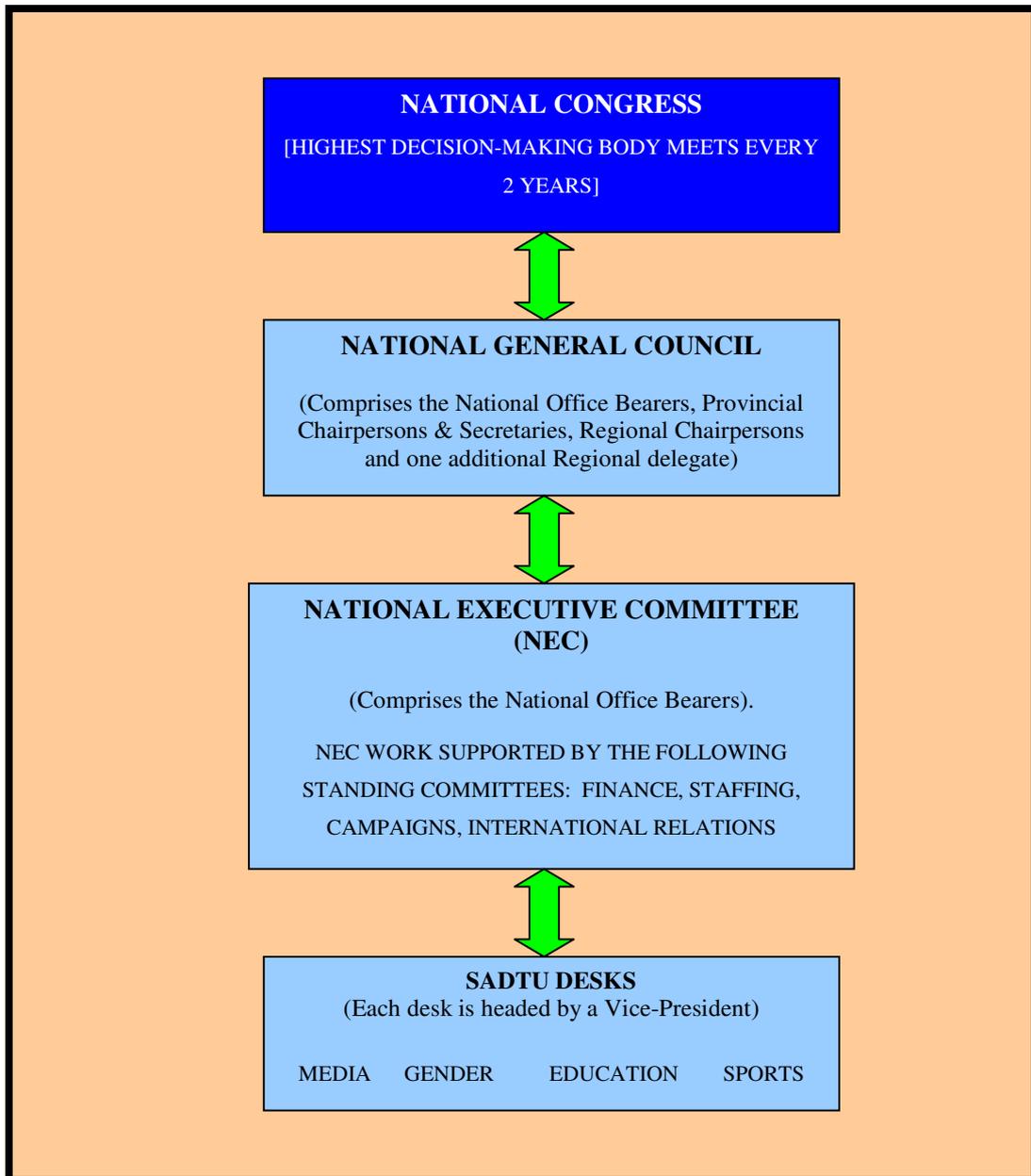
The conferences, known as the SADTU Annual Policy Conference, were aimed at consolidating SADTU positions with regard to various policies, including SASA. As a mode of participation, however, it offered limited participation to members/teachers as it was confined to members of the SADTU National Executive Committee and provincial representatives. The conferences generally review the year's work, revisit policies and positions adopted, draft new guidelines in relation to current and future interaction with the Department of Education, NGOs, Alliance partners and government generally. It also draws up resolutions relating to education policy and professional development issues that impact on the Union's programme of action for the forthcoming year (SADTU Education Report, 1998: 88).

At its 1995 National Education Policy Conference, held from 28-30 September in Johannesburg, SADTU discussed its response to the Review Committee's report on school organization, governance and funding, among other policy matters. The conference was addressed by the Union's Vice-President for Media, Reg Brijraj, who was a member of the Review Committee. The 1996 policy conference held in Broederstroom took important decisions that formed the basis of SADTU's input to the Parliamentary Portfolio Committee in September of that year (see 6.4.3 and 6.6.1).

#### 6.4.1.2 Organisational structures

SADTU's organizational structures include national structures, (see Figure 8), provincial, regional and branch structures and site committees. Members belong to specific site committees located in schools, branches, regions and provinces. The key decision-making powers of the union are vested in the national structures, which base their decisions on mandates from the lower level structures. However, as will be discussed in the chapter, in practice the Union found it difficult to secure the necessary mandates largely because of organizational weaknesses. Moreover, mandates or policy positions from lower structures may be subjected to a filtering process by the national decision-making bodies.

**FIGURE 8: SADTU NATIONAL STRUCTURES**



**NOTES:**

1. Representation on the National Congress and National General Council is based on proportional representation.
2. National Office Bearers are: the President, Deputy President, Vice-Presidents of the various desks, National Treasurer, General Secretary and Assistant General Secretary.
3. The National Congress comprises the National Office Bearers, Provincial Office Bearers, Regional Chairpersons, and Secretaries and Branch delegates.

Involving grassroots members in broader policy making initiatives posed a real challenge for SADTU during the formulation of SASA. Participation by rank and file was hampered by the Union's organizational state between 1994 and 1996, wherein few branches and provincial structures had been established. The Union lacked the necessary infrastructure on policy matters from the early to mid-1990s. However, some active branches did play a role:

*...by indicating the direction we needed to [take], in particular around the tough questions and issues that we grappled with, particularly around the composition of the school governing bodies - who should be there, why they should be there and so on (Interview with Glen Abrahams).*

There was also a reliance on representatives at provincial and national levels to carry the mandates of members, but this was not always possible because of logistical and organizational challenges. Duncan Hindle described the situation as follows:

*[There were] enormous challenges and that was also part of the capacity constraints, financial in part, but just logistical and organisational. The union was still in a fairly precarious state then - we had very few officials, certainly at provincial or local levels who were full-time, so we were running an organisation - a big organisation<sup>59</sup> - largely on voluntary commitment. The union did try to facilitate, as far as possible, consultations and discussions at the lower levels of the organization and there were those who made use of the opportunities within the union to have their say on these matters; but I have no doubt that many, many members didn't even get to see or hear about these debates at all - that was the state of play at the time. So it [participation] was better at the national and probably provincial level discussions - lower than that, I doubt it (Interview with Duncan Hindle).*

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<sup>59</sup> The union reported in June 1996 that it had officially been declared the largest teachers' union in SA with an audited membership of 106 000 members (SADTU National Archives, Matthew Goniwe House, Johannesburg, SADTU NEWS, June 1996: 4)

Generally, Union branch activity relating to policy inputs was low. SADTU branch meetings afforded limited opportunity for members to make inputs and suggestions regarding broader education policy matters as branch meeting agendas often dealt with “more pressing” issues, such as salaries and promotions. The SADTU President at the time, Duncan Hindle, observed that Union operations had been premised on representative democracy, based on a process of consultations through various Union structures from grassroots to national level. This required an energetic layer of middle leadership, which was tempered by the state of union organization at the time, especially lack of management and communication strategies. This view was reinforced by the situation that existed in the SADTU Gauteng province:

*...the effective consultative processes tended to be with the top layers of the structures within SADTU rather than with all the members. One of the reasons for that was that many of the structures that emerged pre-1994 had to survive under very repressive conditions and in that sense it [was] not surprising that those structures took on those forms because things had to be done in secret or the resources weren't available for mass participation processes. Yes, the representative nature of SADTU was very strong but the participatory element at the time needed to be worked on. In many of the branches in the province, we weren't able to establish the kind of discussions that took place at branch and school levels. My guess [was] that a lot of items were put on the agendas, but many of them wouldn't get discussed in detail. So, very strong representation but thin on participation, and a lot of work still needed to be done to make it a mass participatory, teacher-based organization. (Interview with Haroon Mahomed, former SADTU Gauteng Province Chairperson)*

The Union faced particular challenges regarding communication and canvassing members' views. In particular, the Union's desire to cultivate and maintain democratic practices within the organization was not able to be fulfilled. This led to the Union adopting an essentially representative model of participation within its structures, wherein representatives at national, provincial and branch levels became active in Union activities

and members gradually playing less of a role in comparison to their involvement pre-1994 at the height of SADTU's militancy.

Significantly, a key part of the consolidation of the Union's policy mandates was the role played by national structures, such as the National Executive Committee and the National Education Committee. It soon became clear to national office bearers that grassroots' members were often out of touch with key policy developments. Ironically, this was largely on account of the under-development of Union organizational and communication structures (see above). In the main, though, national office-bearers saw it as part of their duty to carefully review inputs from its lower structures. In the words of a senior official of the union:

*... the issues that teachers put on the table sometimes need to be worked and reworked* (Interview with Glen Abrahams).

#### 6.4.1.3. Communication and members' access to policy information

In spite of infrastructure and 'membership participation' challenges, SADTU was able to develop a communication strategy to keep members informed of policy developments, primarily through the activities of its media department. The main sources of communication to members were the Union's newsletter and journal. For example, in SADTU's journal, *The New Teacher* (Volume 3(1), May 1995), the Union's position on the proposed new model of school governance that was being investigated by the Review Committee was outlined. The Union expressed concern over the inclination of the majority of Model C schools to discriminate against poorer people in general and Black communities through the adoption of unconstitutional entry criteria and prohibitive fees. The Union recommended that several issues, such as the employment of teachers; admissions policy; teacher-pupil ratios; maintenance of school buildings and grounds; language policy and the character of schools be governed by national norms and standards, with an equitable basis for funding. Similarly, SADTU's newsletters carried information on Congress resolutions relating to the Union's position on the composition

of school governing bodies (SGBs), the employment of additional teachers and the principle of free and compulsory schooling (SADTU NEWS, 1995: 5).

Organisational structures were also expected to facilitate communication. The various structures in which provinces and branches were represented such as the National Executive Committee (NEC), the National Education Committee (NEDCOM) and National General Congress (NGC) “*served as key communication structures*”, the latter consisting of regional representatives. At the provincial and local levels, the Regional Education Committees (REDCOM), Branch Education Committees (BEDCOM) and school site committees (where these were established) were relied upon to ensure that the chain of communication was kept alive. However, the effectiveness of reliance on representatives at these various levels in acting as information bearers was in serious doubt. As claimed by a senior SADTU official, although the union was able to reach many members, it was difficult to get feedback, because of “work overload faced by officials in their own localities” (Interview with Aubrey Matlole) (also see above quotes).

A particular communication challenge related to members in rural schools. In contrast to their urban colleagues, members were not exposed to a range of communication media, such as television and newspapers (Interview with Aubrey Matlole). This view was reinforced by government policy makers who felt that not enough had been done in reaching out to rural constituencies, including teachers, to ensure their participation in the formulation of SASA. However, there were several other reasons why members chose not to attend, such as their busy work schedules and the fact that many teachers attend meetings only if the agenda items are of interest to them (see Chapter Eight).

#### *6.4.2 External Participation*

“External” refers to modes of participation in which the Union was involved outside of its own organizational structures in the development of SASA. These include both activities relating to state and civil society structures. This section will provide an overview of the different types of participation and sketch background information to illuminate the origins and purposes of specific structures (the details of discussions and debates relating

to SASA within these various structures will be analysed in the sections that follow as part of the descriptive analysis of SADTU's participation in the formulation of SASA).

#### 6.4.2.1 Civil Society

SADTU's participation in the development of SASA as part of civil society occurred primarily through its involvement in the political education organs of the ANC, namely, the ANC Education Alliance and the ANC Education Study Group, which was located strategically in Parliament.

##### *a) The ANC Education Alliance*

*I'm referring to an ANC forum which was convened by the Secretary General. Many meetings were held where we would thrash out some of these difficult problems [debates relating to SASA], formulate our strategic objectives and what compromises have to be made. So that usually by the time we go to the Portfolio Committee or to the ANC Study Group in Parliament we are guided by these understandings. And of course the ANC education policies contained in the Yellow Book - that was a big resource for us (Interview with Blade Nzimande)*

As outlined in Chapter Four (section 4.4), SADTU was a key participant of both the ANC-led political alliance comprising the ANC, COSATU and SACP and the ANC Education Alliance. The latter was founded on the historical compact of education social movements of the 1980s. The main aim of this alliance was the eradication of apartheid education and its replacement with a non-racial, non-sexist, democratic system of education in South Africa. In order to achieve this goal the Education Alliance had mooted the idea of creating a political centre for the progressive forces in educational transformation processes. This took the form of the Alliance Working Committee which was tasked with coordinating the work of the Alliance in education. SADTU nominated a senior official, Mxolisi Nkosi, its Assistant General Secretary to represent the union on

the committee.<sup>60</sup> Significantly, SADTU's education policy positions in the 1994-1995 period were influenced by its status as an important partner within the ANC Education Alliance, and were therefore rooted in the People's Education discourse of the 1980s (cf. section 4.4).

SADTU was a key participant in the ANC-initiated Alliance workshop of 4 October 1995, where the idea of a vibrant political centre in education was mooted. Critical education challenges were identified. These included: ensuring the passage of legislation to transform education, with specific reference to the Constitutional Court challenges against the National Education Policy Bill and the Gauteng Schools Bill (this was a reference to White minority groups' challenge of the constitutionality of these Bills on the grounds that they excluded the provision of single-medium schools)<sup>61</sup>; and mobilizing for a learning nation, with specific reference to taking the "RDP to communities" and ensuring that the ANC-led Alliance "play a key role in the recreation of the culture of learning and teaching".<sup>62</sup> Subsequently, there was a decision to launch a campaign with the following objectives:

- To influence concrete delivery in education;
- To ensure continuous involvement by the MDM and Alliance in reconstruction and development in education;
- Popularising the legislation process aimed at bringing about access to education to all;
- The development of an aggressive media strategy to signal to the Constitutional Court (CC) that it was important that the above bills were passed in favour of the ANC;
- To use the mobilizing power of the Alliance to reach out to other social formations like religious bodies, human rights organisations and education organizations not regarded as traditional allies; and

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<sup>60</sup> SADTU National Archives, Matthew Goniwe House, Johannesburg, *Summary of Decisions of the SADTU National Executive Committee meeting held on 12-13 October 1995*, Johannesburg.

<sup>61</sup> Arguably, these challenges ensured the provision of single-medium schools in the SA Schools Act (cf. section 5.2.1).

<sup>62</sup> SADTU National Archives, Matthew Goniwe House, Johannesburg, *ANC Alliance Workshop Report*, 5 October, 1995.

- To organize a mass action programme around the outcome of the CC ruling and indicating full support of the ANC-led Ministry of Education. (ANC Alliance, 1995)

A significant part of the workshop was devoted to the work of several commissions: a commission on A Political Centre, one on Policy Formulation, one on the Report of the Review Committee on School Organisation, Governance and Funding and a fourth commission on Higher Education. For the purposes of this thesis, only the first three will be elaborated upon.

The following key purposes underpinned the establishment of a Political Centre within the Education Alliance, to coordinate and drive the process of education reconstruction and transformation; to facilitate open debate and to build consensus; and to ensure that the voice of progressive education intellectuals were heard. The composition of the Education Alliance Political Centre was to be inclusive and representative with the following key members, the ANC; SACP; COSATU; SANCO; SANSCO; SADTU; COSAS; ANC Youth League and Women's League; ANC provincial structures; policy institutes; ANC Study Group members; and strategically located civil servants.

The Commission on Policy Formulation attempted to assess the role of the MDM or Alliance structures in policy development generally. The following proposals were made, that negotiations around policy be backed up by mass struggles; that MDM structures lead the process of policy development on all matters; and that sectoral organizations take the lead in respect of relevant policies (e.g. COSAS and SADTU should lead debates on corporal punishment in schools – one of the contentious areas of the SA Schools Bill). The Commission also discussed strategies and campaigns to focus on the National Education Policy Bill and the Constitution-making process, both of which were at critical stages in their development.

Having a separate commission on preparing initial comment on the report of the Review Committee on School Organisation, Governance and Funding was indicative of the importance that the ANC Alliance attached to the development of new schools' policy.

This Commission agreed with the main thrust of the recommendations of the report but proposed a refinement of several recommendations. These were, in the main, no funding for independent schools; a reaffirmation of the Alliance's policy of free and compulsory education; a questioning of the continuation of Model-C schools and that the issue of additional powers to schools be treated with extreme caution (ANC Alliance, 1995). It is important to note that SADTU's own submission on these issues was identical in substance to the Alliance positions as articulated here (see section 6.6.1).

This ANC-led workshop was a significant organizing and strategic event as it sought to create an organizational centre to drive the process of education transformation and policy development in the ensuing years. Overall, SADTU's involvement in policymaking in the 1994-1996 period, was as part of this broader coalition to support the ANC-led government in introducing new policies. A great deal of time and energy went into these Alliance meetings. In comparison to the White Model C lobby (cf. section 5.3.3.3), SADTU and the ANC Alliance was at a disadvantage because proper structures were not in place. On the contrary, community-based structures of the MDM had been dismantled (for example, the NECC – cf. section 4.4); SADTU itself was a fairly new union, just 4 years old, at the beginning of consolidating its unification of several smaller unions, and building its infrastructure (SADTU, 1998 Congress Report). The union also prioritised labour matters during this period.<sup>63</sup>

Given the above state of affairs at the time, it was not surprising that the fledgling union relied primarily on the collective response of the ANC Alliance to impact broader education policy. One of the consequences of this reliance was that SADTU was unable to fully assert itself as an independent civil society organization as its own views on education policy were subjected to scrutiny by other members of the Alliance in the pursuit of a unified, collective position (cf. section 6.6.2). As a result, SADTU was constrained in advancing the sectoral interests of its members.

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<sup>63</sup> The Labour Relations Act was passed in 1995, and SADTU, as one of the key COSATU affiliates, was quite involved in the process of formulating the Act.

***b) The ANC Education Study Group***

The ANC Education Study Group served a similar role to the ANC Education Alliance. It also strived towards reaching consensus among its members. The membership of the Study Group was similar to that of the ANC Education Alliance, with SADTU, SANSCO and COSAS being the most prominent. The main difference between the two was that the Study Group was located in Parliament, and served as an important link between the ANC in government and the ANC outside of government, especially in relation to legislation and its processes (Nzimande & Mathieson, 2003: 3). The ANC Education Alliance, on the other hand, tended to engage with policy in the form of commission reports and White papers, that is, before it was presented in the form of draft legislation to Parliament. Nzimande and Mathieson (2003: 3) suggest that the *ANC Education Study Group* played a significant role in education policy development by making strategic interventions into the policy and legislative process. It also provided a forum through which the partners of the ANC Alliance could engage with policy and overcome the growing sense of alienation experienced by them from the legislative and policy processes generally.

Although a part of the ANC Education Study Group, SADTU also met separately with the Study Group's senior members to raise its own concerns, as was the case on 29 August 1995 to discuss issues relating to the National Education Policy Bill and the Review Committee's report. With regard to the latter, the meeting decided that:

- The Review Committee's report be welcomed instead of being criticized;
- It would be a desirable strategy not to wholly support the report and to fully defend non-negotiables, such as free and compulsory education and the withdrawal of state subsidies to private schools; and
- SADTU, COSAS, SANSCO and other allies should express their views in the media and through marches where practicable to ensure the democratic transformation of schools, especially in the light of constitutional challenges around the National Education Policy Bill and the Gauteng Schools Bill, and

opposition to education transformation generally by sectors of the White community.<sup>64</sup>

The ANC Education Study Group would eventually become a decisive site of struggle for organizations such as SADTU who were allied to the ANC, especially when the South African Schools' Bill was to be tabled in Parliament. This is dealt with more fully later in the chapter (cf. sections 6.6.2 and 6.6.3).

#### 6.4.2.2 State/government initiated avenues for participation in the development of SASA

Organised education stakeholders, such as teacher unions, were afforded several opportunities to engage with the state in relation to SASA's development. These included the invitation to submit written submissions, attend public hearings, meetings with senior government officials, serve on policy committees, and attend conferences and workshops. This suggests government willingness at the time to engage with the views and positions of teachers.

##### *a) Written submissions and public hearings*

SADTU's written submissions to the various policy documents were few in comparison to those submitted by NAPTOSA (See Chapter Seven). A SADTU letter commenting on the Review Committee's report was dispatched to the Ministry of Education following a meeting with the Minister (see section 6.6.1). Perhaps the most detailed response was the union's written submission as part of the public's involvement in the Parliamentary deliberations on legislation. The document formed the substance of SADTU's oral presentation to the Parliamentary Portfolio Committee on Education on 4 September 1996 (see section 6.6.3 for details).

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<sup>64</sup> SADTU National Archives, Matthew Goniwe House, Johannesburg, Addendum to SADTU NEC Meeting, 12-13 October, 1995, Johannesburg.

***b) Meetings between SADTU and the Department of Education***

The holding of meetings between teacher unions and the Ministry of Education/Department of Education was an established practice even under apartheid. In the post-1994 era, these meetings continued. An important difference, however, was that the ANC-led democratic government adopted an inclusive approach and held meetings with all teacher organizations to discuss a range of education policy and labour-related matters. The establishment of the Education Labour Relations Council (ELRC) in 1993 to formulate labour policies meant that eventually there would be fewer one on one meetings between teacher unions and government. However, at the time of SASA's development (1995-6), the ELRC was still in its infancy. As a result, specific meetings between teacher unions and government were held on various policy and labour issues.

With regard to the development of SASA, there were at least two meetings between SADTU and the Ministry/Department of Education, on 3 October 1995 and 15 July 1996. A SADTU delegation led by its President, Duncan Hindle, met with the Minister of Education, Professor S. Bengu and the Director-General of Education, Dr. C. Manganyi on 3 October 1995. The meeting's purpose was to consult over the report of the Review Committee. SADTU expressed similar concerns to those that the Union raised with the ANC Education Study Group on 29 August 1995. Following the meeting, SADTU made a written submission on the issues raised with the Department of Education (DoE) (see section 6.6.1). A SADTU delegation also met with the DoE on 15 July 1996 as part of a series of meetings between the department and national organisations to consider possible amendments to the draft South African Schools Bill as part of the Section 247 negotiations.<sup>65</sup>

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<sup>65</sup> DoE Archives, Pretoria, DoE letter, *South African Schools Bill: National bodies invited for consultation at a national level at Magister Building, 123 Schoeman Street, Pretoria, July 1996*. Unfortunately details of what transpired in the meeting could not be ascertained. Nonetheless, clues relating to what was most likely to have been discussed maybe gleaned from SADTU's public utterances in this period (cf. section 6.6.2 and 6.6.3).

***c) Government/State Committees***

Teacher unions are often invited to serve on government appointed committees or commissions that are set up to investigate or review education policies, especially those related to schools. The union representatives are invited in their capacity to represent the interests of the organized teaching profession and in the spirit of involving key education stakeholders in policy making. With regard to SASA, SADTU, together with other teacher unions, were represented on the government appointed Review Committee (cf. Chapter Five). During the legislative process, teacher unions and other stakeholders had a further opportunity to make oral and written presentations to the Parliamentary Portfolio Committee on Education (see section 6.6 for an analysis of SADTU's involvement in the different phases of SASA's development).

***d) Conferences and workshops***

SADTU, together with NAPTOSA, were among various stakeholders that participated in policy conferences relating to SASA. These policy conferences were organized by education policy organizations and government, for example, the Conference: *Towards a New Framework for School Organisation*, held on 25-26 April 1995 in Durban, hosted jointly by the Education Policy Units of the Universities of Natal and Witwatersrand, together with the Department of Education. The conference coincided with the government's appointment of the Committee to Review the Organization, Governance and Funding of schools, two months earlier. Although SADTU and NAPTOSA were only beginning to formulate positions relating to the Review Committee's work, their respective input papers already indicated significant divergences, especially with regard to issues of funding and organization, particularly the future status of White Model C schools (cf. section 5.3.3.2).

An important difference between participation in Alliance structures such as the ANC Education Study Group and SADTU Education Policy Conferences, and conferences and workshops organized by government structures in association with education policy and research units, such as the Wits EPU, must be noted. The former were driven by the

Alliance's agenda of caucusing and developing a common Alliance position while the latter were driven by the government's agenda of compromise as reflected in the list of participants and position papers and debates that ensued. The latter was constrained by the government's agenda to decide on what's in the broader public interest, the burden of all democratically-inclined governments. For example, at the April Conference referred to in the previous paragraph, participants from the DoE and Ministry of Education reflected the composition of the GNU. Included among the participants were Dr. Henry Stone, Superintendent-General of the former Department of Education and Mr. Renier Schoeman of the National party, who was the incumbent Deputy Minister of Education in the GNU. Another important government tendency was the involvement of academics and policy experts to map out key policy issues and debates in the conferences. This reflected a concern with scientific legitimation of policy making as was the case in South Africa's earlier history, again a concern of government and not of a civil society movement, such as the ANC Alliance (see Chapter Five).

Overall, SADTU's involvement in the various opportunities for participation in the formulation of SASA outlined above had been confined largely to union representatives, with little involvement by grassroots members. The evidence also suggests that SADTU's participation favoured involvement in the forums and activities of the ANC Alliance over state/government-initiated processes, primarily because of the belief that "their own people" were now in government and they were confident that they would advance the Union's education policy goals. These features of the union's participation and their significance will become more visible in the remainder of the chapter.

#### **6. 5. Coming to grips with the changing policy context (1993-1995/6)**

SADTU's emergence as a teachers' union in the early 1990s was strongly influenced by an identity shaped by the politics of protest and resistance of the MDM (cf. section 4.4). The national interest, that is, the interest of the historically oppressed majority was its chief concern in this period; a concern that was shared by its membership. Many of its education policy positions were derived from the policy work of the democratic movement (the MDM) led by the ANC and NECC (see Chapters Four and Five). Not

surprising, therefore, that SADTU's concentration in the early debates on SASA, from 1993-1995, was confined to the growth of PTSAs (school governing bodies), funding equity, and its opposition to Model C schools. These issues were central to SADTU's advocacy around democratic participation and the challenge of equity and redress. From its early public utterances, SADTU would continue to hold strong views on these issues, although they would come under increasing scrutiny from its own allies as the process unfolded.<sup>66</sup> In particular, SADTU's policy positions within the Alliance would be mediated by the ANC's shift in economic policy, from the RDP to GEAR. This became apparent during 1996 when public debate over SASA intensified.

South Africa's transition to democracy had particular implications for SADTU. A key constraint on its ability to influence processes of policy making and decision making was the view that it "*had become part of institutions that were part of the neo-liberal logic of GEAR and that needed to deliver within these neo-liberal rationalities*" (NALEDI, 2006: 9). The embracing of a neo-liberal macro-economic framework by government was therefore a key mediating factor on SADTU's influence in shaping education policy. One of the consequences of being part of the ruling ANC-led Alliance was that many SADTU leaders had entered the educational bureaucracy. However, many of them were unable "*to introduce new ways of thinking and operating within the state policy cycle (from formation to implementation to review), by the often static weight of institutional tradition and values*" (NALEDI, 2006: 18). These economic and bureaucratic features of the transition had a significant impact on SADTU's ability to influence policy processes, given its own capacity weaknesses as a newly established union.

#### 6.5.1. Representative participation

SADTU's emphasis during this period was on securing 'participation' in policy processes as evidenced by a 1993 Congress Resolution on Education Policy Formulation, wherein it called for policy making to be a "*product of participatory and inclusive processes*"; and

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<sup>66</sup> See input paper by SADTU's Vice-President for Education, Duncan Hindle, *Towards a new framework for school organization*. Paper presented at a conference, *Towards a new framework for school organization: Governance, Ownership and models of funding*, 25-26 April 1995, Durban, KwaZulu-Natal.

to ensure alignment with the policy thinking of its allies (Congress Report, 1993: 51). As expressed by one of the Union leaders at the time:

*It was important to have representation on important policy structures and be able to consult with the various Alliance structures, and not structures of SADTU only (Interview with Aubrey Matlole).*

The form of participation in policy work was seen largely in terms of representative democracy, whereby the emphasis was on 'representative participation' as opposed to 'mass-based' or 'individual participation'. SADTU's participation in education developments in this critical transition period centered largely on ensuring representation on key policy committees and participating in workshops and conferences as part of the ANC Alliance. Even SADTU's own annual national education policy conferences were attended by representatives of Alliance partners, such as the ANC and COSATU. The policy positions adopted represented in the main the Alliance or broad democratic movement's sentiments. SADTU's identity as a teachers' union had therefore become subsumed within the broader political identity of the ANC and its alliance partners. It had not as yet established an independent identity as a teachers' union whose primary concern in the policy domain was the interests of its members as teachers. These challenges would take on more serious proportions as the new government's policy programme unfolded, of which the South African Schools Act was among the first.

#### *6.5.2. The need for policy expertise/capacity*

The Union did, however, attempt to grapple with the shift from protest politics to the grind of policy work, as was the case at its national policy conference in 1993. This was a lesson in the complexity of policy work for the Union, and provided a foretaste of the capacity and expertise that would be required:

*A tendency to use rhetoric to gloss over huge issues is an unfortunate legacy of our days of protest, but the participants [at the conference]...had no*

*doubts about their intention to govern the future system of education, and the need to prepare for this (SADTU, 1993: 45)<sup>67</sup>.*

As mentioned earlier, SADTU associated itself closely with the ANC ruling party as evidenced in the above phrase ‘*to govern the future system of education*’. Concerns about capacity and policy expertise were reiterated at its 1995 Congress, where decisions were taken to recruit experienced personnel given the “*need for a more sophisticated approach to policy positions and submissions*” (SADTU, 1995: 54)<sup>68</sup>. The concern was encapsulated by the Minister of Education in his address to the Union’s 3<sup>rd</sup> National Congress in 1995:

*...transformation requires involvement of a different kind to the **one we are used to**. It requires input, deep thinking, research, reflective analysis and hands on experience. What emerges from this realization is the need for education structures to build capacity beyond leadership levels and to empower the membership in general. Teachers should be enabled and empowered to participate meaningfully in shaping the content of education. **SADTU therefore needs to consider more seriously the question of teacher participation in policy debates and related areas.** (Own emphasis)<sup>69</sup>*

This was tantamount to a rebuke by the Minister of Education, Sibusiso Bengu, and quite different from SADTU’s own view in this period that its role was “to govern”. Besides its own organizational assessment, SADTU was under pressure from its allies in government to take on a stronger leadership role in the policy domain and focus more on education development rather than political activism. It was within the context of the above sentiments and its own assessment that SADTU proceeded to address issues of teachers’ capacity and participation in education policy. The background and resolve was captured

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<sup>67</sup> SADTU National Archives, Matthew Goniwe House, Johannesburg, SADTU Second National Congress 5-7 July, 1993, Agenda, Minutes (11/12 October 1991), Secretarial Report.

<sup>68</sup> SADTU National Archives, Matthew Goniwe House, Johannesburg, SADTU, Secretariat Report to the Third National Biennial Congress, July 1995, Education Report, pp. 52-55.

<sup>69</sup> SADTU National Archives, Matthew Goniwe House, Johannesburg, SADTU 4<sup>th</sup> National Congress, 6-9 September, 1998, Programme and Minutes of SADTU 3<sup>rd</sup> National Congress held in July 1995, Annexure E, pp. 37-38.

in the following excerpt from the report of the Vice-President for Education at the Union's Congress in 1995:

### **5.2 Building the research capacity of the Union**

A number of instances have arisen recently which indicated the need for a more sophisticated approach to issues. The present salary negotiations have required an in-depth understanding and analysis of economic issues – pension funds, restructuring of remuneration principles taking into account broadbanding and multi-skilling approaches, taxation, etc. We have also been asked for our policy positions on the National Qualifications Framework, on consultative structures, on affirmative action, corporal punishment, as well as on ABET and Educare...and as in so many cases we do not have the capacity...All of this would suggest that the establishment of a research office within the union is imperative, in order to provide backup to all [union] Departments, as required. This would include the appointment of a full-time research officer, with skills in a wide range of areas, as well as the facility to second our members in for specific tasks (SADTU, 1995).<sup>70</sup>

It would take some time, however, before the Union would be able to take concrete action. Although an Education Officer had been appointed in 1994 and an Education Administrator in 1996 (SADTU, September 1996), Education Specialists and a Researcher were only appointed in February 1998. This would be followed by the establishment of a Legal department.<sup>71</sup> On the other hand, some of NAPTOA's affiliates, especially its White and Coloured affiliates, had been well-staffed in these

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<sup>70</sup> SADTU National Archives, Matthew Goniwe House, Johannesburg, SADTU Vice-President for Education, Glen Abrahams, Education Report, 3<sup>rd</sup> National Congress, 1995, Addendum to Secretariat Report of SADTU 4<sup>th</sup> National Congress, 6-9 September, 1998, pp. 86-93.

<sup>71</sup> Interview, Jon Lewis, 18 October 2002; & SADTU National Archives, Matthew Goniwe House, Johannesburg, SADTU, *Secretariat Report, Book 2, 5<sup>th</sup> National Congress*, ICC, Durban, Kwa-Zulu Natal, 8-11 September 2002,

areas for a number of years, with full-time lawyers in their employment to provide the necessary expertise with regard to education policy and legislation (cf. Chapter Seven).

### *6.5.3. Drawing on external expertise*

Two organizations, the Centre for Education Policy Development (CEPD) and the Wits EPU, played important roles in shaping the policy inputs of the ANC Alliance. The CEPD was an ANC education policy think-tank that had been established to develop policies in anticipation of an ANC election victory in 1994. The Wits EPU had been established by the NECC in the 1980s, together with similar policy units in the provinces of Kwa-Zulu Natal and Western Cape to provide education policy analysis support to the democratic movement, including COSAS and SADTU. The CEPD and EPUs had therefore come to be regarded as allies of the democratic movement and the ANC Alliance.

Given SADTU's policy expertise deficit, especially acute in the first half of the 1990s, the Union continued to draw on the CEPD and the Wits EPU for policy analysis support:

*Of course we made use of various progressive institutions like the CEPD, the Wits EPU and so on, but what we guarded against in those years was to verify academic advice and expertise, to check it with the actual mandate that you received from the ground or from the ordinary teacher in the classroom (Interview with Glen Abrahams).*

In spite of the prevalence of a critical stance towards academics and policy experts by some union members, SADTU developed a close working relationship with those academics and policy analysts that were sympathetic to the democratic movement. This was understandable given the Union's lack of organizational capacity in the policy arena at the time.

#### 6.5.4. Diverse sources of policy capacity/power

SADTU's initial approach to the development of policies was influenced by a sense of confidence in the new government:

*To a certain extent, there was a huge optimism, we'd just elected a democratic government, it was our government, we were relatively confident with the kind of legislation that was coming out of certain processes and in the interests of certainly the membership of the union, so I think it wasn't based on an expectation or suspicion of government at that stage and that's why we were able not to get involved fully in every aspect of it (Interview with Duncan Hindle, ex-SADTU President).*

However, to focus narrowly on the question of capacity and expertise would be to discard the importance of the changing nature of state-civil society relations, and specifically government-teacher relations. As Popkewitz (2000: 185) argues, “[educational] reforms emerge through multiple trajectories and are given authority through different sets of actors that are located both in the state and civil society”. As such, SADTU's early dependence on allies within government and academics located within tertiary institutions should also be recognized as part of the diversity of influence in education policy making.

In summary, SADTU's early policy positioning was consistent with the democratic movement's policy stance generally, and it drew substantially on the capacity and expertise of progressive policy structures, based on an historical alliance with progressive academics, and its own lack of capacity.

### **6.6 Influencing the different phases of SASA's development**

The content and nature of SADTU's participation in the development of SASA is analysed in the sections that follow, with a view to assessing the Union's impact on the policy making process. The analysis is framed around the different phases of SASA's development as outlined in Chapter Five.

*6.6.1. Phase one: Generating consensus: From the Review Committee to White Paper 2 (April, 1995-February, 1996)*

6.6.1.1. Background

Although the work of the 'Committee to Review the Organisation, Governance and Funding of Schools' (the Review Committee) during 1995 marked the formal process of generating policy options in the development of SASA, the contestation over policy for a new schooling system in South Africa had begun much earlier, with constitutional negotiations and the process leading up to White Paper 1 (cf. section 5.3.1). SADTU, particularly its leadership, as part of the ANC Alliance was party to the negotiations relating to Section 247 of the Interim Constitution of 1993. However, it could hardly have foreseen the influence such a concession would have on the process and outcome of SASA's development. Similarly, SADTU was actively involved in the drafting of the schools language clause in the negotiations for the final constitution during 1995-1996. The Union was part of the Alliance team that formulated policy positions of the ANC as the final constitutional deadline drew closer, arguing that the NP's demand for single medium schools "*would perpetuate the existence of racially or ethnically constituted schools and this would certainly fly in the face of integration and transformation*" (SADTU NGC Secretariat Report, 1996).

The final compromise clause that provided for parents and students in public schools to be able to choose the medium of instruction where this could be practically provided for represented a victory for the NP (of which the Model C lobby was a part). As part of the Alliance, SADTU gave its support to a clause that would provide the opportunity for the NP and its supporters, which included White teachers' organizations, to mobilize opposition against certain clauses in the SASA.<sup>72</sup> SADTU would later admit that these constitutional provisions had a major impact on the development of SASA, and had constrained the extent of its own influence in the process.

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<sup>72</sup> Interview, Prof. Koos Steyn, SAOU, 11 June 2002, Pretoria.

The ANC government's release of Education White Paper 1 in March 1995 marked the first concerted attempt to reconcile the cleavages existing in South African society over the future education system, including schools. The genesis of White Paper 1, in many ways, represented the attempts by the Alliance to put together a blueprint for a new, democratic education system in South Africa. This included grappling with the issues of school organization, governance and funding, which would later form the core concerns of SASA. The White Paper was a culmination of several years of work within the democratic movement (see section 5.2). As part of the Alliance, SADTU participated extensively in these efforts, beginning with the work of the National Education Policy Investigation (NEPI) in the early 1990s, which was commissioned by the National Co-ordinating Committee (NECC) (cf. section 4.6).

The Union was involved in the structures and activities of the NECC, notably the NEPI Executive Committee, research groups and consultative forums (SADTU Congress report, 1993: 44). SADTU was also prominent in the processes leading up to the release of the ANC Policy Framework for Education and Training, which formed the basis of White Paper 1. Many of the activities focused on education transformation as part of the broader contestation for political power, for example, the constitution-making process, the RDP and the development of the National Education Policy Act (NEPA)<sup>73</sup>.

Overall, SADTU's involvement was very much that of a partner in government, underlined by the exodus of its national and provincial leadership to key positions in Parliament, and the national and provincial education departments. Therefore, SADTU's policy involvement from 1993-95 was an extension of its participation in the political struggle to ensure a consolidation of the ANC government's education transformation programme.

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<sup>73</sup> SADTU participated in COSATU's one day national protest action over constitutional issues. SADTU's position on the education clause was that all learners have the right of educational access and the right to choose the medium of instruction where this was practical. The union rejected the National Party position that single medium schools be constitutionally entrenched, arguing that the matter of language was a curricula debate, not a constitutional one (SADTU National Archives, Matthew Goniwe House, Johannesburg, *Haggling over the educational clause!* June, 1996, *SADTU NEWS*, p.2.).

#### 6.6.1.2. SADTU's experience with the work of the Review Committee

As noted in Chapter Five, SADTU was represented on the Review Committee by its Vice-President for Media, Reg Brijraj, and the development of SASA was to be mediated by issues of consensus and legal and fiscal realities. These same factors, characteristics of South Africa's broader transition, would undermine the political influence of SADTU in the process. As observed by a senior SADTU official:

*You see it looked very tempting, enticing to be appointed to the Review Committee, but to a certain extent **the Review Committee was set up very much as a listening agency, it was meant to solicit the views of a wide range of the public** as it were... and therefore one has to ask the question whether it was strategic even to be on that Review Committee, whether in fact the voice of the union was not marginalised by being there in that **we were unable to essentially make comments from our side because we were part of the process**". (Own emphasis) (Interview with Duncan Hindle, Ex-SADTU President)*

The above quotation raises some interesting issues about participation in the Review Committee and by extension, education commissions (cf. section 2.5). There is a suggestion that the Union harboured a preconceived notion that through 'participation' in policy committees, the Union would be well-positioned to influence policy, but the reality of representative participation was quite different. The Review Committee, in this view, served as a consensus-seeking mechanism and was not a forum for advancing the position of individual constituencies. The informant also suggests that representatives who serve on a policy committee might find that compromises are inevitable because of the committee's terms of reference and the nature of its work. For SADTU, this was a bitter pill to swallow as it meant that in spite of its political alliances, the Union's views would not be privileged. This was verified by SADTU's own representative on the Review Committee, Reg Brijraj, who claimed that:

*The voice of transformation had been watered down because of the technical/expert inputs by conservative unions and their allies. ...it was a very technical exercise as if the Committee was not grappling with the aspirations of the majority of the people. Progressive forces had to win over conservative forces in the Committee so that progressive changes could be included.*

Influencing the deliberations of the Committee was therefore no easy matter for SADTU, who lacked the necessary policy and technical expertise. Moreover, differences and tensions between opposing forces had to be resolved through persuasion and argument, not strength in numbers or because of partisan allies in government. Therefore, as argued in Chapter Five, policy making is both a political and a technical process. However, according to the Committee's chairperson, deliberations within the Committee proceeded reasonably well:

*I may be giving you the impression that there were not enough problems, but certainly there were no fierce arguments within the committee, the relationships within the committee worked well; members from the opposite side of the political spectrum tended not to articulate as strongly in [the] committee as they would do in public – [there was a] tendency for members in the committee to roll up their sleeves and attend to business, even if divided on ideological grounds (Interview with Professor Peter Hunter).*

An important part of the Committee's work was the consideration of written submissions. Although a public invitation for written submissions was issued by the Committee, SADTU did not make a submission, apparently satisfied with the presence of its representative on the Committee and the knowledge that the Committee's composition favoured the Alliance<sup>74</sup>. The Union, however, did not shy away from involvement in public events, such as conferences. Besides stating its views on the substantive issues, the Union also used such opportunities to take a shot at its rival, NAPTOSA:

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<sup>74</sup> DOE, Review Committee Report, Appendix C, Written submissions, 1995, pp.117-121 and Interview, G. Abrahams, SADTU, 15 April 2003.

*The fact that persons who participated in drafting these provisions [referring to the status of White Model C schools] now sit at the head of organizations defending them, suggests a strong complicity between old guard bureaucrats and the 'new' professional organizations. New centers of power outside of government are being formed. And the protests of this new right, given the South African context, are about the protection of undue privilege, nothing else. (Duncan Hindle, SADTU Vice President for Education, 1995)<sup>75</sup>*

Hindle's reference to "*complicity between old guard bureaucrats and the 'new' professional organizations*" was intended to cast aspersions on NAPTOSA's Executive Director, Huw Davies, who was present at the conference where the remarks were made - Davies had served as a Director in the previous Department of National Education. As such, the period was marked by lingering tensions with NAPTOSA and its leadership, some of whom had emerged from the apartheid education bureaucracy (see Chapter Seven).

With the release of the Review committee's report in August 1995, SADTU raised particular concerns.<sup>76</sup> Following a meeting with the Ministry of Education on 5 October, 1995, SADTU made a written submission on the issues raised with the Minister. These were:

- Support for the recommendation that there should be two categories of schools: public and independent schools, with the qualification that former White Model-C schools be phased out (Review Committee Recommendation 1 (R1));

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<sup>75</sup> Cited from a paper by Hindle, D. (1995) *Towards a new framework for school organization*. Paper presented at a conference, *Towards a new framework for school organization: Governance, Ownership and models of funding*, 25-26 April 1995, Durban, KwaZulu-Natal.

<sup>76</sup> The majority of written responses was from the White Model-C constituency, more especially the Afrikaans-speaking community. NAPTOSA also made a detailed submission (DoE, Draft White Paper 2, November 1995: 50).

- A reiteration of the Union's Congress resolution calling for equal representation of parties in the school governing body to ensure that no sector dominates deliberations, whereas the Review Committee had recommended that parents be in the overall majority (R2);
- While in agreement that a governing body's advisory powers with regard to the appointment of teachers should be subject to the final decision of the provincial education authority, the Union added that this should be "in accordance with all the provisions of the ELRC agreements, and with reference to principles of affirmative action" (R4);
- A rejection of the recommendation that independent schools may under certain circumstances be given a state subsidy (R8);
- The expression of serious reservation with the recommended partnership funding approach, particularly the voluntary and obligatory parental contributions, arguing instead that this approach represented a retreat from the ANC's pre-election position of "free and compulsory education", and calling for the first 10 years of schooling to be free of user charges (R9); and
- The issuing of a reminder to the state of its final power in the negotiations with school governing bodies dissatisfied with any of the proposed changes to their powers and functions, as contemplated by section 247 of the Constitution (R15) (SADTU letter to DoE, 5 October 1995).

Government's response to SADTU's concerns was typical of its reaction to all stakeholder inputs, namely, that their views will be taken into consideration in the drafting of Education White Paper 2, which would become the government's official response to the Review Committee's recommendations. However, as discussed in Chapter Five, the state mediation of stakeholder inputs was crucial to the degree of influence teacher unions and other interest groups would have on the process. These early concerns around school funding, the continued existence of Model-C schools and the

composition of SGBs would eventually constitute key areas of dispute between SADTU and the government, as well as with rival teacher unions.

Overall, SADTU was disappointed with the Review Committee's report. In the Union's newsletter of November 1995, SADTU noted that "*it had not been sufficiently involved by the Department in its drafting*", and lamented the Report's retreat from the ANC's original principle of free and compulsory schooling, as well as the report's position that called for greater representation of parents on SGBs (SADTU NEWS, 1995: 5).

#### 6.6.1.3 Education White Paper 2

Education White Paper 2, which was the government's response to the Review Committee report, laid the basis for the first draft of the South African Schools Bill. The government response was in two parts: a Draft Education White Paper 2, published on 24 November 1995, to which it received some comments from the public; and finally Education White Paper 2 published on 14 February 1996, after Cabinet approval on 6 February (cf. Chapter 5 for details). SADTU appears not to have made any formal response to these government responses. However, a summary of the main points was reproduced for its members' information in the Union's newsletter, wherein certain areas of controversy were identified. These included concern over the lack of direction from the Ministry on the issue of school fees, and endorsing "*the long-standing commitment of the democratic movement to free education within a state schooling system, and totally (rejecting) the compulsory payment of user fees*"; calling for equal representation of parties on school governing bodies (SGBs) and insisting that the provincial education authorities be the final arbiter with regard to the appointment of teachers.(SADTU NEWS, 1996: 5)

SADTU's involvement in the development of SASA during this phase was mediated by its concern to secure participation (understood narrowly as having a presence) and its lack of policy expertise. The Union also appeared to be comforted by the overall balance of forces on the Review Committee, as the majority of members were from the democratic movement or known to be sympathetic to its course (cf. section 5.3.3.2). This was a

serious error on SADTU's part as the Union learnt that it was the quality of one's voice and arguments that mattered, not greater numbers of supporters. With the release of the Review Committee's report and especially the drafting of White Paper 2, SADTU appeared to have been lulled into a false sense of security because of its alliance with the government, notwithstanding its expression of disappointment on key issues. Moreover, government was still weighing up various inputs at this stage, including the international consultants' advice on school funding. On balance though, as noted earlier, much of the Union's time and energies had been devoted to the political challenges of the transition, and to building a strong union. It was also the period when teacher union fragmentation showed little signs of abating as relations between SADTU and NAPTOSA became strained over issues of membership competition and recognition (see Chapter Four).<sup>77</sup>

*6.6.2 Phase Two: Preparing for legislation: The South African Schools' Bill and Section 247 consultations: "Our government will stand by us" (March-June 1996)*

As outlined in Chapter Five (cf. 5.3.2), the policy adoption phase of SASA comprised two sub-phases, namely, the SA Schools' Bill and the section 247 consultations, and, secondly, the passage of the bill through parliament. In this section, the focus is on SADTU's response to the SA Schools' Bill and its involvement in the section 247 consultations. The section that follows will focus on the union's participation in the parliamentary deliberations.

*6.6.2.1. The South African Schools Bill*

Initially, following the release of the first version of the South African Schools Bill in April, 1996, there was huge optimism on the part of SADTU that the government it had helped put in place would represent the union's interests. As Duncan Hindle, SADTU's then President recalled:

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<sup>77</sup> Before the advent of the ANC government in 1994, SADTU was embroiled in an ongoing struggle for recognition with the various education departments, including those in the independent homelands and self-governing territories. NAPTOSA and its affiliates, on the other hand, had no such problem because of their favoured status with the then government of the day.

*There was this perception that we've put our own people in Parliament now, we've put our own people into the Department; it's our Minister, our Thami [Mseleku] is advising the Minister. So whether we relaxed our guard or not, maybe people made judgments of that sort, but I think there was a degree of confidence stemming from the realization that we've finally elected a democratic government, we've got people in Parliament, in the bureaucracies, and so on. It's not our job anymore. You know the whole section 247 consultations around the Schools Act were really in a sense about a progressive government going to meet with conservative forces and getting their views, but in the end, we knew that our government had our particular view on the issues and we had a lot of confidence in them to say "Look, they know what the agenda is here and they will come out with the sort of Schools Act we want".*

However, SADTU commented on certain aspects of the bill, especially around funding. SADTU's policy submissions relating to SASA drew extensively on the analysis of the CEPD and the Wits EPU, its allies within the democratic movement. For example, the Union prefaced its own position on the question of funding by citing the Wits EPU critique on the issue:

*The question of funding is arguably the thorniest and most complex issue facing the Education Ministry; and*

*What are the implications of this [User-fee funding model] for the goal of good quality education for all, given that those who need it the most will be least likely to receive it, as they will be able to afford only basic provision?...While the new model abolishes some of the exclusionary characteristics of Model C schools, having to do with race and culture, it effectively extends their basic financial feature – the use of fees to supplement [the] state subsidy – throughout the entire system. (quotations ascribed to the Wits EPU) (SADTU NEWS, July 1996: 1)*

This was followed in the same article by comments from senior SADTU officials:

*The problem with the user-fee model is that there is no guarantee that middle-class parents will stay in the public school system anyway. [the argument advanced by government policy makers/consultants] The likelihood is that they will move out into private education – as soon as they can. This will leave the public system heavily depleted. We will have a thriving private education system, but our public education system will be poor!* (Mxolisi Nkosi, SADTU's Assistant General Secretary); and

*It will be very difficult to monitor the paying of school fees because it will be difficult to monitor the income levels of parents. For example, there are major problems in terms of parents moving in and out of jobs* (Aubrey Matlole, SADTU National Education Officer) (SADTU NEWS, July 1996: 1)

As such, SADTU had identified the area of school funding as a critical area of disagreement with the proposals in the South African Schools Bill, which conflicted with its own position of free and compulsory education. SADTU, and its Alliance partners, however, had not anticipated the influence the Model C lobby would have on the policy making process during the section 247 consultations. The drafting of the South African Schools Bill went hand-in-hand with the Department's preparation for the section 247 consultations, and it was here that the public's gaze would become firmly fixed.

#### 6.6.2.2. Section 247 consultations

As noted in Chapter Five, as soon as the South African Schools Bill had been drafted, the Ministry of Education and the DoE not only released it for public comment but mailed copies to all schools together with its proposals for beginning the process of bona fide negotiations with school governing bodies as contemplated in section 247 of the Interim Constitution. The crux of the negotiations was the organization of about 60 nationwide meetings for governing bodies and their constituencies to make inputs and discuss

concerns regarding the government's new policy for school organization, governance and funding.

SADTU's involvement in this process appears to be of a very limited nature. Although there was a SADTU presence at some of these meetings, it was far from boisterous. Commenting on the meetings held in Northern Province and Eastern Cape, Professor Peter Hunter, who formed part of the Ministry of Education's negotiating team, observed that:

*The Afrikaans teachers' organizations were part of that, for example, SAOU, which was still part of NAPTOSA at that stage. I think SADTU basically accepted the process the way we were doing it. SADTU representation and activity was not always evident at these meetings, except for one interesting thing which happened at Butterworth [in the Eastern Cape]... The normal procedure had been for a statement by the Minister of Education to be read out at the beginning of each meeting to outline the purpose and reason for the meetings. After the first few meetings we'd start by summarizing ideas that came out of previous meetings by way of information; people would very often be stimulated by it and they would say whether they agreed or disagreed with it. Butterworth was quite different... SADTU members at the back of the hall said "No, we don't want to hear what anyone else said, we want to tell you what we think." (Interview with Professor Peter Hunter)*

SADTU was therefore largely inactive during these nationwide meetings which constituted an important part of the consultative process. However, there were pockets of SADTU activism around some aspects of the Bill, in particular over the clause that provided for the continued existence of Model C schools. This was one area in which sentiments still ran deep within SADTU. In Mpumalanga province, SADTU's campaign against Model C schools apparently led to a provincial cut in the subsidies of these schools and on May 24 1996, the teacher unions and the provincial government in the Mpumalanga chamber of the ELRC identified 201 excess posts in Model C schools.

SADTU signed an agreement to remove these posts to historically disadvantaged, mainly Black African, public schools in the province where there was a greater shortage.<sup>78</sup> As such, members of SADTU resisted the continued existence of Model C schools and sought to have them phased out while policy was still being debated and finalized at the national level. At this juncture, SADTU was still hopeful that Model C Schools would be abolished. However, as subsequent events would show, the ANC government decided to retain Model C schools, despite SADTU's campaign against Model C schools, which faltered and eventually subsided.

Significantly, there was no organizational decision by SADTU to use these meetings to lobby support, as was clearly the case with the Model-C lobby.<sup>79</sup> As Nzimande and Mathieson assert (2003: 9):

*The organizations of the mass democratic movement (MDM) had become somewhat complacent that the democratic state would represent their interests without them having to lobby. Furthermore, they had not the same experience of lobbying a government department, since their experience was as a liberation movement outside of government.*

Overall, the Union's relative inaction in commenting on the South African Schools Bill was a feature of SADTU's participation in this part of the process, and particularly in the section 247 consultations. Indeed, SADTU only became vigorous towards the end of this phase, once the Union became aware of the changes made to the first version of the South African Schools' Bill. For the most part, SADTU confined its involvement to interaction with its allies within the democratic movement. Hence, on the question of funding, the Union deferred to the ANC's education policy conference in March 1996, when the matter was due to be discussed further.<sup>80</sup> This period of dormancy for the Union was apparently influenced by the Alliance's strategy to ensure that a single, coordinated response emanated from the democratic movement. For example, at one of the SADTU

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<sup>78</sup> SADTU National Archives, Matthew Goniwe House, Johannesburg, SADTU NEWS Vol (4) 1, 1996: 3,8 and Vol 1(3) July 1996: 4

<sup>79</sup> Interview, G. Abrahams, SADTU Vice-President for Education, 8 May 2003.

<sup>80</sup> SADTU National Archives, Matthew Goniwe House, Johannesburg, SADTU NEWS Vol (4) 1, 1996: 11.

Policy Conferences, which focused on SASA, the issue of employment of additional educators by SGBs was extensively debated and a shared view was formulated with the Alliance partners (Interview with Aubrey Matlole, ex-SADTU).

The second phase culminated in meetings between the DoE and organizations representing governing bodies, school owners and teachers in Pretoria. It was at this meeting with the Department on 15 July 1996 that SADTU became fully aware of significant changes made to the first draft of the South African Schools Bill, which placed it on a collision course with the DoE and the Minister.<sup>81</sup> Changes that incurred the anger of SADTU included:

- The scrapping of Ministerial guidelines on fee exemption and income thresholds: Previously, governing bodies were to use these guidelines to set their own thresholds. SADTU was concerned that this change would leave the issue of fees payment entirely in the hands of SGBs, thereby making it difficult for children from poorer communities to attend richer schools;
- The power for SGBs to sue parents who do not pay: SADTU's view was that parents should make voluntary contributions to their children's education and not be forced to pay;
- A new clause allowing parents to render services to the school if they were unable to pay school fees: SADTU vehemently rejected this clause, arguing that "slave labour from poorer parents [was] not negotiable";
- The provision for school governing bodies to determine admission policies in consultation with the provincial education authorities: Previously, admission policies were to be controlled by the provincial education departments. SADTU was concerned that conservative SGBs would be able to challenge provincial authorities when policies to desegregate schools were implemented; and

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<sup>81</sup> HANSARD (Debates of the National Assembly): 24 October 1996, SA Schools Bill, Second Reading Debate, Address by the Minister of Education: 4682.

- The rejection of a SADTU proposal for members of SGBs to be paid or at the very least for paid leave to be organized with their employers: On this issue, there was some disagreement within SADTU as some felt that parents serving on SGBs should not be paid, but that they should receive a travel allowance.

In a strongly worded editorial in the Union's newsletter, SADTU made its position explicit:

*It is our considered opinion that the Department has engaged in political acrobatics by doing an "about turn" in relation to the original framework, in order to accommodate the interests of Model C schools at the expense of the majority of underprivileged schools who are yearning for fundamental changes in the education dispensation. In essence, these amendments are controversial, and they fly in the face of efforts to constructively transform the education system in South Africa.<sup>82</sup>*

In another document, entitled *Schooling in the new South Africa – equity and redress under threat*, in which the work of Leon Tikly from the Wits EPU was cited, SADTU further acknowledged the powerful influence that the constitution had on the process, both in terms of the Section 247 negotiations and the language clause. The Union concluded that the former had strengthened governing bodies "*exclusive powers over the setting of school fees and admission policies*", and that SADTU had lost the battle over the language provision as the final wording in the Bill included single medium schools as a possibility (SADTU, 1996). SADTU had opposed single medium schools in favour of dual medium schools during the constitutional debates as the former would create opportunities for excluding disadvantaged pupils based on language. This concern had become heightened with the powers that had been vested in SGBs with regard to admission policies.

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<sup>82</sup> SADTU National Archives, Matthew Goniwe House, Johannesburg, SADTU NEWS, September, 1996:2.

There had been much introspection within the democratic movement earlier in the process on the direction that the development of SASA was taking, especially the perceived influence of 'reactionary forces', such as White parent and teacher associations in shaping the Schools Bill<sup>83</sup>. For example, SADTU was especially concerned that some parents serving on the new PTSA structures would pursue conservative school policies. This sentiment was captured by the following rallying cry:

*The union [must] work to make these structures progressive structures – we must wrest control from the conservative forces.* (SADTU NEWS, September, 1996:2)

This led SADTU and its Alliance partners, such as COSAS and COSATU, to realize that the strategy of caucusing within the Alliance and making a single, joint submission on policy needed rethinking. There was talk of 'reclaiming the streets' through mass action and protests and a more visible impact on policy through individual organizational and sectoral submissions in order to make a greater impact on policy makers. For SADTU's involvement in SASA, this meant a more coordinated and visible opposition to key concerns of the Schools Bill, and not a subsumed involvement as part of a collective. This was a salutary lesson for SADTU and the Alliance on policy intervention strategies. The Union's analysis also questioned the reliance of civil society structures allied to the ruling party to advance their agendas, thereby raising questions about the changed nature of state-civil society relations:

*...there is a danger in laying too much emphasis on political processes initiated by the state alone. This is particularly the case in South Africa where ANC policy was developed mostly by institutions and organizations located within civil society. These organizations have relied heavily on the state to take their agendas forward and this has begun to sideline them;*

And arguing further, that:

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<sup>83</sup> Interview, T. Mseleku, 14 July 2003.

*This has left a space for small highly organized Afrikaner and historically White English speaking organizations (Model C school governing bodies) to put forward their positions strongly – largely around conservative, cultural diversity themes.<sup>84</sup>*

Ultimately, SADTU felt betrayed by the DoE's more accommodating stance towards the privileged White constituency, leading to increased tensions between the Union and the department.<sup>85</sup> It was a view shared by some of their alliance partners who argued that the negotiations phase with SGBs of Model C schools gave the NP access to the drafting team in the DoE in the critical final stages of the writing of the Schools Bill (Nzimande & Mathieson, 2003: 9). The move towards 'independent organizational' participation in policy formulation, although maintaining its links with the Alliance, meant that the Union would be less restrained in pursuing sectoral concerns and in challenging government positions on key issues relating to SASA.

In summary, during this phase of SASA's development, SADTU and its Alliance partners were relatively inactive, believing that the Department of Education would mediate the influence of opposition groups sufficiently to prevent any dilution of the positions advocated by the democratic movement. However, the outcome was quite different. The government's agenda of compromise and consensus-seeking was pushed to the limits by the opposition, as the state made significant compromises to key aspects of the Schools Bill. Therefore, a significant consequence of the section 247 consultations was a substantially revised Schools Bill (Version 2) that was introduced in Parliament and released for public information on 22 August 1996<sup>86</sup> (see Chapter Seven for further details).

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<sup>84</sup> SADTU National Archives, Matthew Goniwe House, Johannesburg, SADTU, 1996 *Schooling in the new South Africa – equity and redress under threat*. (Internal union document).

<sup>85</sup> For a similar position, see also Skinner, K & Vally, S: Teachers contest Schools Bill, In: *SA Labour Bulletin*, October, 1996, Vol. 20 (5), in which the authors argue that the redistributive and redress aspects of schools policy have been progressively diluted. Kate Skinner was SADTU's Media Officer at the time and Salim Vally remains a policy analyst at the Wits EPU.

<sup>86</sup> Republic of South Africa, Ministry of Education, Government Gazette No. 17385, South African Schools Bill, 22 August 1996.

*6.6.3 The Parliamentary deliberations: balancing 'private' interests with the public good (August 1996-November 1996)*

When the second draft of the South African Schools Bill was submitted to Parliament for approval in August 1996, the stage had been set for a turbulent parliamentary process, especially for SADTU. Here, another round of written submissions, public hearings and committee meetings were coordinated under the auspices of the Portfolio Committee on Education, which would eventually lead to further amendments. It was during this crucial third phase that SADTU became rejuvenated. The Union had learned that reliance on allies in government would not carry the day in the contested arena of policy making. By this time, SADTU had also started addressing its policy capacity shortcomings with the appointments of an Education Officer and Education Administrator (cf. section 6.5). The Union was therefore in a position to pay greater attention to making its submission to the Portfolio Committee, in which it reiterated and refined its earlier positions on free and compulsory education, the composition of governing bodies, funding for public and private schools, and clauses relating to language and school admissions, among others.<sup>87</sup>

An important event that assisted SADTU and its allies in making a more influential intervention in the Parliamentary process was a workshop organized by the Centre for Education Policy Development (CEPD) to help them prepare for the Parliamentary Portfolio Committee (PPC) hearings in August 1996. Blade Nzimande, the Chairperson of the PPC remembered:

*The workshop contributed immensely to ensuring that the submissions of the democratic forces with regard to the South African Schools Bill would have maximum impact. It certainly improved the quality of input by our own formations. So we had to go the extra mile (Interview with Blade Nzimande).*

The Union also engaged in heated debates with its allies within the ANC Education Study Group in Parliament, where it was forced to surrender to the Alliance's position on school funding (hence, no reference to 'free' education in its submission to the PPC). This would

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<sup>87</sup> SADTU National Archives, Matthew Goniwe House, Johannesburg, SADTU, *Submission to the Education Portfolio Committee on the South African Schools Bill*, 4 September 1996.

in essence ensure the perpetuation of Model C schools and the retention of the principle of parental majority in the composition of school governing bodies. On the latter issue, SADTU's alliance partners contended that parents should be the key decision-makers in education, a position that was consistent with the democratic struggle's emphasis on the empowerment of the working-class. Thami Mseleku, who was party to the ANC Education Study Group's deliberations recalled:

*I remember that the chairperson of the Study Group – Comrade Blade [Nzimande] pulling the carpet under SADTU's feet by saying, "There are very serious contradictions here because the parents are the workers, the working class of this country who must actually be leading the reconstruction of education and development. I don't understand why we, who say we are actually a teachers' union and part of the working class, can argue that the working class is ignorant and therefore shouldn't be given the power and the authority" (Interview with Thami Mseleku).*

SADTU's allies within the Study Group, ANC MPs and others therefore rejected SADTU's contention that parents not be considered more important than other stakeholders. This was a bitter pill to swallow given SADTU's professed commitment to the working-class struggle. The outcomes of the internal struggles on key policy issues between SADTU and its allies were reflected in its eventual submission to the PPC as evidenced by the following excerpts from its written submission:

### **Compulsory Education/Attendance**

For the first time in this country, there is compulsory education for all children between the ages of six and fifteen (or the 9th grade of school). However this section represents a significant departure from previously stated positions of the ANC. [SADTU further noted that]: "COSATU's position on the Employment Standards Bill is that no child under the age of 16 should be allowed to work...the problem is indicated herein because many children who take the work option, rather than continuing with schooling, would be compelled to wait an entire year before

commencing work at the age of 16”

**Recommendation:** The relevant clause in the bill should be changed in that there should be compulsory education across Level 2 at the Further Education and Training level [to accommodate learners between 15 and 16 years who may not be absorbed into the labour market].

### **Composition of Governing Bodies**

SADTU's position is that there should be equal representation of teachers, parents and in the case of secondary schools, students on the governing bodies. The role of parents can never be over-emphasised. These three groupings are all of equal importance in terms of the running of schools. Parents are not necessarily more important than other stakeholders and their influence (majority representation and majority vote) will not necessarily be in the best interest of the school.

**Recommendation:** That parents should have a relative rather than an absolute majority on school governing bodies.

### **Student Representative Councils (SRCs) and the Prefect system**

The institution of democratically elected SRCs was one of the major demands of the mass democratic movement during the 1980s. The legislation pertaining to SRCs in secondary schools is a major victory for the democratic forces. But one of the problems in the Bill is the choice to allow the prefect system to continue as a parallel structure. A prefect system is inherently undemocratic as it is chosen by the teachers and the principal. In SADTU's opinion it is an anachronism in this new system.

**Recommendation:** All references to prefect system should be deleted.

(See Annexure 9 for the full text of the submission)

SADTU had to therefore compromise on key issues within the ANC Education Alliance during the Parliamentary phase. One of the consequences of the disagreement with its allies on these critical policy areas was the perception that a serious tension had emerged within SADTU on the question of national (public) versus sectoral (private) interests.<sup>88</sup> Mseleku, a former SADTU Vice President suggested that:

*There has always been a contradiction within SADTU, which the leadership occasionally recognised, that there wasn't always a coincidence between the interests of their members and the interests of the democratic movement broadly and, therefore, the interests of the country.*

Although not widespread, SADTU engaged in some protest action during this period. In Gauteng, just two days prior to SADTU making its presentation to the Parliamentary Portfolio Committee in Cape Town, about 24 000 SADTU members marched to the Gauteng Legislature on 2 September 1996 to protest against what the union considered a substantially weakened second draft of the Bill (compared to Version 1 of April 1996). The Union's position was highlighted by Pinky Mncube, one of the SADTU march organizers, who stated that the reasons for the march were to draw attention to certain contentious issues in the South African Schools' Bill. These included school admissions policy, enforcement of school fees, the fact that parents were to be the absolute majority on the governing body and the continuation of the prefect system.<sup>89</sup> This protest action was miniscule in comparison to the nationwide acts of teacher militancy organized by SADTU against the erstwhile apartheid government.

Nevertheless, SADTU's opposition in the final negotiations stage resulted in some accommodation of its concerns. For example, the clause on the composition of SGBs was reworded such that parents would have a relative majority, not an overall majority, and the Minister would set norms and standards for the exemption of parents who could not

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<sup>88</sup> Interviews, G. Abrahams, 15 April 2003 and T.Mseleku, 14 July 2003.

<sup>89</sup> SADTU National Archives, Matthew Goniwe House, Johannesburg, SADTU NEWS, October, 1996: 4.

afford school fees.<sup>90</sup> As a result, the third version of the bill was closer to the initial draft that had represented the sentiments of the Alliance more strongly. As Nzimande and Mathieson observed, “*the balance of power and influence over the policy process shifted back to the ANC and its allies, and they were able to substantially influence the final legislation*” (2003:9).

The bill was then reconsidered by the Portfolio Committee for the second time, and finally the fourth draft was passed into legislation in November 1996. The final Act represented a compromise between the interests of the Alliance and reactionary forces, such as the NP and conservative teacher unions.<sup>91</sup> A senior SADTU official at the time took a realistic view of the outcome:

*I do not believe once the legislation was made, that results on one or two of the clauses – was a sell out. We lost the fight - fair and square. But since we have lost the fight it doesn't mean it's over (Interview with Glen Abrahams, SADTU)*

In assessing its performance in this phase, SADTU conceded that it had been shortsighted in its interventions during the Parliamentary process, especially at the public hearings and meetings of the Portfolio Committee. For example, some constituencies utilized the ‘power of repetition’ effectively by sending several representatives to reinforce key arguments, whereas SADTU sent “*one representative to articulate the concerns of thousands of teachers*”. SADTU also learnt that at times representatives have to “*change position and make concessions as part of the politics of negotiations*”, a legacy of the CODESA negotiations that characterized South Africa’s transition. The union asserts that it is much smarter now and continually assesses its policy strategies.<sup>92</sup>

Nevertheless, SADTU was forced to capitulate on key issues relating to the Bill, handing something of a victory to teacher unions who were positioned politically, economically

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<sup>90</sup> SADTU National Archives, Matthew Goniwe House, Johannesburg, SADTU Report on the SA Schools Bill tabled at a meeting of its National Executive Committee held in Johannesburg from 24-25 October 1996; South African Schools Act, 15 November 1996.

<sup>91</sup> Interview with T. Mseleku, 14 July 2003.

<sup>92</sup> Interview with G. Abrahams, SADTU Vice-President for Education, 8 May 2003.

and ideologically in the opposition camp. However, this was not before its own opposition resulted in regaining some ground that had been lost after the release of the second version of the Bill. SADTU's fluctuating fortunes during this phase of SASA's development underlines two key issues. First, that policy making is an ongoing contestation of public versus private interests, especially where teacher unions are concerned; second, an important lesson had been learned, namely that the struggle for educational equality and social justice, even under a democratic dispensation, would be a long drawn out battle.

### **6.7 Assessing SADTU's influence on the development of SASA**

Overall, SADTU's participation in the development of SASA was shaped by the changed socio-political environment of South Africa's transition. As a newly established teachers' union, SADTU was confronted with several challenges, such as membership recruitment, recognition by the authorities and capacity development. In the policy domain, SADTU had to adjust to the changed nature of teacher union-state relations. This led to the forging of an organizational identity that tried to merge teacher unionism with teacher professionalism without losing sight of the importance of political alliances. The specific factors or determinants that gave rise to reshaping SADTU's organizational identity, which impacted on its participation and influence in the development of SASA, were the following:

- that having partisan allies in government, both within political and education structures, did not automatically translate into a favourable position in the shaping of policy;
- the realization that traditional unionism was not the best preparation for effective participation in policy development;
- the realization that as a professional teachers' union, it needed to raise its level of preparation, develop its capacity and expertise and ultimately, become more resourceful and imaginative in challenging for a stake in policy making or put differently, the realization that informed judgment based on a policy knowledge

- base was critical for policy dialogue. Arguably, though, the realization came too late for SADTU to impact more profoundly the development of SASA<sup>93</sup>; and
- that policy intervention strategies, such as lobbying, mobilization of allies and having an effective presence as opposed to mere representation on policy committees and forums, were all ongoing activities in the politics of policy work.

Under the circumstances, SADTU emerged as a less dominant force in the development of the South African Schools Act (SASA) in the 1995/6 period, in spite of its positioning as a key policy player. This was both in respect of its location within the MDM in the early 1990s and post-1994 as a member of the ANC education alliance. Other forces, such as rival teacher unions and governing body associations, had an influence on the process and content of SASA that outweighed their status in both political and numerical terms (see Chapter Seven). Numerical strength did not necessarily translate into “power to influence” policy making.

SADTU's real influence was in having contributed to the historical groundwork that facilitated the new government's building of a democratic education system in South Africa. Consistent with that historical legacy, SADTU's involvement in policy making centered on participation in structures and activities that would consolidate the ideological and political hand of the ANC government, for example, in the structures of the ANC Education Study Group and through the securing of key positions in the DoE, the Education Labour Relations Council (ELRC) and the South African Council for Educators (SACE)<sup>94</sup>. It was less influential as a teachers' union in its own right in shaping the content of SASA, which required technical expertise and policy making experience. Instead, the Union gave greater attention to the political dimensions of policy making. This was the case during much of SASA's development, notably the influencing

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<sup>93</sup> There are those who argue that SADTU, to this day, has done little to improve its overall policy expertise (Interview, Duncan Hindle, 14 December 2004, Pretoria).

<sup>94</sup> Both Reg Brijraj, the Chief Executive Officer of SACE and Dhaya Govender, the General Secretary of the ELRC, are former SADTU officials, who served as Vice-President for Media and National Negotiator, respectively. Thami Mseleku, also a former SADTU Vice-President was appointed as Political Advisor to Education Minister, Sibusiso Bhengu in 1994 and held the position of Director-General in the DoE until early 2005.

of White Paper 2 following the Hunter Committee Report and the revisions made to the South African Schools Bill during the section 247 consultations.

SADTU's proactive engagement with the process became more pronounced with the release of a second, more moderate version of the Schools Bill in August 1996, following negotiations with school governing bodies. Although SADTU was able to leave its mark in the latter stages of the process, this did not culminate in the depth of influence that the Union had desired. An important reason for this was the dynamics within the alliance wherein the Union's allies such as the ANC, COSATU and others were not always in agreement with SADTU's policy positions. Another reason was the nature of the policy development process, which was characterized by consensus-seeking and political compromise. The Union learnt about the 'politics' of policy making, which was quite different from its 'political' role as a member of the ANC alliance.

Flowing from the above, there are several aspects of SADTU's involvement in the making of SASA that merit analysis.

#### *6.7.1. The broader dynamics of South Africa's democratic transition*

There was a gradual realization by SADTU that the government's policy agenda of compromise and consensus-seeking would adversely affect its own influence and impact on the development of SASA. This was related to the contradictory nature of South Africa's transition, which presented both opportunities and constraints for influencing policy development. On the one hand, SADTU, together with other teacher unions were formally recognized as important stakeholders in education policy development, and overall the new democratic political climate afforded teacher unions access to various vehicles for participation post-1994. In the case of SASA, the Union served on the Hunter Committee, and could make written submissions, request meetings with the Minister and Department of Education and embark on protest action if it wished. Under the apartheid government, these opportunities were not available.

On the other hand, the opening up of political space provided opportunities for White minority groups to also mobilize and contest for a stake in policy development.

Therefore, SADTU had to compete with other formations in civil society (see Chapter Seven). Active civil society in the education sector was no longer confined to organizations representing Black, oppressed interests; it had expanded to include organizations advancing White minority interests. The ANC government's embracing of neo-liberal economic policies during the transition compromised policies aimed at redress and addressing historical inequalities in the education system. Civil society competition and fiscal austerity measures therefore imposed constraints on SADTU's influence in the policy domain.

### *6.7.2. Dominant and competing discourses*

A powerful discourse had welded the Mass Democratic Movement (MDM) during the 1980s and early 1990s. This discourse was founded on the desire by the majority of Black South Africans to free South Africa from racial oppression. Its key tenets were non-racialism, democracy and human rights for all. The various organizations that comprised the MDM, including SADTU, enjoyed a powerful unity of purpose that was underpinned by this discourse. In the education sector, it was encapsulated in the notion of People's Education for People's Power. With the advent of democracy in South Africa, this discourse shifted to focus on issues of equity and redress, which was symbolized by the RDP.

As economic realities hit home, the ANC-led GNU adopted a neo-liberal economic framework, the Growth, Employment and Redistribution Programme (GEAR). This led to tension and disagreement among the ANC Alliance partners post-1995. COSATU, the SACP and SADTU challenged the ANC's economic shift, arguing that it would not bring about equity and redress. The ANC, however, remained committed to GEAR, giving rise to a rift within the Alliance. The ANC's embrace of a neo-liberal economic discourse became an important underlying reason that forced SADTU to adopt a more independent approach in policy development. However, this was not before the GEAR discourse had influenced education policy making, as was the case in choices made on school funding.

*6.7.3. Relations with the state/government: A blurring of the boundary between state and civil-society?*

A major feature of SADTU's participation in the development of SASA was that it participated largely as a member of the ANC Education Alliance, rather than as an independent teachers' union. In the process, the Union was constrained by its loyalty to the ANC government, which forced it to compromise on several policy positions. The Union enjoyed an ambiguous political relationship with the education state, especially post-1994: on the one hand as a close ally of the ruling party and by implication the education organs of state, and on the other hand, to enjoy the benefits of aloofness from the state that came with being an autonomous civil society organisation.

The perception of closeness to the state was amplified during this period because some of its most senior and most policy-competent members had taken up positions in various state organs, especially in the Ministry of Education and its line function administrative structures. However, towards the latter stages, especially in the post-Section 247 consultation phase and during the Parliamentary process, SADTU asserted some organizational independence. This arose from a sense that the Union's 'private' interests, that is, those of its members had been overtaken by the Union's commitment to the broader public interests. The pressure to place members' interests before that of the public good was easier said than done. In practice, SADTU's relations with the ANC-led GNU were marked by ambiguity and tension when it came to policy matters generally. On the one hand, SADTU would champion the interests of its members, especially with regard to labour issues, such as salaries and job security; on the other hand, the Union would be forced to cooperate with government in developing education policies (see, for example, Govender, 2004). The lesson for SADTU in this regard was that having partisan allies in government, both within political and education structures, did not automatically translate into a favourable position in the shaping of policy:

*It doesn't necessarily mean that we must agree just because we vote for you.... And if our issues are ... sidelined and not implemented and we perceive what could be called New Liberal thinking, then it becomes a problem because it has a knock-on effect and you can't implement a thing*

*like free and compulsory education because you've already taken a stand that this is how we are going to operate. And once that operational framework clashes with a socialist ideology, and we do have a constituency.... When we become too closely connected to the ruling party and we lose our independence - independence meaning that our core function is to ensure that our members' interests come first, it becomes a problem. The political affiliations to which our members, whether they are members of the ANC Alliance or the National Party or whoever, is a secondary consideration (Interview with Glen Abrahams, SADTU).*

One of the consequences of its partisan alliances with the ANC was that SADTU's influence as a civil society association seems to have waned after 1994, and the problem of its closeness to the ANC remains a major factor contributing to its lack of influence in the policy domain, as was the case during the formulation of SASA. The accusation that SADTU had been coopted by the ruling elite is therefore not without some foundation. Arguably, SADTU had become a victim of an organization caught at a political crossroads, wherein the Union gradually realized the limits of political alliances. As Gyimah-Boadi (1994) noted, alliance with state and regime comes with certain costs and often masks internal organizational weaknesses (see points 6.7.3 and 6.7.4 below). Simultaneously, the Union realized the importance of adhering to its independence as a civil society formation at crucial stages in policy making. SADTU therefore enjoyed ambiguous political relations with the state, on the one hand as a close ally of the ruling party, and on the other hand, a desire to be identified as an autonomous civil society organisation.

#### *6.7.4. Teacher unionism and teacher professionalism*

SADTU's history and background as a teachers' formation was premised largely on unionism, wherein it had focused primarily on winning trade union rights for its members, especially the right to strike. This was underpinned by its affiliation to South Africa's largest trade union federation, COSATU. However, in the post-1994 era, SADTU was called upon as a recognized teachers' union to engage with broader

educational policy issues, including participation in policy making processes. One of the earliest policy processes it had to grapple with was that relating to SASA.

In the process, SADTU became aware that it needed to raise its 'professional' profile as for the most part of its existence, it had concentrated on its 'unionist' role. Therefore, there were two related lessons for the Union. First, that traditional unionism was not the best preparation for effective participation in policy development; and second, that as a professional teachers' Union, it needed to raise its level of preparation, develop its capacity and expertise and ultimately, become more resourceful and imaginative in challenging for a stake in policy making. While embracing the 'professionalism' rhetoric SADTU was unable to translate that into concrete programmes of professional development, for example, improving members' policy analysis skills. This failure remains a challenge for the Union to this day (NALEDI, 2006).

*6.7.5. Reviewing its policy intervention strategy: a question of reasserting agency and developing its professional profile*

In the process of policy learning referred to above, SADTU began to rediscover some of its Union characteristics, and realize the need for flexibility in the policy making arena. One of the lessons for SADTU was that policy intervention strategies, such as lobbying, mobilization of allies and having an effective presence as opposed to mere representation on policy committees and forums, were all ongoing activities in the politics of policy work. In this regard, the Union's complacency during the section 247 consultations, while the White Model C lobby and rival teacher unions were active, appears to have cost the Union dearly. Even with partisan allies in government, SADTU realized the importance of continuous lobbying and protest action. Of-course, these were not unfamiliar tactics to the Union as revealed by its own militant history. SADTU was quick to respond to these challenges, which led to a review of its policy intervention strategy. The consequences for SADTU were two-fold: it led to a re-examination of its relationships with government, its political allies and rival teacher unions, and a critical appraisal of its effectiveness in the policy domain. This in turn raised questions about its approach to policy development more broadly, and an interrogation of its bargaining power. A key

lesson for the Union was that policy making was as much a technical and social process as it was a political one.

A feature of SADTU's inputs and responses to the development of SASA was an inclination towards 'activist rhetoric', by its own admission, which had been a useful weapon in the Union's arsenal in the liberation struggle. However, this tool had limited value in the craft of policy formulation, which demanded technical expertise and policy capacity, among other attributes. SADTU adopted a somewhat ambiguous position towards the notion of "policy as expertise", enlisting the support of progressive academics on the one hand yet treating their advice with some degree of circumspection. The solution was to strengthen its own capacity in the policy domain, which the Union set out to do. A further constraint related to communication of policy information within the Union structures, particularly as SADTU was in the midst of building capacity and infrastructure in 1995/6. As a result ordinary members' access to policy information relating to SASA and other policies was confined to union newsletters.

#### *6.7.6. Participation of rank & file*

SADTU's embrace of a model of participation based on representative democracy restricted meaningful engagement with policy making to officials and representatives, with rank and file members being largely marginalized. To some extent, representative democracy as a model for effective participation was taken for granted. The Union had to learn that representatives operate in policy arenas that are highly contested, and that the articulation skills and policy acumen of representatives are crucial in policy dialogue exercises. Although there is evidence to suggest that grassroots members were marginalized from the policy making of SASA (cf. Chapter Eight), it would appear that as is the case with unions in many parts of the world (cf. section 2.4), there is a culture of placing faith in union representatives to advance the interests of their membership in spite of the compromises and trade-offs that characterize policy deliberations. An area of research that needs to be followed up is the extent to which teachers/members of SADTU were sufficiently interested in policy development to compel individual efforts to obtain more information and prevent their marginalization from policy making. There is some

evidence to suggest that many teachers, including SADTU members were severely constrained in these efforts (See Chapter Eight). One of the reasons for this constraint on individual empowerment in the policy arena was the union's historical legacy of lack of involvement in policy making per se.

## **6.8 Conclusion**

Overall, SADTU's involvement in SASA was determined by historical experience and a vision of education that was based on political and ideological considerations. This was evident in the stand it took on the issues of school funding, private schools, Model-C schools, the composition of governing bodies and the powers and functions of SGBs. Strangely (or ironically) on almost all of these issues, the ANC-led government eventually took a different position to SADTU (e.g. on the composition of SGBs and free and compulsory education), a situation which underlined the growing ambiguity of SADTU's relationship with the democratic movement and, ultimately, the ambiguous relations between teachers' and the state.

While there is evidence to support the view that SADTU did have some influence in the development of SASA, much of this influence was derived from the Union's location within the democratic movement, and particularly its political alliance with the ANC government. Arguably, political alliances do have some benefits for teacher unions, but also limitations. The resulting limitations on its influence in policy making compelled the Union to develop some degree of autonomy from the ANC-led government, hence its resistance to policy shifts following on the government's accommodation of the concerns articulated by the White minority lobby. SADTU's limited influence in the development of SASA has also been ascribed to other factors, such as its lack of policy capacity and experience, its preoccupation with organizational development, and the Department of Education privileging a conventional 'expertise-driven' approach to policy making (the latter point discussed in detail in Chapter Nine). In all of this, one of the most positive dimensions of the Union's involvement in the process was organizational learning. There were lessons about the politics of policymaking, the importance of building organisational policy infrastructure and capacity and union relations with the state, which

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had implications for the nature of state-civil society relations post-1994. Policy making therefore has a strong social dimension to it.

As such, a key lesson for the Union was that in the arena of policymaking, partisan allies in government need union support just as much as the union needs support from its allies in government, and that policymaking is not just about the politics of power; it is also a technically-driven process. As the story of SADTU's influence in the formulation of SASA is related to the role played by NAPTOSA and its allies, a more detailed, integrated analysis is provided in Chapter Nine.

## CHAPTER SEVEN

### A CASE STUDY OF NAPTOSA'S PARTICIPATION IN THE DEVELOPMENT OF SASA<sup>95</sup>

*We in NAPTOSA know who we are. We do not have to look for principles or for our roots. Our roots and principles are deeply embedded in a philosophy that places a high premium on the central position of the child in the education system and the professional nature of teaching. In this regard we have a tremendous advantage...[and] although we will not neglect our duties towards the State and the community, we must at all times be in the vanguard to fight for our members on all justifiable issues (Leepile Taunyane, NAPTOSA President, in a media statement, following NAPTOSA's 'second' founding on 11 November 1994).*

#### 7.1 Introduction

This chapter encompasses a case study of NAPTOSA's participation in the development of the South African School's Act (SASA). Overall, NAPTOSA's policy intervention strategy was shaped by a concern to modify its organisational identity in response to the new, emerging, democratic ethos in South Africa without forgoing its traditional organizational roots. In particular, with the processes of union fragmentation and loss of membership to its rival, SADTU, together with a less than congenial relationship with the new ruling party, the federation had to review its tactics to prevent its marginalisation in the policy domain. This translated into an organizational identity that stressed its professional contribution to the policy challenges faced by government, while simultaneously developing a more robust and militant organizational face.

The above quotation by Leepile Taunyane (1994) was to become symptomatic of utterances by NAPTOSA's leadership in the early years of the ANC-led GNU, in which the federation's claims to dedication to the learner and teacher professionalism would be

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<sup>95</sup> The structure and format of this chapter follows that of Chapter 6 to facilitate comparison between the roles and influence of the two teacher unions in the development of SASA.

counter-balanced by a commitment to protect the 'private' interests of its members. This public display of a united teachers' federation, however, masked a more divided and diverse constituency of teachers, which would become exposed in the policy development process of SASA, as political, ideological and cultural tensions came to the fore. Not only did affiliates of NAPTOSA disagree on key aspects of SASA, their disagreement reached such intensity that it contributed to the process of fragmentation both within NAPTOSA and within its major affiliates, which ultimately saw its own position as the largest teachers' organization in South Africa being usurped by SADTU.

The main argument advanced in this chapter is that although the teachers' federation became a smaller force in quantitative terms, it had a more profound impact on the formulation of SASA than its larger rival, SADTU. However, this was not due to the development of a single, uniform policy position, but rather to the adoption of a flexible approach, which recognized the sectional interests of its diverse constituencies. As such, the privileged White teacher constituency was allowed to pursue its own agenda, particularly the Afrikaans-speaking teacher organizations. At the same time, the African caucus within NAPTOSA wielded sufficient strength to assert its own position with regard to a number of issues, for example, the critical debate around the 'language question'. Nevertheless, the mainstay of the opposition to SASA within NAPTOSA was essentially its White caucus.

The federal nature of NAPTOSA's organizational structure was, therefore, a central feature in shaping its policy intervention strategy. This is in stark contrast to SADTU, which adopted a unitary organizational structure and which by definition and in practice strived to formulate more united and less diverse positions on key policy issues. Another important feature that was associated with the legacy of its various affiliates was NAPTOSA's claims to professionalism. This legacy included experience in making policy submissions, negotiating with government departments and resorting to legal redress tactics as opposed to militant action, such as strikes. As a result, NAPTOSA's affiliates had an edge over SADTU in relation to policy work, having developed positions on various educational matters, including issues relating to curriculum, school funding and governance, and conditions of service over the years. The federation, therefore,

enjoyed a considerable advantage over SADTU in terms of policy experience and capacity.

## 7.2 Profile

NAPTOSA was formally launched in August 1991, a year after SADTU's formation. This followed the failed teacher unity initiative of the late 1980s (cf. section 4.2.2). NAPTOSA constituted itself as a federal alliance comprising of 16 of the racially-based conservative teacher organizations that had emerged under apartheid (*see Appendix 10 for a list of affiliates*). Most of these were from the African Teachers Association (ATASA) who enjoyed the recognition of the then Department of Education and Training (Black African education) and the Teachers Federal Council (TFC) who had the recognition of, the House of Assembly (White education)<sup>96</sup>, the then Department of Education.

An important milestone was reached on 11 November 1994, months after South Africa's first democratic elections, when the 'second founding' of NAPTOSA took place. At this event, the affiliates of ATASA, the TFC and UTASA agreed "*to found a teachers' federation with the name NAPTOSA, based on an agreement that the three separate federations would disband and that NAPTOSA would perform at national level the functions previously performed by these organizations*" (NAPTOSA, 1998: 6). For NAPTOSA, this marked the end of "*a particular phase in the development of the organized teaching profession and heralded the dawn of a new era*" (NAPTOSA, 1998: 6).

NAPTOSA's membership comprised White teachers, both English and Afrikaans-speakers, and African and Coloured teachers. In addition, there were several educators from White universities and technikons who were members of NAPTOSA. The

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<sup>96</sup>Of the remaining teacher formations, the United Teachers Association of South Africa (UTASA), which enjoyed the recognition of the then Department of Administration, House of Representatives (Coloured education), chose to remain unaffiliated until it was able to resolve outstanding organizational and policy issues – eventually UTASA joined the federation in November 1994. It will be recalled (from the previous chapter) that the Teachers Association of South Africa (TASA) which had been recognized by the Department of Education and Culture, House of Delegates (Indian education), had disbanded in 1992, and encouraged its members to join SADTU.

federation had members from both the school and tertiary sectors, whereas SADTU's membership was confined to schools. At the beginning of 1995, NAPTOSA could claim that more than half of its 100 000 members came from “[*Black*] communities which [*had*] experienced at first hand the injustices of the apartheid era, [*worked*] in schools which were seriously disadvantaged during that era, and [*had*] high expectations of Government undertakings with regard to redress and the elimination of backlogs and disparities in education” (NAPTOSA, 1995: 1).<sup>97</sup>

NAPTOSA's membership was predominantly politically conservative, with many of its members known to be non-aligned or supporters of opposition political parties (that is, opposed to the ruling ANC). These included the White National and Conservative Parties (predominantly Afrikaans-speaking), the Democratic Party (predominantly English-speaking) and the Inkatha Freedom Party (Zulu-speaking). Significantly, these were the political parties that constituted the main opposition parties to the ANC in the 1994 general election. The majority of NAPTOSA's members regarded themselves as middle-class, especially those from White and Coloured communities (Govender, 1996). Certainly, their relatively higher salaries than most of their African counterparts might have given rise to such beliefs.

A key factor that facilitated NAPTOSA's formation was its federal character as it allowed the established organizations to continue existing. Many of them had substantial assets and resources which they preferred to retain. The principles underlying the founding of NAPTOSA were:

- The inalienable right of every child to quality education within an equitable and non-discriminatory system of education;
- A high level of professionalism on the part of all teachers; and
- The enhancement of all aspects of the working lives of teachers.

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<sup>97</sup> NAPTOSA, National Archives, Pretoria, NAPTOSA, June 1995. *Comment submitted to the Review Committee appointed by the Minister of Education to investigate the Organisation, Governance and Funding of Schools*, p.1.

The federation further declared that, *“In order to make the achievement of these principles possible, NAPTOSA was committed to being a non-racial, independent, autonomous and politically non-aligned organization”* (NAPTOSA, 1998: 2). These principles were translated into broad programmes and goals (see Information Box 9).

**Information Box 9: NAPTOSA’s Programmes and goals (1994)**

Programme	Goals
<b>1. Professionalism</b>	To maintain a high level of professionalism among its members. To strengthen capacity and expertise in education policy.
<b>2. Unionism</b>	To enhance all aspects of the working lives of its members, especially with regard to teachers’ salaries and conditions of service
<b>3. Organisational development</b>	To maintain cohesion and unity among its different affiliates
<b>4. Political</b>	To advocate for an equitable and non-discriminatory system of education, within which the rights of learners are paramount. Also espoused the principle of non-alignment to political parties.

In articulating these programmes and goals, NAPTOSA had set itself in direct opposition to SADTU - by privileging teacher professionalism, not teacher unionism, and by espousing the principle of political non-alignment, which meant that although its members supported certain political parties, the teachers’ federation itself would not be formally allied to a party or movement. These were the reasons that constituted the core principles of disagreement with SADTU and lay at the heart of the failed teacher unity initiative of the late 1980s. NAPTOSA, therefore, differed fundamentally from SADTU by espousing a policy of non-alignment with a political party and privileging teacher professionalism over unionism.

### **7.3 Early challenges facing NAPTOSA, 1990-1996**

#### *7.3.1. The politics of membership competition*

As discussed in Chapter Four, the face and strength of teacher unions changed drastically in the 1990s. With its initial formation in 1991, NAPTOSA was in a reasonably good position with regard to membership strength, which included both White Afrikaans- and English-speaking teachers, and the African teacher organizations that were organized under ATASA. This position improved significantly when the Coloured teachers' federation, UTASA joined in 1994, in what subsequently became known as the 'second founding' of NAPTOSA. In spite of this boardroom victory, the struggle for membership between NAPTOSA and SADTU on the ground was to tell a very different story, as large numbers of African and Coloured members of NAPTOSA deserted the federation for SADTU. NAPTOSA also had to contend with further fragmentation of its support base, when its Afrikaans-speaking affiliates withdrew their membership in order to establish a third national teachers' union, Die Suid-Afrikaner Onderwysersunie (SAOU) in 1996 (see section 4.7).

Given the historical perception that NAPTOSA and its constituency was politically conservative and had done little to assist in the struggle for liberation, the federation found itself in a precarious position as the political struggle swung rapidly in favour of the ANC and its allies from 1990 onwards. Indeed, it was no secret that some of its affiliated organizations were strongly anti-ANC and enjoyed close relations with the NP and the more conservative White political constituency. At the same time its African teacher constituency, though largely politically conservative, was more pliable to the changing political environment<sup>98</sup>. By 1994, although NAPTOSA's membership was boosted by UTASA's affiliation, the consolidation of its Coloured constituency was

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<sup>98</sup> At least one of NAPTOSA's affiliates, the Natal African Teachers' Union (NATU) was known to be a supporter of the Inkatha Freedom Party in Kwa-Zulu Natal. Other provincial affiliates of ATASA, which had disbanded in favour of NAPTOSA, were not known to have strong political ties with the previous Black homelands' governments. The Transvaal United African Teachers' Association (TUATA), for example, had a long though inconsistent history of opposition to apartheid and supported the ANC and other political movements during the 1940s and 1950s (see Hyslop, 1990; Bot, 1999: The Transvaal United African Teachers' Association . Revised and updated (HSRC:Pretoria).

equally in doubt, a perception that became a reality as thousands of African and Coloured teachers were won over by SADTU in the post-1994 period. This became evident towards the second half of 1996, when NAPTOSA's membership had dropped to about 63 000 members, a loss of 37 000 in just over a year's time.<sup>99</sup>

### *7.3.2. The entrenchment of teacher unionism*

The changed status of teacher unions after 1994 was reflected in the changes made to labour legislation which saw the entrenchment of teacher trade unionism. As a federation committed to teacher professionalism, NAPTOSA found the new environment challenging and intimidating. This was reflected in the federation's assessment of the new labour relations environment:

*The ELRC and its committees such as the Bargaining Committee...became the main battlefield where...NAPTOSA had to adapt to the hard world of trade unionism and to operating in a hostile environment as the second largest employee party (NAPTOSA, 1998: 17).*

In the new political and labour dispensation, many NAPTOSA affiliates started to question their long-standing ideologies and policies. The notion of "professionalism", though not frowned upon by government, was no guarantee of privileged treatment by the state. Teacher unionism was being embraced by government like no other time in South Africa's history, which enhanced the status of its rival, SADTU. As such, in the early years of the transition (roughly from 1994-1997), the new government was more receptive to SADTU's concerns than NAPTOSA, especially with regard to labour issues (salaries and conditions of service). Under these circumstances, the federation struggled to come to grips with the reality of teacher union rivalry and a hostile labour relations environment. Therefore, it might be claimed that the growing realization that professionalism was not incompatible with unionism (an argument advanced by SADTU)

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<sup>99</sup> NAPTOSA, National Archives, Pretoria, NAPTOSA, September 1996, *Submission to the Parliamentary Portfolio Committee on Education on the SA Schools Bill*.

could have facilitated floor-crossing from one union to the other (cf. section 4.7) and a change in organizational strategy (in NAPTOSA's case) to be more pliable to trade unionism influences.

### 7.3.3. *Relations with the state*

With the installation of an ANC-led government in April 1994, to which NAPTOSA's main rival SADTU was closely allied, the federation took steps to prevent its marginalisation from the transformation of education and the many processes of educational reform that had begun. For example, in November 1994, a seventeen page memorandum on *Education in Transition* was forwarded to President Mandela, Deputy Presidents' Thabo Mbeki and F.W. De Klerk, and the Minister of Education, S. Bengu, and culminated in a meeting between NAPTOSA's Standing Committee (cf. Figure 10) and Deputy President De Klerk on 29 November 1994. The memorandum made three key points, namely, that the handling of the transitional process in education left much to be desired; that the expertise of the organized teaching profession as a primary role player was being ignored; and that the teachers' corps was experiencing serious uncertainty. In elaborating its stance, NAPTOSA emphasized its commitment to professionalism and to the new democratic dispensation, in particular to the GNU and the broad principles of the RDP.

The memorandum highlighted a number of concerns, including the prescription to the teaching profession by outside organizations (particularly universities and education NGOs), restructuring of education, promotions, salaries and service benefits, and concluded with a tactfully-worded threat:

*NAPTOSA is fully aware of the rights it possesses in terms of education labour legislation, as well as the fact that a legal strike in education is possible and therefore an acceptable action as a last resort or means of gaining satisfaction in salary negotiations. However, NAPTOSA is of the opinion that all other ways and means should be investigated before such action is taken (1994: 14-15)*

These were significant sentiments as they set the tone for NAPTOSA's relationship with government in the years to come. While expressing commitment to professionalism and the new government, NAPTOSA had given notice of a forceful approach should it be threatened with marginalisation and any perceived threats to its members' interests. The federation's gradual political awakening post-1994 was to become a feature of its development in what it considered was a hostile environment, especially its relations with the state and its involvement in education and labour-related policies.

#### **7.4 Modes of participation**

This section will provide an overview of the different types of participation engaged in by NAPTOSA. A more in-depth analysis of the various modes of participation and their importance in the formulation of SASA will be explored later in the chapter (section 7.6).

Given the federal nature of NAPTOSA's organizational structure, it is not surprising that participation of members in policy matters is essentially based on a representative model. This was not inconsistent with the historical practices of the different affiliates within NAPTOSA, wherein members tended to have considerable trust in their leaders and representatives to articulate their concerns in the policy domain. An important feature was the different forms of participation coordinated by NAPTOSA as a federation, on the one hand, and the independent activities organized by individual affiliates, on the other. The latter was recognition of the diversity of responses of its membership to the changed political environment post-1994. The Afrikaans bloc, for example, had a particular view on participation, which underpinned the political nature of participation in policy making:

*...we accept that we must, and that we can make a contribution [to the new non-discriminatory dispensation] because we were privileged; we've got the infrastructure, we've got the know-how about the school systems, management systems etc. We can make a contribution in the best interests of education in South Africa. And then also to cater for the interests of our own members within the new dispensation, to try to get*

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*hold of some of the things we think is dear to us... single medium Afrikaans schools where practicable; dominantly Afrikaner-culture based schools. So we tried to make sure that there's a possibility for that kind of school in the new dispensation* (Interview with Professor Koos Steyn, ex-President TO).

Participation was also issue - driven, of which the debate around Model C schools was perhaps the most contentious. The White teacher organizations mounted a strong defence of what they considered to be a sound management model based on the principle of '*the devolution of power to the school level*' (Interview with Professor Koos Steyn). The debates around language led to serious tensions, especially among the Afrikaans and African constituencies (see section 7.6.2).

#### 7.4.1 Internal

As was the case with SADTU, NAPTOSA also organized several policy related activities to facilitate information sharing and obtain inputs from its affiliates. These activities were mainly in the form of seminars, workshops, and branch and school level meetings.

##### 7.4.1.1. National seminars

Workshops and seminars were organized on critical concerns relating to SASA. These included a seminar on the financing and governance of education and Model C schools for the Executive Committee of NAPTOSA in May 1995, which was addressed by Professor Peter Hunter, Chairperson of the Review Committee. The seminar helped consolidate various organizational principles and positions relating to the work of the Review Committee. It also took decisions about matters to be brought to the attention of the NAPTOSA representatives on the Review Committee, particularly around "transitional arrangements"<sup>100</sup>. Another seminar on the South African Schools Bill was held in cooperation with the South African Education Law and Policy Association

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<sup>100</sup> NAPTOSA National Archives, Pretoria, NAPTOSA, 1995, *Report on the seminar on the financing, governance and structuring of schools, 3-4 May 1995*.

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(SAELPA) during 1996<sup>101</sup>. A feature of the workshops and seminars was the utilization of experts from within the ranks of NAPTOSA itself, the Department of Education and members of the Review Committee and the academic world (NAPTOSA, 1998:16-17)<sup>102</sup>.

However, these seminars were not attended by politicians as the SADTU national education policy conferences were. The latter included several high-profile ANC leaders, including the Minister of Education (cf. Chapter Six). There was greater focus in NAPTOSA's seminars on the technical and legal dimensions of policy making and its educational implications with less political rhetoric than that which characterized SADTU policy conferences. Nevertheless, the political undertones of the discussions and debates were apparent given the contestation over the status of Model C schools.

#### 7.4.1.2. Organisational structures

There was some effort at national coordination as NAPTOSA encouraged member organizations to hold branch and school site meetings to discuss issues relating to SASA. However, not all affiliates followed the national directives in this regard, either from a lack of interest or lack of resources. Generally, affiliates were left to their own designs to involve members in policy deliberations. As Huw Davies, the federation's Executive Director at the time explained:

*NAPTOSA doesn't directly address any teacher anywhere, it addresses the teacher through the organisation which happens to be its affiliate, like the National Union of Educators (NATU) or the Transvaalse Onderwysersunie (TO) [Transvaal Teachers' Union].*

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<sup>101</sup> As a number of its members from the tertiary sector were members of the South African Education Law and Policy Association (SAELPA), NAPTOSA had developed a working relationship with SAELPA over the years. In education circles, SAELPA with its largely White Afrikaans-speaking membership was regarded as a conservative body and shunned by White, liberal English-speaking academics and by a large majority of Black academics in South Africa.

<sup>102</sup> Also see NAPTOSA, 1996, *Biennial Report of the Executive Director, Presented at the final meeting of the First Council, Pretoria, 24 October 1996* (NAPTOSA National Archives, Pretoria).

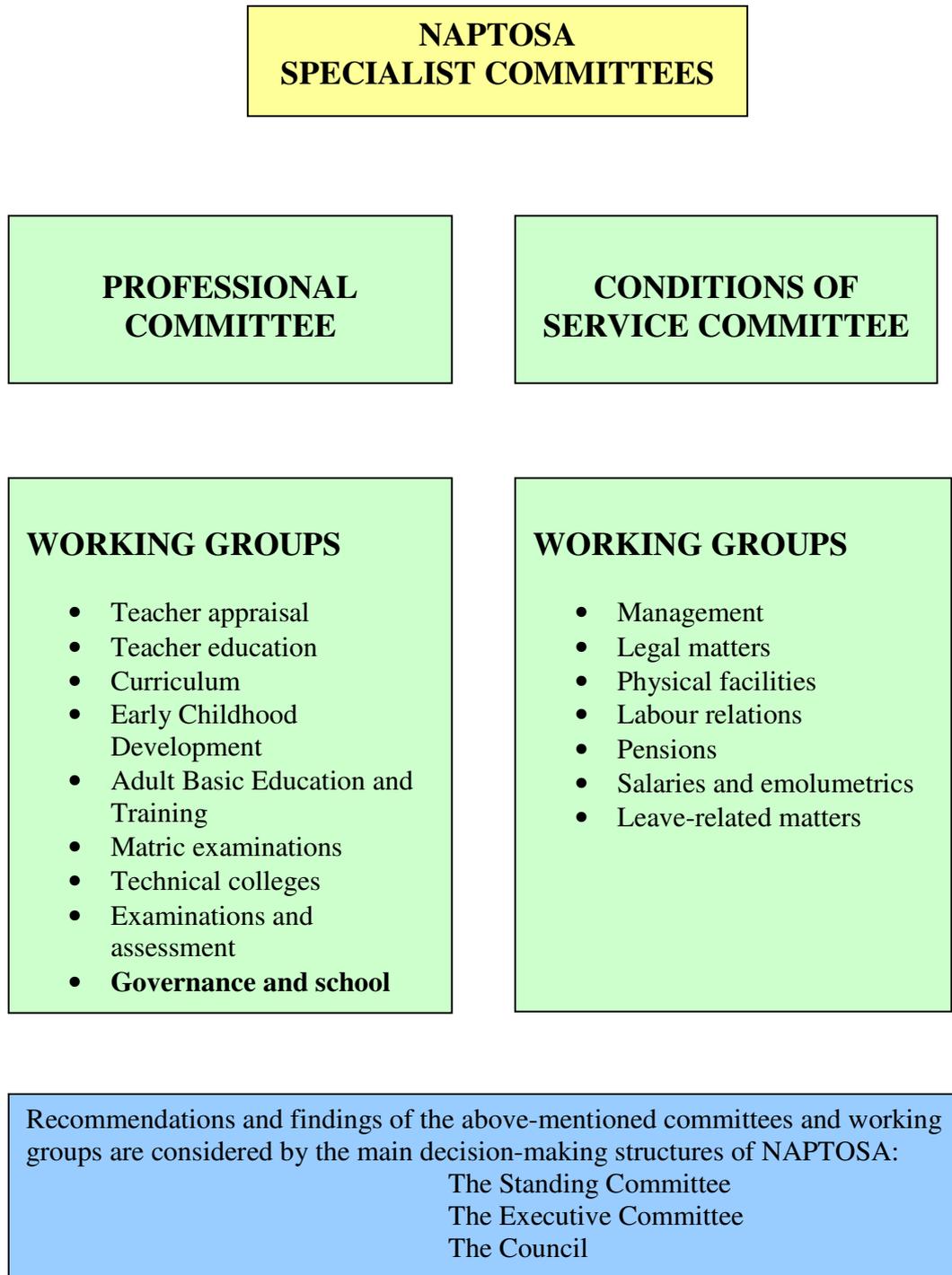
Some affiliates organized events to facilitate greater involvement of membership, such as the holding of meetings and rallies to discuss issues relating to the Bill. Member organizations such as the Natal African Teachers' Union (NATU), the Free State African Teachers' Association (OFSATA), and the TO were active in this regard. Often, national office-bearers would be invited to address these events to convey the importance of issues being discussed.

However, the engine room of NAPTOSA's education policy work was its various specialist and working committees. Their main task was to investigate matters referred to them and to ensure the participation of all affiliates in the process. The membership of these committees was comprised of senior officials of affiliates, usually those individuals with the most experience and knowledge. There are two broad categories of Committees, Professional and Conditions of Service, with several working groups under each (*see Figure 8 NAPTOSA Specialist Committees*). Two of these working groups, from the Professional Committee section, were central to the development of NAPTOSA's policy positions relating to SASA. The first was the Working Group on Management and Governance of Schools. This committee met several times to study policy documents and prepare draft comments on the Report of the Review Committee, draft Education White Paper 2, the draft School Finance Policy and the South African Schools Bill. According to the then Executive Director of NAPTOSA, Huw Davies, the draft comments were circulated to affiliates and/or tabled at meetings of their executive structures and were submitted timeously to the DoE after finalization and approval (NAPTOSA, 1996).

The second committee, the Working Group on Constitutional Implications functioned under the chairmanship of Professor Johan Beckmann, a respected academic in the Afrikaner community based at the University of Pretoria. An important task of the committee was the empowering of teachers to cope with the legal aspects of their working environment. This was seen to be extremely relevant to the teaching profession in the context of new legislation to implement change in the education system in South Africa. Besides preparing draft comments on the new South African Constitution (1996), the committee was central to the finalization of NAPTOSA's comments on the South African Schools Bill (NAPTOSA, 1998 & 1996).

There are both differences and similarities in the internal approaches to policy deliberations of NAPTOSA and SADTU. SADTU tended to appeal to its various provinces and branches to make inputs on education policy and forward these to the national headquarters. The SADTU Executive Committee and National Council would then collate the various inputs and prepare its submission. NAPTOSA, on the other hand, first directed its specialist committees to draft comments which were then sent to affiliates and finalized by its national Executive Committee thereafter. NAPTOSA therefore attached significance to the knowledge and wisdom of its experts, a hallmark of the professional teacher association, whereas SADTU attempted to canvass members' views through the unionist tradition of popular consultation. A striking similarity in the approaches of the two teachers' organisations is the mediating role played by structures at the national organizational level. For example, within both NAPTOSA and SADTU, the national Executive Committees and National Councils were charged with the responsibility of approving final policy positions before these were forwarded to the relevant authorities or released to the media. Individual NAPTOSA affiliates operated along similar lines, for example, the TO has a steering body known as the Hoofbestuur (Main Committee) representing regional and provincial structures, which scrutinises all submissions and is regarded as "the policy making body" of the TO.

**Figure 9: NAPTOSA's Standing Committees**



#### 7.4.1.3. Grassroots participation

As was the case with SADTU, participation in the development of policy within NAPTOSA was confined largely to teacher representatives and officials, with little actual involvement of ordinary members. Grassroots participation was hoped for but hardly realized. In the view of a senior NAPTOSA official, the process does not make provision for the grassroots educator to be involved. Organizations base their inputs on mandates received at congresses and national councils, with little attempt to solicit individual inputs. The main avenue for individual participation was through making personal submissions, but this was largely the result of a strategy to encourage individual participation within the White affiliates of NAPTOSA. The Union contended that the problem was compounded because of unrealistic deadlines for feedback set by the Department of Education. As a result, there was little time for meaningful interaction on the part of unions with their membership (Interview with Huw Davies). A senior official of one of NAPTOSA's affiliates put it in context:

*From the schools side it was business as usual for the teacher in the classroom. The teacher as such was not involved in the day to day process of developing the Schools Act, but the organised teaching profession was, with its network of branches and representatives at the chalk-face...The individual teacher could not make the same input that you get from the specialised organisations and lawyers in the service of the TO (Interview with Koos Steyn)*

One dimension of the development of SASA where there was some involvement by grassroots members, especially teachers belonging to mainly White Afrikaans-speaking affiliates, was the section 247 consultative meetings prior to the South African School Bill's passage through Parliament (see section 7.6.2).

#### 7.4.1.4. Communication and members' access to policy information

Communication to affiliates was through two main channels: a bi-monthly newsletter and circular minutes. Individual affiliates utilized their own media resources to highlight issues of particular concern to their members. For example, Afrikaner affiliates, such as the TO, made prolific use of its Afrikaans-medium monthly newsletter, MONDSTUK (Mouthpiece), to draw attention to various controversies relating to SASA. This is reflected in the captions of some of its lead articles (English translation in brackets):

Hersieningskomitee: Toekoms van Model-C skole

[Review Committee: Future of Model-C schools]

(MONDSTUK, Junie 1995)

Witskrif: Geen grafskrif vir Christelike Afrikaanse Onderwys

[White Paper: No epitaph for Christian Afrikaans Education]

(MONDSTUK, Februarie, 1996)

Suid-Afrikaanse Skolewetsontwerp: Konstitusionele plig of politieke ergenis?

[South African Schools Bill: Constitutional duty or political nuisance?]

(MONDSTUK, September, 1996).

Although many of its affiliates were not as incapacitated as SADTU in terms of capacity and resources, NAPTOSA did experience difficulties at the national level relating to limited resources, which was compounded by the federal structure and the internal politics of the federation at the time. Communication to members of affiliates in remote areas, where there was no electricity or telephone and travel was difficult, posed particular challenges. According to the federation, this created problems of assembling

people and disseminating information to them. This was especially the case with NAPTOSA's Black teacher affiliates, such as NATU and TUATA with large numbers of members from rural constituencies. However, this was not the case with other affiliates, such as the TO, which had sufficient resources and were in a position to develop a sophisticated communication structure and network "*that can put out a letter in a day from our office to every school in the provinces*" (Interview with Professor Koos Steyn) Therefore, capacity and resource constraints, with racial overtones, hampered communication efforts to and within certain affiliates, leading to "patchy involvement" among affiliates.

Effective communication was also hampered by members' difficulties in coming to grips with the 'technical' aspects of policy making, such as funding formulae. In the views of an official of NAPTOSA's Gauteng-based affiliate:

*It's extremely difficult to communicate with the membership on [technical] issues. And what we did was to work on a system where we would meet monthly with our leaders and representatives and they in turn met monthly with our structures or districts or groupings. We relied heavily (to this day) on fax communications and e-mail communications to bring people up to date pretty quickly, but a technical Bill such as the SA Schools Bill was very difficult to get people motivated and interested in the technicalities. Two things worked against that: they were too busy and too concerned about their classroom situation, and secondly maybe we did not give enough attention to bringing the teacher in that classroom on board. (Interview, Dave Balt).*

As an organisation, NAPTOSA was cognizant of the many challenges that faced the Union with regard to reaching out to its membership. These challenges included the Union's failure to bring its membership on board, that teachers had little time to engage in broader policy issues and the assumption that teachers were either not interested or were 'technically illiterate'. This suggests some awareness on the part of the Union on the technical challenges relating to policy work.

#### 7.4.2 External

These refer to modes of participation in which the federation was involved outside of its own organizational structures.

NAPTOSA made a point of ensuring that it would be represented in key policy making forums relating to SASA. Besides seeing this as an opportunity to influence policy deliberations, such participation was very much part of its professional commitment, especially responding to government invitations, a practice that many NAPTOSA affiliates were accustomed to in its experience with the previous government (cf. section 4.2.1). Even here, the federal nature of NAPTOSA's organization influenced participation. Often, because of capacity constraints in the national office, member affiliates from the regions would be requested to send somebody to represent NAPTOSA at a conference or seminar and to compile a report. As such, "*What happened at the end of the day of course was that the inputs that were made tended to be the inputs of the affiliate and not of what NAPTOSA was standing for*" (Interview with Huw Davies). NAPTOSA faced a particular challenge in getting its disparate affiliates to adopt a common position, a consequence of its federal structure, unlike SADTU which was organised as a unitary structure. NAPTOSA's approach to addressing the challenge was to distance itself from the positions of affiliates that it felt it could not advocate as a national union position (cf. section 7.5).

##### 7.4.2.1. Civil Society

Unlike SADTU, NAPTOSA as an organization, could not claim to have any long-standing associations with existing civil society formations, especially those associated with the MDM. However, a number of the federation's affiliates enjoyed close relations with education stakeholder bodies, such as the South African Federation for State-Aided Schools (SAFSAS) and the Suid-Afrikaanse Stigting vir Onderwys en Opleiding (SASOO) (South African Foundation for Education and Training). These alliances emerged in the early 1990s when the threat to the privileged status of White education

loomed large, and were consolidated during the process of SASA's development and other post-1994 education policies.

SAFSAS was originally constituted as the Federation of South African Schools (FEDSAS) in 1993, comprising the former White Model C schools. The organization is regarded largely as representing the interests of privileged White schools and was a key agency in the mobilization of opposition to any erosion of the status of Model C schools (Karlsson et al, 2001). Given the interests of NAPTOSA's White teacher affiliates, SAFSAS became an important ally of the teachers' federation in contesting key aspects of SASA. The Model C lobby, as it was known, became very unpopular with the education sector of the MDM, especially SADTU who had been calling for the phasing out of Model C schools.

Although the Afrikaans-based opposition groups were regarded as part of the Model C lobby (because Model C schools were both Afrikaans and English-medium), organizations such as SASOO had an organizational life and fervour of their own. SASOO worked closely with the Federasie of Afrikaans Kultuurverenigings (Federation of Afrikaans Cultural Organisations) (FAK), a Broederbond offshoot which included the Afrikaans teaching profession, and facilitated the networking and dissemination of valuable information on SASA to all these relevant structures<sup>103</sup>. They focused largely on issues relating the preservation of the Afrikaans culture, religion and language in their schools (see Information Box 9). As a result, they were perceived as too parochial – too ethnically and racially focused - and given South Africa's apartheid history, these organizations did not engender themselves to the democratic movement or the new ruling party.

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<sup>103</sup> The FAK has a long history that dates back to the heyday of the Broederbond in the 1930s. It had aligned itself with the principles of Christian National Education, which became the underlying philosophy on which Hertzog had propagated his ideology of apartheid education (Bunting, B. 1986. *The rise of the South African Reich*. International Defence and Aid Fund for Southern Africa, pp.244-247).

**Information Box 9: South African Foundation for Education and Training**

**Die Suid-Afrikaanse Stigting vir Onderwys en Opleiding (SASOO)  
(South African Foundation for Education and Training)**

The foundation was started on 10 July 1995 in Pretoria and was established as a watchdog for Afrikaans education and training in South Africa. The foundation accepts the Bible as a basis and starting point, provides active support to the establishment of a Christian value system in education and encourages and promotes the responsible educational principle of home language and culture-based education. In view of promoting education in the Afrikaans sector of South African society and education in general, the foundation aims to (as one of its main goals) mobilize and coordinate skills, available infrastructure and other resources in the Afrikaans sectors of the South African society to deliver task-oriented contributions within a network system to meet the goals of the foundation. (translated from Afrikaans, Mondstuk, July, 1995).

7.4.2.2. State/government initiated avenues for participation

**a) Participation in government-appointed committees**

NAPTOSA was represented by two of its affiliates on the Review Committee (see 7.6.1 for details).

### **b) Written submissions and public hearings**

NAPTOSA and several of its affiliates made every effort to respond to the DoE's various invitations to make written submissions on the various policy documents relating to SASA, as well as make oral presentations (primarily section 247 meetings and the public hearings organized under the auspices of the Parliamentary Portfolio Committee). Significantly, a number of its members made individual written submissions, for example to the Review Committee in 1995.

### **c) Conferences and workshops**

The federation was invited and participated in various national conferences and workshops relating to SASA that were organized by the Department of Education and/or education policy bodies, such as the CEPD and EPU's which had close links with the democratic movement. It also attended conferences organized under the auspices of the Review Committee. These included:

- A National Conference, '*Towards a New Framework for School Organisation*', held on 25-26 April 1995 in Durban, hosted jointly by the Education Policy Units of the Universities of Natal and Witwatersrand, together with the Department of Education. NAPTOSA's Executive Director, Dr Huw Davies presented a paper which gave an early indication of the Federation's policy stance.
- A National Conference on School Governance, Organisation and Finance, 14-16 August 1996, organized by the CEPD in conjunction with the Department of Education. The conference was aimed at broadening debate and empowering participants in preparing submissions to the Parliamentary Portfolio Committee on Education on proposed changes to the Bill. A sub-text of the conference was to try and resolve differences and thus reduce conflict between opposition groups.

(SADTU officials also attended both of the above conferences, cf. section 6.4.2)

- An Education Seminar, organised by the Department of Education, North West Province. NAPTOSA used this seminar to outline its vision with regard to the transformation of education in South Africa, with specific focus on the organization, governance and funding of schools. The views that were expressed were very similar to its written submissions relating to SASA (see later in this chapter).

#### **d) Meetings between NAPTOSA and the Department of Education**

In spite of an initial reluctance by the Department of Education to engage with NAPTOSA post-1994, the federation did not take long to force the education authorities to take them seriously. At a meeting with the Minister of Education, Professor S. Bengu on 14 November 1995, NAPTOSA tabled its concerns with regard to its marginalisation in consultations on important policy developments, such as the National Education Policy Bill, the South African Qualifications Authority Bill, The Labour Relations Bill and Teacher Education Policy.

Three related concerns were raised with the Minister. First, that a clear distinction be made between consultations with the Minister and officials of the Department, as in the view of NAPTOSA, the former carried far greater weight than the latter. Furthermore, that participation by nominees of NAPTOSA in some departmental committees was not the same as consultations with NAPTOSA. An important reason behind this concern was NAPTOSA's conviction that officials of the Department could not speak on behalf of the organized profession, arguing that when the Minister is presented with the report of a departmental committee, "*even if the report is totally objective, it is still a report produced by officials who...will adopt a specific approach*". It was for this reason, NAPTOSA argued, that the independent input to the Minister should not be overlooked, and precisely why the Minister should "*regularly consult opinion directly*".

Second, NAPTOSA was extremely disturbed regarding the privileging of "*viewpoints of parties whose interests in schools is, to put it mildly, only indirect by comparison with the*

*direct interest which the organized profession has*".<sup>104</sup> This was a reference to researchers from NGOs, the university sector and organized labour whose views seemed to be given the same or greater importance than those of the organized profession. Third, NAPTOSA was concerned over the failure of repeated attempts to meet with the Parliamentary Portfolio Committee on Education when its rival, SADTU, had been "present *as an observer at briefings by departmental officials*" of which NAPTOSA had no previous knowledge.

NAPTOSA was clearly concerned about a perceived lowering of its status as part of the organized teaching profession, especially at the expense of 'outsiders' and a privileging of its rival, SADTU. The federation also appears to have had reason to mistrust certain departmental officials in representing its views. This represented quite a turnaround in the fortunes of teacher organizations in South Africa, as under apartheid, it was the NAPTOSA affiliates that enjoyed a cosier relationship with the government.

As a direct consequence of this intervention, the Minister proposed a three-stage consultation procedure with the organized teaching profession:

- On all matters of policy, including the work of commissions and committees, the Ministry would furnish NAPTOSA in advance with copies of relevant material to facilitate written comment;
- Three formal meetings a year between the Minister and NAPTOSA; and
- In addition to the scheduled meetings, a request by either party for ad hoc meetings to deal with urgent issues as they might arise.

These structured policy interactions also benefited SADTU and the organised teaching profession generally, thereby ensuring that the state recognized teachers as professionals. In his response, the Education Minister was at pains to point out that the framework of the GNU structures was being transformed:

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<sup>104</sup> NAPTOSA National Archives, Pretoria, Internal document: *Opening remarks of the President of NAPTOSA, Mr LM Taunyane, at an Interview with the Minister of Education, Professor SME Bengu, on Tuesday 14 November 1995 at 14:30.*

*In the past, because the Government of the day had been in power for a considerable period of time, it was possible to distinguish between a ministry and a department. This distinction is no longer possible, given that the objectives of a new Government must be achieved.*<sup>105</sup>

Based partly on the above agreement reached with the Minister, NAPTOSA secured several meetings with the Ministry and Department to discuss various aspects of SASA and other policies, although these did not follow the structured pattern envisaged in the Minister's proposals:

- A briefing meeting with the DoE to discuss Education White Paper 2: The organization, governance and funding of schools, 30 January 1996;
- A briefing meeting with the DoE regarding a Draft School Finance Policy, 28 March 1996;
- A meeting with the Minister of Education to discuss various educational matters, including: *The current state of play with regard to the SA Schools Bill with specific reference to (i) the [section 247] negotiations being conducted by the Minister with Governing Bodies; and (ii) Schedule 2: Employment of Educators*, 11 June 1996.
- A meeting with DoE on 17 July 1996 to discuss various amendments to the SA Schools Bill ;

The content and importance of these meetings have been integrated with the more detailed analysis that follows.

## **7.5 Adjusting to the changing policy context (1993-1995/6)**

### *7.5.1. The "broadening" out of the policy process*

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<sup>105</sup> NAPTOSA National Archives, Pretoria, *Minutes of the NAPTOSA Standing Committee*, 22 November 1995.

A strong perception within NAPTOSA and the wider constituency it represented, including parents, was that although there was ample opportunity for making inputs and that the new government had instituted a more consultative process than they had experienced before, the outcomes of policy making were almost pre-determined. The common refrain was that “*Government would eventually get its way*”. Central to this perception was the influence exerted by research agencies allied to the ruling party in shaping policy relating to SASA and education generally. Here, the EPU of Natal and Wits universities, and the CEPD were seen as the main protagonists (Interviews with H. Davies, E. Biyela, and K. Steyn). Ironically, NAPTOSA itself utilized academic expertise in the work of key committees, for example, Professor Johan Beckmann chaired an important internal committee, the Working Group for Constitutional Implications, which played a major role in the finalization of NAPTOSA's comments on the South African Schools' Bill.<sup>106</sup>

As noted earlier, the issue was raised by the NAPTOSA leadership with Minister Bengu at a meeting on 14 November 1995, although this was in reference to policy generally:

*...we are concerned that a great deal of weight appears to be attached to the viewpoints of parties whose interest in schools is, to put it mildly, only indirect by comparison with the direct interest which the organized profession has. We find it difficult to believe that it is the Minister's view that teachers have an identical interest to that of, for example, researchers from NGOs or the university sector, or that the interests of organized labour on certain committees are the same as, or compatible with, those of the organized profession (LM Taunyane, President of NAPTOSA).*

This concern with the erosion of the status of the teaching profession was linked to a concern that NAPTOSA was being marginalized by the new government. As expressed by one of its senior officials at the time:

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<sup>106</sup> Another well-known Afrikaner academic, Prof. WL Nell, Dean of the Faculty of Education at the University of Stellenbosch, and one of two Deputy Presidents of NAPTOSA at the time, represented NAPTOSA on the government Committee on Teacher Education Policy (COTEP).

*And when you left [education department meetings] you still didn't know what was going on. It was almost like a new form of holy huddle. In the meantime some important positions had been adopted which ultimately would feed into the policy formulation process. As a result, many of the affiliates felt that they were very much on the back foot. They didn't really understand and they didn't have any inside track to people who might have been able to explain to them what all this was about. So that was initially I think quite a big problem...there's a very big difference between being a party who is inside a process because of whatever political affiliations exist, and being outside of it. And much of that still exists except that it's now better understood, I think" (Interview with Huw Davies)*

Two features or weaknesses of NAPTOSA in the changing policy environment may be discerned here. First, NAPTOSA and its affiliates experienced a feeling of estrangement from the new policy elite of the ANC Alliance. This related to a realization that its networks did not extend to key decision makers and that they were now seen to be the outsiders; whereas, under the apartheid era, many of its affiliates had been regularly consulted by government. Second, there was a lack of understanding of an inclusive process and framework for policy debates and consultations that had not been a part of the historical experience of NAPTOSA and its affiliates. NAPTOSA also felt threatened by the influence of researchers and policy analysts associated with the democratic movement.

Nevertheless, the federation did have certain strengths when it came to engaging with the changing policy terrain. One of these was its ability to be prepared, and to make optimal use of what it was familiar with. In this regard, in spite of disagreement among different constituencies, NAPTOSA's early thinking on matters of school funding and governance was influenced by the former NP government's proposals for a new education system, notably the Education Renewal Strategy document (ERS). There were also documents developed within the NP government that focused specifically on what a future education

system should look like. The government agency tasked with this responsibility, the Education Co-ordinating Service, drew on existing legislation for different groups with a view to retaining aspects considered worthwhile and integrating all of it into a composite policy document. According to its then Executive Director, Dr Huw Davies, NAPTOSA's Professional Committee studied these documents and was "undoubtedly influenced" by it in their deliberations (Interview with Huw Davies). It is salutary to note that Huw Davies, who was the Executive Director of NAPTOSA from March 1995 to December 1996, held the position of Director-General in the Department of Education Co-ordination Services under the National Party government until December 1994, and was one of the architects of the 'futuristic' document.

An additional strength of NAPTOSA was the utilization of policy expertise. Although the federation was able to draw considerably on expertise from within its own ranks, it also utilized the services and experience of persons from the DoE and members of the Review Committee, as well as academics to participate in workshops and seminars related to the South African Schools Bill. Internally, its expertise was organized within the working groups for *Management and Governance of Schools* and *Constitutional Implications*. Professor Johan Beckmann from the University of Pretoria chaired the latter working group, which commented on aspects of the South African Schools Bill in relation to the new constitution. It was the former working group, however, that prepared more extensive comments on the Review Committee's report, the draft Education White Paper 2 and the South African Schools Bill.

A further strength of the teachers' federation was that it could make extensive use of legal expertise to ensure that its submissions would not conflict with policy guidelines set out in the new Constitution and existing policy frameworks. This was a tradition that had long been associated with the established teacher organizations. Under apartheid, teacher organizations often resorted to seeking legal advice whenever a stalemate was reached with the education authorities during negotiations. That experience was to be used extensively by NAPTOSA and its affiliates in the development of SASA (cf. section 7.6.2).

A perceived challenge for NAPTOSA was the association of particular viewpoints with specific political parties:

*For instance, in our views on school governance and funding you'll find that if there was any resemblance of those views with the National Party all the time, then we would get a label that we are supporting the Nationalist Party (Interview with Eliam Biyela)*

This led to an element of subterfuge in NAPTOSA's strategies regarding alliances with political parties. This involved standing back and letting the political parties debate the issues, without overtly supporting a party like the NP. The situation was compounded by opposition political parties openly courting the support of NAPTOSA by inviting them to meetings to share ideas.

*So it's something that we tried to manage in such a way...without us taking up negative labels and so on. Particularly because you see political parties would want the support of the organised teaching profession on matters of education. So there was a scramble for our support by all political parties. So certain political parties would count on you in terms of its use of certain issues. They will make use of that in Parliament and sometimes to our embarrassment you see (Interview with Eliam Biyela).*

Nevertheless, NAPTOSA maintained cooperative relations with most of the major opposition parties especially during the Parliamentary debates (cf. section 7.6.3).

### **7.5.2. The Federal Challenge**

An important aspect of NAPTOSA's participation in policy making was the challenge presented by the federal nature of its structure. These led to internal challenges, as well as in the policy making domain. Internally, NAPTOSA was experiencing an organizational upheaval, especially around the status of Afrikaans. The organization was grappling with

instituting a language policy that would not be perceived as discriminatory or exclusionary. Initially, both English and Afrikaans were recognized as languages of communication within NAPTOSA. After 1994, there was a move to make only English the language of communication, a move that led to tensions between the Afrikaans affiliates, on the one hand, and the English and African constituencies, on the other. The Natal African Teachers' Union (NATU), in particular, raised objections to the use of Afrikaans being used in meetings, a practice that excluded its officials from meaningful participation in decision-making. This led to the following statement, shortly after the Afrikaans affiliates decided to withdraw from NAPTOSA, "*NATU regrets that the type of cultural unity we hoped NAPTOSA had achieved is proving to be one of the greatest mistakes of the era*" (NATU, 1996).

In coming to grips with the broader policy arena, the federation was faced with the difficult task of reaching consensus among its disparate constituencies, whose interests were largely racially determined. NAPTOSA's solution was to develop a "maximum consensus" approach, but to allow affiliates who detracted to pursue independently specific concerns and issues not taken up by the parent body at the national level. An example of this approach was contained in a Circular to Chief Executive Officers of NAPTOSA's affiliates with regard to Comment on the Draft White Paper 2:

*As in the past, affiliates who wish to do so are encouraged to submit comment on the Draft White paper to the Minister, as it should be borne in mind that the comment from NAPTOSA will reflect the general consensus within the organization and not necessarily the particular nuances which may be of importance to a particular affiliate* (NAPTOSA Circular 99/95, 29 November 1995, Paragraph 5).

At times, NAPTOSA's position was compromised by some of its affiliates disagreeing with national policy stances on key issues and subsequently making independent submissions. Nevertheless, NAPTOSA was able to retain sufficient organizational cohesion that would make it a significant player in the education policy domain. This was particularly the case in the development of SASA.

## **7.6 Influencing the different phases of SASA's development**

NAPTOSA's early positioning with regards to SASA reflected the influence of varied impulses. On the one hand, the federation had to contend with the diverse demands of its different constituents, and on the other hand, it had to take cognizance of the changing political environment, especially the cultivation of a constructive relationship with the new political elite post-1994. Moreover, the changing political climate also shaped the nature of power relations within NAPTOSA. This manifested itself in the contestation between the White Afrikaner bloc and the African and Coloured caucuses, especially over language and representivity issues. Because of the broader ramifications of ethnic and racial identity in relation to the changing education policy terrain in South Africa, the internal conflicts around language would assume larger proportions in the public policy making arena. This was unavoidable given the public perception of the important stakeholder role of teacher unions in South Africa's education sector (especially since the 1980s – cf. Chapter 4).

Although NAPTOSA made submissions on a range of issues relating to SASA, certain key areas became the subject of intense debate, and reflected the specific organizational challenges faced by the federation. Issues relating to language as a medium of instruction and school fees (as opposed to free education) were two of the most contentious as these related to the broader issues of access and equity. There was also considerable discussion on governance issues, especially around capacity-building for historically disadvantaged schools. At a broader level, the Afrikaans organizations, such as the Transvaalse Onderwysersunie (TO), one of the more influential affiliates, mounted a sustained campaign to influence SASA on the retention of Model C schools.

NAPTOSA was faced with specific challenges with regard to positioning itself during the early phase because of the disparate experiences of its different affiliates, especially relating to school governance and financing. This made it difficult to formulate positions that commanded the support of all its constituencies. For example, soon after the appointment of the Review Committee, at a conference on *A New Framework for School*

*Organisation* organized by the Natal and Wits EPU's and the Department of Education in April 1995, NAPTOSA was not able to advance a mandated organizational position with regard to school organization, governance and funding; although 'the beginnings of a consensus in a number of areas' was emerging. This was reflected in the input paper by NAPTOSA's Executive Director, Huw Davies at the conference. On the question of financing, Davies mooted the idea of 'user-charges' or the raising of additional income by schools, and with regard to governance, he raised the possibility of a "*continuum of governance responsibilities at the institutional level*".<sup>107</sup> These ideas would later form the kernel of NAPTOSA's submissions.

Segments of the White community, however, had been preparing to embrace the new, democratic order to their advantage for some time, in spite of their vocal opposition to the new policy. This included top-level discussions between the government of the day and the Afrikaans-speaking White teaching sector:

*President F W de Klerk warned us in 1992 more or less, it [was] just after his speech about Nelson Mandela's release from prison, he warned the organised teaching profession, the Afrikaans organised teaching profession ... that we're going to transform and that we must prepare for a non-racist, non-discriminatory kind of dispensation in education*  
(Interview with Prof. Koos Steyn).

An intensive study was subsequently made of key government documents that addressed issues relating to SASA; these included the Reconstruction and Development Programme (RDP) and the first White Paper on Education and Training, both of which resonated with the brief of the Review Committee.

As a result, affiliates such as the TO, had geared themselves to 'do battle' against what was perceived as a serious threat to their right to 'educational self-determination'.

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<sup>107</sup> It is interesting to note that a year-and-a half later after considerable public debate and commissioning of experts by the DoE in November 1996 when the Schools' Act would be finalised, both principles on "user-charges" and a menu of powers and functions for school governing bodies as advocated by NAPTOSA would be reflected in the final version of the Act.

Overseas study tours were undertaken to learn about international practices in the areas of governance and funding, and all relevant policy documents and position papers of the different political parties carefully studied. The information was disseminated to teachers at branch and school levels, as well as the Afrikaans community at large. The process of networking and information dissemination was enhanced by the coordinating role of SASOO, who ensured that various organizations, educational, cultural and religious would be well-informed (Interview, Koos Steyn). Preparations were to take off in 1994 when NAPTOSA, to which the TO was still affiliated, organized workshops and seminars on Model C schools, the funding of education and the South African Schools Bill. As the policy formulation phase of SASA unfolded, organizations like the TO were in a position to make a strong case in support of retaining the status quo on school organization and funding. Not only that, they would, in the ensuing years, argue that the Model-C formula would be in the best interests of all South African schools.

#### *7.6.1 Phase One: From the Review Committee to White Paper 2 (April 1995-February 1996)*

##### 7.6.1.1 Early contestation over language, school fees and other issues

Two key policy events constitute the backdrop to the development of SASA (cf. section 5.3.1). The first relates to section 247 of the Interim Constitution (1993). A critical aspect in this regard was the success achieved by the NP government and its supporters during constitutional negotiations. The NP managed to secure a compromise clause on language, whereby parents and students in public schools could choose the medium of instruction where this could be practically provided. However, it was the insertion of Section 247 in the Interim Constitution that made it incumbent on the new government to enter into negotiations with existing school governing bodies (essentially White Model-C schools) over any proposed alteration of their powers and functions, which signaled an important victory to the NP and its supporters.

The White Afrikaans-speaking teacher organizations were aware of this political maneuver and organizations, such as the TO, assisted during the negotiations (Interview

with Professor Koos Steyn). Within NAPTOSA, the White teachers' caucus had already identified with a White minority political stance during constitutional negotiations over the issues of language and the powers and functions of governing bodies. As will be seen, these issues would not only constitute key areas of disagreement with SADTU, but also within its own constituency. In particular, a serious conflict of interest over these issues would emerge between the African and Coloured constituencies and the White Afrikaans-speaking constituency within NAPTOSA during the formulation of SASA. The second key event was the release of Education White Paper 1 in 1995. There had been discussions within the federation on issues relating to school governance, school fees and language as these issues were covered in broad terms in White Paper 1.

The internal wrangling around language spilled over into the broader policy domain regarding the status of Afrikaans as a medium of instruction and the maintenance of single-medium schools, one of the more controversial issues dealt with by the Schools Act. NAPTOSA's position on the language question attempted to reconcile the interests of its diverse constituency and it achieved this by aligning itself with the constitutional provision which allowed for "*education through the medium of a single language, where the establishment or continued existence of such schools is reasonably practicable*".<sup>108</sup> Nevertheless, tensions around language persisted within the federation. The Afrikaans organizations could not understand why the Coloured Cape Teachers Professional Association (CTPA) with a largely Afrikaans-speaking membership, was not taking a strong stand for Afrikaans to be a medium of instruction. For its part the CTPA, together with its parent body, UTASA, had long-harboured reservations about the positions of NAPTOSA's White Afrikaans-speaking affiliates on single-medium schools and the maintenance of a Christian National Education culture. On the other hand, NATU felt that "*the whole thrust at that time was correctly the normalisation of the education system in this country and the elimination, inter alia, of race and language as divisive factors*" (Interview with E. Biyela). The language controversy contributed to the White Afrikaans-speaking affiliates eventually withdrawing from NAPTOSA, and members of CTPA and NATU defecting to SADTU. The ramifications of NAPTOSA's fragmentation

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<sup>108</sup> NAPTOSA National Archives, Pretoria, NAPTOSA, *Suggested amendments to the SA Schools Bill*, 17 July 1996.

would have dire consequences for the reorganization of the teachers' movement in South Africa and contributed to SADTU's phenomenal membership growth during this period<sup>109</sup> (cf. section 4.7).

On the question of education funding, White affiliates argued that school fees were necessary for maintaining educational standards and preventing inferior education. In contrast, NAPTOSA's African constituency saw matters quite differently:

*At the same time other members of NAPTOSA [primarily African and Coloured] felt that the fees charged by many schools were deliberately prohibitive, as they did not promote access in terms of the Constitution. Then, the question of language was debated very hotly - whether or not the government should interfere with the medium of instruction. I think the majority of NAPTOSA members felt that the use of Afrikaans as the medium of instruction was also very prohibitive for Blacks to get into some of the best schools in the country, so that had to be addressed.*  
(Interview with Eliam Biyela)

As such, a significant constituency within NAPTOSA, especially its Black African and Coloured affiliates, saw the issues around language and school fees in terms of limiting access to schools and not in terms of compromising educational standards. This was not different from the views expressed by their counterparts within SADTU. Third, the issue of school governance was:

*particularly emotive within the NAPTOSA context because of the ingrained suspicion of anything that looked like a school council or school board by the old ATASA and old UTASA groupings, whereas among the White groupings the notion that there should be school governance structures was a very well established one given the context of their particular history* (Interview with H. Davies).

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<sup>109</sup> See Chapter Four for a detailed coverage of the various issues that threatened organizational unity within NAPTOSA, and which ultimately mediated the influence of NAPTOSA in the policy domain.

Under apartheid, school governing bodies at White schools had become an acceptable part of school governance, with little contestation about their value or effectiveness; whereas among many African and Coloured schools the school council or school board had been associated with the oppressive machinery of the apartheid education system (DoE, 1995)<sup>110</sup>. Arising from this particular debate, NAPTOSA's African and Coloured affiliates were concerned to highlight the need for capacity building relating to school governance in historically disadvantaged schools. Given the disparate historical experiences of its White and Black constituencies, it was very difficult to reach consensus within NAPTOSA, which prompted some of its affiliates to make inputs independently of NAPTOSA's consolidated input. As a result, competing discourses within NAPTOSA on issues of school funding, language and school governance gave rise to a multi-faceted and contradictory identity. This heterogeneous (or diverse) character of NAPTOSA constituted a central mediating feature of its engagement with education policy during this period, especially in the development of SASA.

The concerns of NAPTOSA's Black and Coloured affiliates were not dissimilar to the concerns of SADTU in this regard; that is, that language and school fees not be used to keep Black learners out of White schools. The early debates and divisions on these issues within NAPTOSA, however, did not prevent NAPTOSA from developing fairly coherent positions on key issues quite early in the process. For example, there was acknowledgment of the inter-connectedness between governance capacity and financial responsibility, where there was concern for the allocation of financial powers and functions to governing bodies that lacked the necessary capacity. Although these positions would be refined and changed as the process unfolded, they bear a striking resemblance to the final submissions made. This was especially the case with formulations relating to the powers and functions of governing bodies and the financing of schools (see NAPTOSA paper, North West Province, Department of Education seminar, 14 June 1995).

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<sup>110</sup> DoE, Report of the Committee to Review the Organization, Governance and Funding of Schools, 1995.

### 7.6.1.2 NAPTOSA's experience with the work of the Review Committee and White Paper 2

As indicated previously, the real policy generation work of SASA commenced with the appointment of the Review Committee, chaired by Professor Peter Hunter (cf. Chapter Five). NAPTOSA was represented by two of its most influential affiliates, Eliam Biyela of NATU and Professor Koos Steyn of the TO, the latter nominated by the Afrikaans Organised Teaching Profession and its allies, such as the NP and SASOO. In their favour was the government's declaration that the work of the Committee would be driven by the goal of seeking maximum consensus with regard to a new school system.

#### **a) NAPTOSA's representatives on the Committee**

The NAPTOSA representatives were faced with real challenges in advancing the federation's viewpoint in the deliberations of the Committee. In the view of Eliam Biyela of NATU, it was not easy to take into account the interests of members of NAPTOSA as there were those "*who were associated with the White system, which was by common understanding, privileged, and at the same time the majority of the members of NAPTOSA belonged to schools that were under-funded or run by governing bodies with no powers*", referring to its African and Coloured constituencies. NAPTOSA's strategy was to adopt a middle-of-the-road approach, which would ensure its organizational stability and buy some political legitimacy:

*We agreed that where there was disagreement within NAPTOSA, as the representative, I should not be very vocal on those issues. That was the strategy we had to adopt. But where there was a clear mandate and no contradictions then I had to articulate the views of NAPTOSA. In most cases I had the views of NAPTOSA in writing...because at the time NAPTOSA was in its formative stages, so **it was very important to retain our unity, as well as make recommendations that were in the best interests of the country** rather than try and please certain sections of*

*NAPTOSA. So it was quite difficult* (Own emphasis) (Interview with Eliam Biyela).

To a large extent, NAPTOSA's policy intervention strategy was shaped by the federal nature of its structure, in which the threat of fragmentation loomed large, hence the importance of maintaining 'unity' among its affiliates with their different interests on issues of governance, school fees etc. Secondly, NAPTOSA or at the very least its Black and Coloured affiliates were concerned to be acting in the national or public interest rather than be perceived as being too parochial. Although this was not reflective of all NAPTOSA's constituencies, there was a real tension between the private and public agendas of some of its membership. Overall, the comments made by Biyela in the above quotation, underline the highly mediated nature of NAPTOSA's engagement with the Schools' Act which reflected its membership diversity and multi-layered identity.

#### **b) Written submissions**

Besides the influence of its representatives on the Committee, NAPTOSA, especially its White affiliates, made the most of the opportunities for consultation and inputs, of which there were many. Following a public invitation for written submissions to the Committee, of the 200 submissions received, 62 were from Model C schools (the largest group of respondents). NAPTOSA made a detailed submission, as did many of its affiliates, such as the TO and the Oranje Vrystaatse Onderwysersvereniging (both representing Afrikaans-speaking teachers) and the South African Teachers Association (representing White English-speaking teachers).

NAPTOSA's submission was a carefully formulated and technically sophisticated 16-page document, much of which found itself in the final report of the Review Committee. The contents of the submission were as follows:

1. What is NAPTOSA?
2. Constitutional imperatives with which the education system must comply
3. The [first] White Paper on Education and Training

4. The Reconstruction and Development Programme (RDP)
5. Various levels of structuring
6. Structuring of schools (Typological Categories and Ownership)
7. The governance of education
8. The Funding of Schools
9. Conclusion.

A striking feature of its submission was the attempt at balancing a concern for redress and equity with an emphasis on ensuring the continuity of privileged White schools with the assistance of State support. This was couched within a 'rights-based' discourse, which had emerged during the constitutional negotiations for a democratic South Africa. While endorsing the government's view in Education White Paper 1 that "*racial exclusivity cannot be tolerated*" and that it welcomed "*the prospect of equitable state funding for all schools*", NAPTOSA stressed its view that "*personal rights inter alia to language and culture cannot be overlooked, and that the school system to be developed will fail dismally unless it caters in an effective way for these rights*" (NAPTOSA, 1995: 3-4).

The submission was also cloaked in a neo-liberal philosophy, stressing individual rights in relation to property ownership (private versus state) and the provision of learning institutions based on particular language and cultural preferences:

*It is the view of NAPTOSA that the constitutional rights of individuals must be upheld, irrespective of who owns physical property, and that the owner [referring to the state] may not in any way intervene in such a manner as to limit the constitutional rights either of persons seeking access to schools, or those of persons seeking to provide, and to operate within, a specific language and cultural environment. It is the view of NAPTOSA, therefore, that legal ownership of the physical property does not in and of itself grant an interventionist right in the school...*

*NAPTOSA is of the view that debates about who owns schools could be largely eliminated if clear governance paradigms were enunciated,*

*spelling out the ways in which governance of education will take place at the central, provincial, sub-provincial and institutional levels; indicating what the basis of interaction between the education authorities and the owners of schools will be where the education authority itself is not the owner of the fabric; enunciating the constitutional rights which are to be given substance within the school environment; and establishing the governance environment within which educational institutions are permitted to function* [an indirect reference to a decentralized model of governance] (NAPTOSA Comment to the Review Committee, 30 May 1995: page 9).

And stressing in the Conclusion of its submission that:

*...the necessary flexibility can be built into the system to ensure responsiveness to the divergent demands in client communities, develop strong local support for education, advance the aims of the Reconstruction and Development Programme, and ensure that South Africa's substantial human resources are presented with a school system which will ensure their optimal development* (NAPTOSA Comment to the Review Committee, 30 May 1995: 16).

More specifically, NAPTOSA's position on the categories of schools was based on the distinction between "*those which derive some or all of their revenue from the state, and those which do not*", in other words, public or state-aided schools and private schools (NAPTOSA Comment to the Review Committee, 30 May 1995: 6). On governance, a key contribution by NAPTOSA was the principle of optimal institutional autonomy (or maximum decentralization of powers). In addition, NAPTOSA proposed that a schedule of items be drawn on what a school could potentially be expected to have responsibility for. However, the actual schedule for schools must be dependent on the ability of the school's governing body to successfully undertake the specific tasks. On the vexed

question of school funding, a fairly comprehensive formula, with the following minimum components, was proposed:

- A basic allocation based on the number of pupils to cover the running costs of the school including personnel costs;
- An allocation in respect of capital works;
- An allocation in respect of pupils with specialized educational needs; and
- An allocation in respect of making up backlogs

This indicated NAPTOSA's familiarity with the technical language of policy texts, an aspect that SADTU had struggled with because of its lack of policy expertise. In addition, NAPTOSA strongly advocated that governing bodies be permitted to generate additional funds to that received from the state where it was deemed in the interest of improving the quality of education (NAPTOSA, 1995:15). As it turned out, these views on school categories, school governance and funding were consistent with those arrived at by the Review Committee in their final report (cf. section 5.3.3.2).

### **c) Policy intervention strategies**

A powerful tool that White teacher organizations utilized, especially the Afrikaans-speaking formations, was the services of legal experts. Some of them were full-time employees. One of the lawyers of the TO, for example, "*made a representation to the Review Committee on Education Law*". Another strategy that NAPTOSA adopted was to identify the sources of influence in the policy development arena. As such, there were attempts to woo the Review Committee by personal interactions with its Chairperson, Peter Hunter and inviting him and senior members of the DoE, notably Trevor Coombe, to in-house seminars. Similarly, the views of a range of policy analysts and policy players were drawn on to keep abreast of emergent thinking on issues relating to SASA. For example, a seminar on the financing, governance and structuring of schools was hosted by NAPTOSA on 3-4 May 1995. The opening address was by the Chair of the Review Committee, Professor Peter Hunter, who covered the activities of the Review Committee in his talk. The seminar also based its discussions on papers written by Leon Tikly (Wits

EPU), Peter Buckland (Urban Foundation and a member of the Review Committee), and John Pampallis (Natal EPU and a member of the Review Committee) on the subjects of education financing, school governance and school organization respectively (NAPTOSA Seminar Report, Undated). Although NAPTOSA's own positions on these issues hardly represented the views of policy analysts, such as Tikly and Pampallis, who were allied to the democratic movement, it is salutary that the teachers' federation engaged with the views of persons who were likely to influence government thinking. As a result, engaging in policy dialogue constituted a fundamental part of NAPTOSA's policy intervention strategy.

#### **d) Assessing its impact**

Since the Review Committee was intended to represent a broad spectrum of viewpoints, and because NAPTOSA realized that the final report would contain aspects that they would not be entirely satisfied with, the federation felt that there would be opportunities later on to influence SASA's development, especially with the "*support of other like-minded organisations in the public*" (Interview with Professor Koos Steyn). These included organizations, such as SASOO and FEDSAS, who were active as part of the White Model C lobby. There was therefore some early thinking on cultivation of partnerships with other education stakeholders.

In the end, NAPTOSA felt satisfied that all its efforts had not been in vain:

*And so I think that with regard to the Hunter process [Review Committee], there was no feeling whatever that the NAPTOSA voice had been ignored. Obviously there were certain issues on which its voice had not been heeded, but that is part of the way these things happen. You make your inputs and you can't get everything* (Interview with Huw Davies).

The above attitude symbolized a degree of realism about the nature of influencing policy formulation that gradually took root within NAPTOSA. Upon the release of the Review Committee Report, NAPTOSA's reaction was one of general satisfaction:

*It was encouraging to note that a number of the principles advocated by NAPTOSA in its written submission to the Hunter Committee were included in the final report. These included the principles that there should be two types of schools, that there should be an element of user charge in the post-compulsory school phase, and that schools should be able to develop along a continuum of management responsibility (NAPTOSA Media Statement of 1 September 1995).*

#### **e) Education White paper 2**

From the written responses to the Review Committee Report, it became clear that teacher organizations affiliated to NAPTOSA, namely, the Association of Professional Teachers (APT), the TO and the South African Teachers' Association (SATA) would be in the forefront of opposition to any proposed changes to the status of Model C schools. The DoE received 152 individually composed letters, of which 78 were from individuals (most of which were written in Afrikaans), 42 from schools (mainly Model C schools), 10 from church organizations (all written in Afrikaans) and 22 from various other organizations. The latter included three branches of the Afrikanerbond, the Interkerklike Kommissie vir Onderwys and Opleiding (IKOO), and the Suid-Afrikaanse Stigting vir Onderwys en Opleiding (SASOO). Moreover, there were 2000 'copied' responses, in which a standard letter format was used – these dealt mainly with the Model C and/or the Christian-ethos themes, as did the letters from the schools and church organizations.<sup>111</sup> The majority of these responses emanated from NAPTOSA's White affiliates and allied organizations, not from the federation's African and Coloured constituencies, who were not that concerned with issues relating to religion and the status of White Model C schools. This highlights the diversity of opinion within NAPTOSA.

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<sup>111</sup> DoE, 1995. *The Organisation, Governance and Funding of Schools: A Draft Policy document for discussion (Draft Education White Paper 2)* Annexure 3: p.50.

Almost three months after the release of the Review Committee Report (31 August 1995), the government published Draft Education White Paper 2 on 24 November 1995, which was its official response to the Review Committee's recommendations on the organization, governance and funding of schools. In its own response to the draft White Paper, NAPTOSA welcomed the government's proposals. However, the federation identified several areas of concern which had been left unresolved, including:

- The issue of whether or not a governing body should out of its own funds have the right to employ teachers over and above the approved staff quota as determined by its state funding;
- The devolution of more powers to school governing bodies; and
- The issue of whether independent schools would receive a financial subsidy.

Besides these areas of concern NAPTOSA strongly objected to the following:

*Any attempts to undermine the influence of parents in school governance, and argued for parents and guardians to have greater representation on governing bodies than other constituencies; and*

*The department's view that for most governing bodies the power to recommend the appointment of teachers to their respective provincial authorities represented an "extraordinary gain in authority and influence". (NAPTOSA's view was that this was consistent with the department's stated policy to devolve more authority to school communities).<sup>112</sup>*

These concerns resonate broadly with a neo-liberal, middle-class perspective on education decentralization, which stresses increased parental contributions by those who have the financial means, coupled with greater decision-making powers at the local level.

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<sup>112</sup> NAPTOSA National Archives, Pretoria, NAPTOSA, January 1996, *Comments on the Draft Education White Paper 2 on The organization, governance and funding of schools.*

This is in stark contrast to SADTU's position, which identified more with the interests of working class parents when it came to the issue of school fees and argued for equal representation on SGBs (cf. section 6.6.1). With the release of the Review Committee's Report and the drafting of the Schools Bill, there was much debate within NAPTOSA about school financing, how best to equalize financing among the different racial groups, and the practical implications of the policy proposals (Interviews with Huw Davies and Eliam Biyela).

As was noted in Chapter Five, Cabinet finally approved Education White Paper 2 on 6 February 1996. Although not all of its concerns had been heeded, NAPTOSA was reasonably satisfied with the outcome. These included proposals on the rationalization of all schools into two categories, the compilation of a menu of powers which could be exercised by governing bodies and especially the principle that the proposed transfer of educators employed by governing bodies would have to be negotiated in the Education Labour Relations Council. The federation did, however, express its disappointment that the financing model for education had not been spelt out.<sup>113</sup> At the end of Phase One, NAPTOSA's efforts, especially those by its White affiliates in mobilizing their respective constituencies to make submissions to the DoE and the networking with policymakers, had started to reap certain rewards. NAPTOSA's African and Coloured constituencies, however, were not entirely comfortable with some of the positions advanced, especially those relating to language.

#### *7.6.2 Phase Two: Exploiting opportunities for participation: The South African Schools' Bill and Section 247 consultations (March-June 1996)*

NAPTOSA and its affiliates made maximum use of opportunities for influencing SASA. In particular, the White affiliates of NAPTOSA as part of the White Model C constituency challenged key aspects of the emerging policy which had started from the release of the Review Committee Report, and reached a climax between April and May 1996 when the DoE published the South African Schools Bill and announced plans to

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<sup>113</sup>NAPTOSA National Archives, Pretoria, *NAPTOSA media statement on the draft Education White Paper 2*, 9 February 1996.

commence negotiations with SGBs in terms of Section 247 of the Interim Constitution (cf. section 5.3.2.1).

#### **a) The SA Schools Bill (Version 1)**

Following the government's response to the Review Committee Report in the form of Draft Education White Paper 2 and Education White Paper 2, released in November 1995 and February 1996, respectively, it became clear that government had largely endorsed the Committee's recommendations except for the recommendations on funding, for which the government indicated that its consultants would consider a fourth option. Eventually, Education White Paper 2 would be published as the South African Schools Bill to form the basis of negotiations as contemplated by Section 247 of the Interim Constitution. It was at this point in April 1996 that NAPTOSA and its White affiliates, together with the Model C lobby, challenged the state.

In its written submission on the South African Schools Bill, NAPTOSA expressed concern over a number of issues. These included proposals on the transfer of educators on the payroll of governing bodies to a single employer (that is, Schedule 2: Proposed amendments to the Educators' Employment Act of 1994)<sup>114</sup>, and the concern of governing bodies (mainly White) regarding the section 247 negotiations, especially their view that the proposed public meetings with representatives of government could not be construed as negotiations. NAPTOSA also took a particular view on certain key issues of contestation:

- That governing bodies should have the right to appoint and employ educators and other staff for short periods provided it is done out of the school's own budget;
- That parents of learners at a public school comprise the majority of the members of a governing body;

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<sup>114</sup> It should be noted that this matter was eventually removed from deliberations around the SA Schools Bill and placed on the agenda of the Education Labour Relations Council (ELRC).

- That the principle of imposing user charges on parents regarding school fees was strongly supported.

While NAPTOSA accepted that education be free for pupils from impoverished families (provided there was proof of the inability of parents to pay), the federation indicated that some of its members [White affiliates] strongly supported the following argument:

*If the state, which had promised free education for 10 years, passes on certain costs of education to the parents on the grounds that it cannot at present afford to pay all costs, then the state should provide the shortfall created by parents who are exempt or partially exempt. It is not fair to ask parents, who are already carrying a burden on behalf of the state, to carry a further burden on behalf of other parents.<sup>115</sup>*

In essence, NAPTOSA had argued that White parents should not be expected to subsidise the education of poorer, mainly Black, parents. The argument to protect the economic interests of White parents assumed a racial connotation. In supporting the principle of user charges, NAPTOSA was also aligning itself with the state's argument that it was important to retain South Africa's middle-class in the public school sector (cf. section 5.3.3.3) – at the time the majority of South Africa's middle-class was White. In contrast, SADTU had opposed the funding option based on user charges precisely because of its neo-liberal bias towards the privileged White middle-class (cf. section 6. 6.2).

Besides making written submissions, affiliates of NAPTOSA interacted closely with the DoE's drafting committee at this crucial phase of SASA's development. The Afrikaans-speaking affiliates of NAPTOSA, made maximum use of enjoying constructive, even cordial, relations with key members of the State's legal team, which was part of the drafting committee of the South African Schools' Bill, especially Advocates E Boshoff and E. Bertelsman, both Afrikaners. The TO submissions helped the drafters on a number

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<sup>115</sup> NAPTOSA National Archives, Pretoria, NAPTOSA, 13 June 1996, *Comments on the South African Schools Bill*.

of technical problems, such as the drafting of clauses relating to the ownership of land belonging to former Model C schools.<sup>116</sup> The TO's legal expertise and experience in the drafting of legislation was therefore crucial in influencing the drafting process. Its own lawyer, Justice Prinsloo, who had considerable experience in education law and legislative processes, played an important role in this regard.

#### **b) Section 247 meetings**

The real opposition to key aspects of the South African Schools Bill was articulated through the platform provided by the nationwide meetings organized by the DoE during the section 247 consultations in June 1996 (cf. section 5.3.2.1 and 7.6.2). A carefully orchestrated campaign to mobilize 'affected' communities to oppose any erosion of the status of White schools was initiated. Parents, teachers and principals were urged to make written submissions and attend the nation-wide meetings organized by the DoE in fulfilling its constitutional obligation to hold bona fide negotiations with existing GBs regarding proposed changes to their powers and functions. Some organizations, such as the TO, encouraged their members to attend and put particular questions to the departmental team. The meetings were carefully monitored (the schedule of visits was obtained from the department and it was known in advance which departmental representatives would be addressing particular meetings) and regional officials and members were directed to attend. Governing bodies of Model C schools were encouraged to issue legal challenges especially on the question of school property.

In the words of Huw Davies, NAPTOSA's Executive Director at the time: "*And so an effort was made with regard to participation to carry this thing into the hearts and minds of the members of affiliated organizations*".<sup>117</sup> At some of the meetings, Model C governing body representatives staged walkouts and protests. While some of the reasons related to procedure and communication, such as the late or non-arrival of documents, there were other more substantive reasons for the protests, such as concern over the erosion of the powers and functions of SGBs (cf. section 5.3.2.1. for details).

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<sup>116</sup> Interview, Prof. Koos Steyn, 11 June 2002, Pretoria.

<sup>117</sup> Interview with the author, 20 July 2000, Pretoria.

The strategic thrust of the Model C lobby, both in its written submissions and public protests, was to highlight the good of the existing Model C school system for all of South Africa's schools. In other words, they argued that historically disadvantaged schools must be brought up to the standard of *their* schools, which would be in the best interest of education in South Africa.<sup>118</sup> Although the Model-C lobby may have been at the receiving end of much criticism from the 'democratic forces', White parents were only interested in protecting the racial status quo, which in the case of the Afrikaans-speaking community centered on issues of culture, religion and language. The arguments that they advanced had an educational soundness to it, made more acceptable because it was couched in the prevailing discourses of democracy and social justice of the time. Particularly, the arguments resonated with the main economic and political theses that had started to gain currency within state administrative and political circles:

*On the whole question of the funding of education. When we started with the work of the Review Committee there was an outcry for free and compulsory education. From the start our point of departure was: Yes, compulsory education for all and on an equitable basis and it must be quality education, but it's impossible to say that compulsory education must be totally free with no financial commitment from the parents and from the broader community. We can't do that. It's impossible in South Africa. The fiscus can't carry that kind of burden. And we undertook proper studies in the United States and elsewhere. Here's a book: *The World Crisis in Education*, and there were others...It [free education] was impossible but it was part of the political rhetoric of the time and we start by arguing the point and gradually influencing people in say the Government fraternity...we agreed, on the one hand, with the ANC fraternity that there's a huge backlog and the importance of redress and redistribution to level the fields. But even the international consultants commissioned by government also talked about the principle of user charges, and that part of our education system, especially, the senior*

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<sup>118</sup> Interview, Prof. Koos Steyn, 11 June, 2002, Pretoria.

*secondary phase, is not a compulsory phase anymore, but there must be special attention for those who can't afford it, in the underprivileged communities because of the apartheid system. And I've got no problem with that, but I think those who can pay they must make a contribution because we can't afford 'gratis' education. This is the practice throughout the world (Interview with Professor Koos Steyn).*

It was not surprising, therefore, that the Model C lobby found common ground with the neo-liberal economic position advanced by the government's foreign consultants, Luis Crouch and Christopher Colclough, which was to crystallize in the User Charge-based funding option (cf. section 5.3.3.3). As such, in a key area of SASA's development, NAPTOSA and its largely White allies found common cause with the state.

### **c) Meeting with the Department, 17 July 1996**

NAPTOSA's submission of 13 June 1996 (referred to above) was also used by NAPTOSA as a discussion document when it met with the DoE on 17 July 1996. This was part of a series of meetings organized by the DoE with key stakeholder organizations following the section 247 meetings across the country. Many of the points raised by NAPTOSA at the meeting were issues that the Model C lobby had vigorously pursued during the nationwide consultative meetings. From NAPTOSA's point of view, the document was an attempt to represent the various mandates received by its affiliates, a difficult task, given its diverse constituency, and had gone through various rounds of internal consultation within the organization.<sup>119</sup> Nevertheless, as pointed out earlier, the views expressed were largely those of its White teacher constituency and those of the Model C lobby. The DoE also gave audiences to several allies of NAPTOSA's White affiliates, especially those of the Model C lobby. These included the Independent Schools Council, the Association of Christian Schools, The Association of State-Aided Schools, the Suid-Afrikaanse Onderwysers Federasie, and SASOO. A significant consequence of the section 247 consultations and meetings between the Department and various

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<sup>119</sup> Written communication from Dr Huw Davies, former Executive Director of NAPTOSA, 12 November 2004.

representative organisations was a substantially revised Schools Bill (Version 2) that was introduced in Parliament on 22 August 1996. NAPTOSA's Afrikaans affiliates had played a significant part during this phase, especially with regard to mobilizing community support for key clauses around language, school funding and the powers of governing bodies, for example, the appointment of additional educators.

### *7.6.3 The parliamentary compromise (August 1996-November 1996)*

Public participation during this phase revolved around the activities of the Parliamentary Portfolio Committee. As noted in Chapter Five, the Parliamentary Portfolio Committee on Education reviews all draft Bills before tabling them in the National Assembly for debate. A significant part of its work involves the call for written submissions from the public and the organising of public hearings. NAPTOSA responded on both accounts.

In many ways this phase of the legislative process is regarded as the final opportunity to influence the policy making process. This was certainly the view within SADTU when, in desperation, they attempted to influence final revisions to the Schools Bill during the portfolio committee deliberations (cf. Chapter Six, section 6.6.3). NAPTOSA and its affiliates entered this phase with a degree of confidence following the revisions made to the Bill after the section 247 consultations. Nevertheless, the significance of this stage was not lost on NAPTOSA and its affiliates. NAPTOSA concentrated their efforts in areas where they had not been successful. In spite of their association with the "opposing side" in the eyes of the ANC and its allies who occupied key positions in the Portfolio Committee and Cabinet, NAPTOSA did its utmost to influence this critical phase in the process before the legislation of the Act. This included responding to an invitation to make oral and written submissions to the PPC, lobbying of key individuals and networking with like-minded political parties.

#### *7.6.3.1. NAPTOSA's submission to the PPC*

NAPTOSA's submission to the Parliamentary Portfolio Committee on Education was presented on 4 September 1996. In its introduction, NAPTOSA emphasized that its

comments be seen “*in the light of [its] general support of the Bill, and the commitment of its constituency to an education system which will reflect the democratic values of South African society in general*”. As a number of issues and concerns had already been accommodated to a lesser or larger extent in the second draft of the Bill, the PPC submission concentrated on areas of concerns that, in NAPTOSA’s view, had not been adequately addressed. These included:

- Opposition to a blanket ban on corporal punishment, arguing that under certain circumstances, such as extreme indiscipline, disorder, gang-rivalry, drug-taking, rape and assault, corporal punishment might be the only fruitful remedy;
- Support for the position that a governing body be required to make a recommendation on the filling of a vacant educator’s post;
- A stipulation that learner members of a governing body not be involved in any processes which affect the selection, interviewing, appointment or disciplining of staff; and
- A call for an assurance that the transfer of educators and related matters be dealt with under the appropriate labour legislation and not as part of the SA Schools Bill.<sup>120</sup>

#### 7.6.3.2. Lobbying efforts

A key strategy adopted by NAPTOSA was the various lobbying initiatives in an attempt to influence debate and revisions of the second draft of the South African Schools Bill:

*Wherever possible, NAPTOSA seeks to lobby persons of influence, and in this regard has achieved varying levels of success (NAPTOSA, 1996)<sup>121</sup>.*

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<sup>120</sup> NAPTOSA National Archives, Pretoria, *NAPTOSA Submission to the Parliamentary Portfolio Committee on Education on SA Schools Bill, 1996*, 4 September 1996.

<sup>121</sup> NAPTOSA National Archives, Pretoria, *NAPTOSA, Biennial Report of the Executive Director, 24 October 1996*.

There were two components to this strategy. First, an attempt was made to influence key personalities in the Portfolio Committee and the ANC Education Study Group, especially the chairperson of both these structures, Blade Nzimande. Nzimande recalls the efforts of the former Afrikaans-speaking affiliates of NAPTOSA, who by this time had withdrawn to establish themselves as the SAOU:

*The biggest thing for SAOU was the issue of autonomy of governing bodies and having single medium schools. So SAOU piled a lot of pressure on the ANC Study Group in Parliament. They even started meeting with me in my capacity as Chair of the ANC Study Group. I remember having breakfast one morning in Cape Town when they confronted me on the issue of retaining Afrikaans-medium schools. That was the main thing that they were concerned about. And of course the devolution of maximum powers to governing bodies then became a necessary concern...I mean some of the Afrikaners were likening me and the ANC to Lord Milner<sup>122</sup>. That we were engaging in the 're-colonisation' of the Afrikaner; that the Afrikaner can't have his or her own school – the matter became a 'do or die' battle for them.*

*Whereas NAPTOSA was less direct, less confrontational. They were concerned with the issue of the powers of the Minister and provincial MECs, their powers around determination of schools policy and so on. There were certain things they would distance themselves from because of a sizeable Black membership. Particularly around the issue of non-racialism (Interview with Blade Nzimande).*

Nzimande's distinction between the more confrontational approaches of the Afrikaans teacher organizations to that of NAPTOSA generally underscores the diversity of opinions and responses to the policymaking process of SASA by NAPTOSA's multi-layered membership. This was most acute until the withdrawal of the former to form a

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<sup>122</sup> Alfred Milner was the British High Commissioner for South Africa and Governor of the Cape Colony between 1897-1899 when the Anglo-Boer War broke out.

separate Afrikaans teachers' organization, SAOU, in June 1996. What is also significant is Nzimande's perception that NAPTOSA was sensitive to the interests of its Black constituency, a point that NAPTOSA's leadership often drew attention to in their interaction with government, and which was ultimately reflected in the content of its written submissions. The lobbying and engagement of key individuals in the policy process, such as Nzimande, was an important tactical weapon of both NAPTOSA and SAOU during the parliamentary deliberations.

Second, NAPTOSA and SAOU engaged in lobbying of the main political parties that were represented in the PPC and the National Assembly. This included the African National Congress (ANC), the New National Party (NNP), the Democratic Alliance (DA), the Inkatha Freedom Party (IFP), and the United Democratic Movement (UDM). Within NAPTOSA, there were different views on lobbying of political parties. One view was that the PPC, initially, consisted mainly of politicians who knew very little about education, and this was specifically in reference to opposition parties, such as the DP and NP. Subsequently, when it became apparent that the government intended providing consultative opportunities for a variety of players, levels of confidence grew. This was summed up by a NAPTOSA official as follows:

*...in the initial phases I think the feeling was that it didn't really matter what you said, there was a bunch of people there who would in fact end up toeing a party line. They would not really be interested in matters of education policy per se other than in so far as education policy was seen as from some sort of broad political agenda. And for teachers who do practical things, that sort of thing is always suspect (Interview with Huw Davies).*

Another less critical and more pragmatic view was that alliances with political parties were central to influencing policy deliberations in Parliament. NAPTOSA and SAOU intensified their mobilization and lobbying efforts. This included networking with the main political parties, namely the ANC, NNP and DA. SAOU, for example, went to great lengths:

*SAOU would use their Afrikaner political parties to try to get to the ANC mainly to see things their way. And it sort of also underlined friendship, national reconciliation, and those kinds of things. Even Madiba [then President Nelson Mandela] supported what the Portfolio Committee was doing. But they actually used that - in fact de Klerk at some stage had threatened to pull out of the Government of National Unity on this issue of education (Interview with Blade Nzimande).*

NAPTOSA was painfully aware that it faced an uphill battle in making any further inroads to influence the legislative process around SASA, especially given that Parliament was the site of policy struggle in which elected representatives of political parties did battle. The ANC, with its majority representation, only needed to dig their heels in on specific policy positions and by sheer weight of numbers, have their way. This became apparent during the PPC hearings, as evidenced by the following excerpt from NAPTOSA's correspondence on the South African Schools Bill with Renier Schoeman, the NP Spokesman on Education:

1. A copy of NAPTOSA's submission to the Parliamentary Portfolio Committee on Education is already in your possession.
2. Having experienced the climate created by the chairperson of the Committee for the SADTU presentation and his obvious manipulation of the timeframe available for NAPTOSA and other parties thereafter, as well as the somewhat ostentatious departure of a number of ANC members of the Committee between the SADTU and the NAPTOSA presentations, NAPTOSA has no illusions about the ANC's attitude to what NAPTOSA has to say on matters educational, however defensible.
3. As you are aware, NAPTOSA is politically non-aligned. The following issues are nevertheless raised with you in your capacity as spokesman on education for your party, with the request that you consider raising these issues during

any further debates either within the Parliamentary Portfolio Committee or in the National Assembly.<sup>123</sup>

The letter then elaborates issues that NAPTOSA raised in its submission to the PPC, notably, on the need to retain corporal punishment, that educators only be transferred with their consent and its reservations regarding the participation of learners on SGBs. This is just one example of several items of correspondence between NAPTOSA and opposition party spokespersons covering a range of issues relating to SASA during the parliamentary debates. NAPTOSA enjoyed a much closer working relationship, though, with education representatives of the main opposition parties, namely Renier Schoeman of the NP and Mike Ellis of the DP. NAPTOSA therefore turned to opposition parties for support when it realized that it could not win over the ANC as ruling party at this point in the process.

The revisions to the second draft of the South African Schools Bill made by the PPC resulted in a third draft which was then debated by the National Assembly. Since the revisions had favoured the positions of the ANC Alliance, including SADTU, it led to heated debate and vehement objections from the NP and FF, who had assumed the mantle of political leader of the Afrikaner constituency. Opposition MPs branded the third draft emerging from PPC as the 'Nzimande Bill', after the chairperson of the PPC, Blade Nzimande, and the second draft as the 'Bengu Bill'. These debates led to proposals for further refinements, which were finalized after the Bill was referred back to the PPC. Eventually, the fourth draft was debated in the National Assembly and passed into legislation on 6 November 1996.

At best, these efforts, during final negotiations in Parliament, ensured that SASA would be a product of consensus and compromise. As a result, several positions advanced by NAPTOSA and SAOU prevailed, especially their support for the perpetuation of the private school sector and Model-C schools, that school financing be a joint state and parental responsibility (a position underpinned by the same neo-liberal economic

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<sup>123</sup> NAPTOSA National Archives, Pretoria, Letter dated 6 September 1996 from the desk of NAPTOSA's Executive Director, Dr E.H. Davies, addressed to Mr. R.S. Schoeman MP, NP Spokesman on Education and copied to Mr. M.J. Ellis, DP.

philosophy that had influenced government), and the recognition of religious observance in schools. They were also satisfied that parents would comprise the majority constituency on SGBs. The crux of the compromise that was reached in Parliament was captured in the interview with Blade Nzimande:

*There was a lot of influence. For instance there was a compromise first to begin with in terms of SAOU and maybe to a certain extent NAPTOSA. This was made around the powers of school governing bodies, in which we provided for two groups of governing bodies, the Section 21 schools, mainly Model C schools which enjoyed maximum powers because they had the necessary capacity, whereas many Black schools had limited capacity and so fewer powers. The compromise, however, was to take away or curtail certain powers of Model C schools, for example, on language and admission. It's got its own problems I admit, because it's building a 2 tier system of GBs based on differential powers and functions. So they had some influence.*

In the final analysis, NAPTOSA and its erstwhile Afrikaner affiliates (who had organized themselves as SAOU) suffered a slight setback following the significant influence they had during the section 247 consultations. Nevertheless, their lobbying efforts, particularly with opposition political parties during the PPC deliberations and the subsequent debates in the National Assembly of Parliament ensured that SASA was a product of compromise.

### **7.7 Assessing NAPTOSA's influence on the development of SASA**

Although NAPTOSA had become a smaller force in quantitative terms in the 1990s, it had a more profound impact on the formulation of SASA than its larger rival, SADTU. While this proposition is consistent with the widely held thesis that groups threatened by the formulation of new policies are ultimately the most vocal in their opposition, it does not explain why a historically hostile minority group within NAPTOSA should be so influential. The answer to this conundrum, it is suggested, lies in the 'combination of

factors' argument. More specifically, the following factors explain the disproportionate influence of NAPTOSA, and especially its White caucus:

- the state's policy agenda of consensus seeking and compromise that was necessitated by the specificity of South Africa's transitional context;
- the teachers federation's ability to convince the ANC-led Government of National Unity of its worth in the realm of policy development, especially its professional/technical expertise;
- its levels of preparation, policy capacity and network of expertise, including former government officials with extensive experience in education, held it in good stead. In this regard, NAPTOSA became adept at constructing "politically correct" arguments that would find favour with the ruling elite;
- the federal character of its operations, which provided sufficient flexibility for affiliates to pursue their own policy agendas, although the same characteristic would give rise to organizational tensions and result in NAPTOSA's fragmentation;
- its success in striking a balance between professionalism and unionism as it grappled with the changed socio-political realities of the day;
- its resourcefulness and imagination (agency) to challenge for a stake in policy making, which included lobbying of influential policy makers and political parties, networking with various policy actors, protest action and threats of constitutional/legal challenges; and
- the nature of partisan alliances cultivated by NAPTOSA with opposition political parties and other like-minded civil society constituencies to present a sufficiently formidable threat to the state's programme of educational transformation in the school sector.

Arising from the above, there are several aspects of NAPTOSA's participation in the development of SASA that can be highlighted.

*7.7.1. Using the dynamics of South Africa's transition to its advantage*

NAPTOSA benefited from the politics of compromise that underpinned South Africa's transition to democracy. This was enhanced with the appointment of a Minister that was keen to execute consensus-seeking as a key government strategic objective in education policy making. As a result, the disparate agendas of the federation's diverse constituency were accommodated to a lesser or larger extent. The new democratic constitution, a result of South Africa's negotiated political settlement, embodied the principles of compromise and nation-building.

NAPTOSA, especially its White constituency, made maximum use of the provisions of the Interim Constitution to ensure that the privilege and status of White schools were not eroded in any significant way. It achieved this by appealing to the legal and constitutional safeguards that became features of the new democratic climate in the 1990s. This was amply demonstrated during the section 247 consultation process. NAPTOSA also benefited from the government's embrace of neo-liberal economic policies and advice that characterized the transition. This was illustrated during debates around school financing, particularly the arguments around retention of "middle-class" parents in the public school sector.

*7.7.2. The impact of embracing a federal organizational structure*

The development of the Schools Act of 1996 was in many ways about righting the political wrongs of the past to ensure that the Black majority would have its proportional share of educational access and quality. It was in identifying with this broad transformational goal that NAPTOSA faced its fundamental organizational challenge, namely to weld together the disparate interests of its diverse constituencies over the future education system in South Africa. Although they may have been united in their

commitment to teacher professionalism, White, Coloured and African affiliates were influenced by different political agendas. Given the contestation over issues of political and economic power, for example, over school financing in the development of SASA, it was not surprising that the interest of African and Coloured teachers would clash with those of their White counterparts. Hence the competing discourses around issues of language and culture.

These contestations were critical in shaping NAPTOSA's policy intervention approach. On the one hand, there was extreme difficulty in developing a coherent policy position that was representative of its diverse constituencies; on the other hand, individual member organizations could pursue their own agendas. When Black majority interests were seen to be compromised at the expense of maintaining White privilege, the consequences were disastrous, leading to strained relations among affiliates and organizational fragmentation.

### *7.7.3. Relations with the state/government: A reversal of fortunes?*

All of the NAPTOSA affiliates had been recognized by the previous apartheid government. They had over time acquired a sense of their importance and value as professional teacher associations and were regarded by the apartheid state as the main stakeholder in the development of education policies. The White teacher associations in particular had the inner ear of the erstwhile apartheid government and had developed a predominantly cooperative relationship with the education department.

Under the ANC-led GNU, however, there was a dramatic turnaround as NAPTOSA, in broad terms, was seen as part of the opposition to the ANC and not privy to the inner circles of the new political elite. There was a view within NAPTOSA that the development of SASA was highly politicized, which it was. This was regarded as a constraint because of NAPTOSA's belief that government would eventually push through with its own agenda, resulting in participation in the process being mere tokenism. An important dimension of the politics of policy making for NAPTOSA was the challenge presented by a "broadening out of the policy process". NAPTOSA had difficulty

understanding how stakeholders besides teachers were involved in government policy interactions, especially NGOs and education policy units aligned to the democratic movement, who were on first name terms with ANC-aligned government officials. In a sense, this demonstrated the federation's lack of understanding and experience in democratic consultative processes, which the ANC-led government had initiated. As a result, NAPTOSA and many of its affiliates felt disadvantaged during policy deliberations, as they perceived themselves as outsiders. Nevertheless, the federation believed that it was better to be inside the process rather than outside, a legacy of its involvement in policy making under the previous regime.

At the same time, there was some realization among its leadership that the government was relatively serious about seeking consensus, and about incorporating the viewpoints of minority constituencies. This was especially apparent during the work of the Review Committee and the section 247 consultative phase. However, NAPTOSA discovered a way of making itself useful to the new government in the policy domain. It did this by presenting itself as a serious, professional teachers' organization which suited the new ruling elite as the latter needed teacher unions' cooperation in developing a new post-1994 education policy regime.

#### *7.7.4. Dominant and competing discourses*

A feature of NAPTOSA's participation in the development of SASA was its use of particular discourses in underpinning the various policy positions it adopted. Predominant among these, was the education decentralization discourse which NAPTOSA maintained was central to maintaining and spreading education quality in the system. The education decentralization discourse was used to good effect in supporting its position that local SGBs be given as much decision-making powers as possible. The federation also argued for minority rights in education from a broader human rights and social justice perspective thereby ensuring that its arguments were not entirely antagonistic to the new, democratic government.

While the discourses of education decentralization and minority rights coincided with the neo-liberal shift in government/state thinking, the 'rightward' emphasis of NAPTOSA's policy positions was not lost on its African and Coloured membership, many of whom became disillusioned with the federation's stance on issues relating to language, religion and culture, resulting in their defection to SADTU.

#### *7.7.5. Policy Intervention Strategy*

NAPTOSA and especially its White Afrikaans-speaking affiliates made optimal use of the various opportunities to participate in the development of SASA and hence try to influence its outcome. This occurred at two broad levels: participating in government-led initiatives and through its agency and imagination. The former included serving on government policy committees, responding to invitations to participate in policy conferences, public meetings and hearings, making written submissions, and meeting with officials of the education department and ministry. The federation was also proactive – dedicating time and energy to the preparation of its policy submissions, networking with government policymakers and legal advisors, lobbying of politicians and key decision-makers, and engaging in protest action and constitutional and legal challenges. Its policy intervention strategy was therefore two-pronged: cooperation with government matched with resistance to government. This is consistent with the thesis that teacher unions enjoy ambiguous relations with the state in the policy arena. On the one hand, they cooperate with government in policy making as part of their professional obligations and their desire to serve the interests of the broader public, and on the other hand, they resist the very same policies in the interests of their membership. At the heart of its policy intervention strategy was its claims to 'professionalism' (see section 7.7.6).

As part of its overall policy intervention strategy, in which lobbying and networking with key players in the development of SASA were central, NAPTOSA cultivated partisan alliances with cultural and faith-based organizations, such as SASOO, and opposition political parties, especially the NP and DP, to present a sufficiently formidable threat to the state's programme of educational transformation in the school sector. This meant the undermining of a closely revered organizational principle, namely, non-alignment with

political parties. Although shrouded in some secrecy, NAPTOSA cultivated networks with opposition political parties in its efforts to shape the development of SASA. There were therefore both political and social dimensions to NAPTOSA's participation in SASA's development.

#### *7.7.6. Teacher professionalism and unionism*

NAPTOSA and its affiliates took great pride in their commitment to teacher professionalism, which included placing a high value on policy expertise. Much of its legal and policy expertise was a legacy of the established teacher associations in South Africa before the advent of teacher unionism. These 'professional' associations had developed strong organizations and had become accustomed to education policy work through their recognition by the apartheid state. Although NAPTOSA was a post-apartheid creation of the 1990s, its historical professional and organizational roots meant that the federation was much better-equipped to cope with the demands of the dynamic education policy environment occasioned by South Africa's transition to democracy.

The White member organisations had among its senior officials highly experienced former educationists and bureaucrats, as well as lawyers who had expertise in education law and policy. This provided a solid basis for developing highly sophisticated technical policy inputs, much of which found its way into the final version of SASA. Above all, policy expertise became a strategic political weapon. The compilation of well-thought out and rational policy submissions, founded on particular discourses (see above), principles of sound management and governance, efficiency, and a concern for the plight of disadvantaged families, was intended to advance minority interests, while simultaneously accepting the broader agenda of new policies. The historical roots of NAPTOSA, therefore, founded on teacher professionalism equipped its affiliates with an appreciation for the technical dimensions of policy making and was used politically in order to influence policy outcomes.

With the entrenchment of teacher unionism in the early 1990s, NAPTOSA's leadership was quick to realize that they had to adjust to the new labour rights regime, which they

did. Although the federation was in principle opposed to strikes and forms of public protest, some of its affiliates recognized the strategic benefits of using militancy to influence policy making. NAPTOSA's White Afrikaner constituency in particular staged meeting walkouts and ensured a combative presence at the section 247 consultative meetings. NAPTOSA's leadership went further and indicated to the Minister of Education that they would consider strike action if the interests of their members were seriously at risk.

#### *7.7.7. Participation of rank and file members*

As was the case with SADTU, participation of grassroots membership in the development of SASA was very limited. In the main, union officials are mainly involved in studying policy documents and making comments. Policy positions are then presented at primarily national meetings and conferences, and members (usually representatives of affiliate organizations) have opportunities to make inputs. Participation is therefore confined mainly to organizational representatives. This is related to the notion that policy making requires a particular expertise, which is to be found at universities and policy think tanks. In NAPTOSA's case, legal expertise was also highly regarded.

Nonetheless, in the case of SASA, White teacher organizations, especially Afrikaans-speaking encouraged grassroots participation as much as possible. This was apparent when it came to making written submissions and involvement in the section 247 consultative processes. However, one should not overstate the participatory component of these activities as they were organized in a climate of perceived threat to particular educational interests and, as a result, within a state of heightened mobilization. Moreover, ordinary members became estranged from the policy making process because of its technical nature. The notion of teachers, especially rank and file members of unions, being involved in a participatory process as part of everyday practice, in the case of NAPTOSA and its affiliates, is questionable. Democratic practices, it seems, flourished because of particular circumstances and not as part of an inherent and long-standing culture of participation.

## 7.8 Conclusion

NAPTOSA's influence in the development of SASA was closely linked to the unfolding dynamics of the politics of compromise and consensus-seeking during this period (1990-1996). The compromises relating to educational clauses that were made by the democratic movement during constitutional negotiations were critical. The ANC government's policy agenda of compromise and consensus-seeking continued into the education policy making domain. Here, the initial consensus achieved by the Review Committee, although not decisive, gave the minority White education alliance several reasons to believe that all was not lost in the new South Africa.

A critical factor in shaping NAPTOSA's policy intervention strategy was the federal nature of its organizational structure, which was in stark contrast to SADTU's unitary structure. One of the reasons for having a federal structure was to have a united position on education policy matters, especially at the national level, for purposes of collective bargaining and negotiations. In reality NAPTOSA had to deal with a more diverse and divided constituency of teachers than its leadership had bargained for, which would become exposed in the policy development process of SASA, as political, ideological and cultural tensions came to the fore. NAPTOSA's engagement with the development of SASA was mediated by the diversity of interests within the federation. Its overall strategy therefore was to present a common, united voice at the national level in its interaction with the Ministry of Education, the national Department of Education and rival teacher unions, while simultaneously granting a reasonable degree of autonomy for affiliates to pursue sectional educational interests, although this led to conflicting views being articulated on contentious issues, such as language and school fees.

In the final analysis, while the strategy may have had short-term benefits in terms of influencing certain aspects of SASA's development, it was not entirely successful from an organizational perspective as the breakaway of the Afrikaner affiliates to form a separate teachers' union in 1996 illustrated. Indeed, the weakening of NAPTOSA has continued to this day as its only Black African affiliate, NATU, withdrew from the federation in 2005 to establish itself as a separate national entity within the ELRC.

Political, cultural and ideological differences had as much to do with the fragmentation of NAPTOSA as did differences at a purely educational level. SADTU, on the other hand, was built on a unitary organizational structure which was founded on unity around broad political principles and policy goals. As a result, there were fewer tensions within SADTU over policy positions relating to SASA in spite of different views on certain issues. Although SADTU has experienced a marginal decline in membership in recent years, its overall unity and dominance of the labour movement in the education sector has remained intact.

NAPTOSA's history of 'teacher professionalism' had considerable appeal to government policy makers, who recognized the technical and legal dimensions of policy development. Apart from the submissions made by NAPTOSA, White member organizations, such as the TO in Gauteng, used every opportunity to make their own inputs. Overall, the NAPTOSA written submissions relating to SASA were more detailed and technically more sophisticated than SADTU's. Politically, however, NAPTOSA's strategic alliances were confined to opposition political parties with little influence over the ANC as the majority party. SADTU enjoyed a powerful advantage in this regard because of its historical alliance with the ANC, COSATU and the SACP. Nevertheless, NAPTOSA attempted to win over key figures within the ANC, such as Blade Nzimande, and ANC-aligned individuals within the education department. The federation was also able to network with civil servants within the education departments, especially members of the DoE's legal team, to prevent its isolation from "insider networks".

Ultimately, NAPTOSA was able to influence key clauses relating to SASA, especially those relating to school funding, the status of Model-C schools and a decentralized school governance model. It was in respect of these issues that NAPTOSA scored significant victories over its rival SADTU. Much of its influence may be attributed to its location within a 'minority education alliance', that was racially-based, and to some extent to its own organizational capacity and expertise in the policy arena, which was highly valued at the time given the new government's own incapacity in the policy domain in those early years, as well as the policy incapacity of the ANC's most powerful education ally at the time, SADTU.

Finally, the nature of NAPTOSA's participation in the development of SASA, underlined the various dimensions of policymaking, namely, that technical expertise has its place and that policymaking is as much a social and political process. NAPTOSA's affiliates used their policy making expertise to good effect, and gradually realized that policymaking was equally about lobbying and networking, especially with key individuals and political parties in the corridors of power. There were also lessons to be learned about accepting change and new ways of doing things in the context of political transition. These issues are explored further in Chapter Nine.

## CHAPTER EIGHT

### FOUR PORTRAITS OF TEACHERS' PARTICIPATION: A GLIMPSE AT THE 'GRASSROOTS EXPERIENCE'

*This thing has been kept away from us. We couldn't get it before. What's the point of making an input if the policy has already been made by the department and then distributed to the teachers. It's not made accessible to them before. (Interview, Teacher 1, School 1)*

*I want to go back to the culture again. I think that we were very protected in the old Model C schools and that at this school it's still the same - we are very protected. We, as teachers, we are not allowed to think about policy in this school. We are here to teach the children, to do sport and to do cultural things like Eisteffods, concerts and stuff like that... (Interview, Teacher 1, School 3)*

#### 8.1 Introduction

This chapter begins by citing some of the remarks made by Linda Darling-Hammond of Stanford University in the United States because it captures a great deal of the experiences of teachers at the chalk face in matters of policy making generally, but specifically policies formulated at the national and provincial levels. Darling-Hammond was asked about the role and influence of teachers in policy making from her own experience and her research work, to which she replied:

*Policymakers think globally [that is, what happens at the national level or systemic level]; teachers are largely concerned with the micro-level impact of policies, how policies impact their work environment. Their influence on policy making is shaped by several factors, such as: time constraints; the lack of policy information, knowledge and training; and by policy environments, which although different in various countries, are generally resistant to influence by teachers except where departments of education are staffed by education professionals who have a strong background in*

*education and teaching* (Paraphrased from notes of a meeting with Linda Darling-Hammond, Stanford University, USA, 8 June 2004).

The chapter focuses on elements of the 'grassroots experience' in the development of SASA, particularly the policymaking experience of teachers at the 'chalk face' within specific school environments. It diverts from the involvement of teacher union officials to focus on the experiences of ordinary teachers and union members. Echoing the above sentiments of Hammond, teachers from the schools in this study also made references to:

- the importance of engaging with policies that impact their work environment, such as curriculum and teacher development policies;
- time constraints which prevent them from policy involvement because of busy work schedules;
- the perception that policymakers within the education bureaucracy, district level and upwards, have a tendency to formulate policies without consulting the grassroots' teacher; teachers only enter the picture when education administrators want policies to be implemented; and
- the lack of policy information during the policy making (and implementation) process.

The experiences of teachers in this study suggest that a complex interplay of factors can impact teachers' participation in policy making. It is argued that teachers' responses and experiences in particular school contexts represented a confluence of several agendas/forces, namely individual, organizational, governmental and contextual, and mirrored the policy contestations at the national level, as well as organizational dynamics, such as teacher union rivalry and membership competition. Moreover, a strong historical thread shaped teachers' experiences. While acknowledging the importance of macro factors, such as the uncertainty that accompanies a society in transition, the chapter argues that micro phenomena are equally, if not, more important in explaining teachers'

experiences from one school context to another. Micro factors include the historical legacies of individual schools, such as the nature of staff-management relations, the specific legacies of school management and governance practices (here, the role of school principals is seen as a critical factor, especially those that have a history of authoritarian and top-down management styles), the existence or absence of a facilitative environment for teachers' participation in policy issues, the role played by teacher union representatives, and the capacity of school communities to cope with fundamental policy changes.

There is a resonance here with other school-related education policy studies. In their study on *Deracialisation and migration of learners in South African schools*, Seketi et al (2001) highlighted the particular histories of schools in terms of former racially-organised education departments, type of school (for example, White Model C schools), their location (inner city, suburb or township), as well as management style, which, they contend, seems to have an influence on how schools respond to change. In like vein, it has been argued that the conditions for the successful implementation of policy are considerably different from a rural school, a township school and a former Model-C school (Motala, Vally & Modiba, 1999; Chisholm et al, 2005). Generally, former White Model C schools were better resourced and have better qualified and experienced teachers than Black township or farm schools. These conditions indirectly impacted on teachers' capacity or ability to engage with broader policy making processes.

Therefore, a multiplicity of factors, both macro and micro, may shape teachers' experience of the policy development process. In this study, teachers' experience across contexts was largely one of isolation from the broader political contestations revolving around SASA, although some teachers kept abreast of developments through the mainstream media, and union newsletters. This is consistent with the general isolation of teachers from policies that are formulated at the national and provincial levels (Shulman, 1983 and Taylor et al, 1997; also see section 2.5). Moreover, teachers' experiences in this study reinforce the view that they are recognized more for their role in the implementation of policy rather than its formulation. That is, because teachers are at the forefront of policy uptake, their actions and practices have considerable influence on

policy, not at the policy production level, but at the implementation level. This poses what is arguably the central conceptual and theoretical dilemma with regard to teachers' participation in policy making: If this is so, why do teachers bother about participation in policy formulation at all? The answer to this is quite complex, and at the heart of this thesis.

Certainly, teachers and especially their unions participate in the hope of influencing policy, especially policies that have a direct bearing on their working lives. In this regard, most teachers wish to be consulted because they believe their practical knowledge is vital for developing policies that are relevant and "in touch with reality" (to quote one of the teachers in the study), in spite of time constraints and daily teaching demands. This resonates with a key concern of the study, that is, the degree of teachers' influence (or lack thereof) in policy making given their pivotal location in the policy cycle. It seems that more can be done by unions and education departments in facilitating teacher participation in policy formulation, but that teachers' primary role, namely, to teach, takes precedence over the various other demands on the average teacher's time.

There is also a broader issue at stake, namely, the identification with processes of democratic practice, which characterised South Africa's transition in the 1990s. Many of the teachers interviewed in this study preferred to be consulted directly, both by their unions and policymakers, although they acknowledged the practical difficulties of direct participation.

## **8.2 Background**

Four schools, located in the Gauteng province of South Africa, representing different contexts were explored in the study. These included a historically Black township school, a Black farm school, an English medium White Model-C school and an Afrikaans-medium White Model-C school, both in urban locations. In addition, data from interviews with teachers from two other schools and from exploratory telephone interviews with an additional eight principals informs the analysis in this chapter. The selection of schools was made with a view to achieving some diversity and highlighting issues that might be

context specific, and as such included primary and secondary schools from both rural and urban locales.

A brief profile of the types of schools used in the study follows. White schools in South Africa are the most advantaged in terms of resources and optimal conditions of learning and teaching, a consequence of the privileging of White education under apartheid. As part of its attempts at educational reform in 1992, the then National Party (NP) government proposed budgetary cuts to most state schools for Whites. If they wished to maintain their existing levels of funding, parents would have to carry part of the financial burden; this was to be done by converting the schools to "Model C" status (DoE, 1995: 21)<sup>124</sup>. Most White schools' (94% or 1860) parent bodies chose to convert to Model C status. This category of schools remained state-aided and the state continued to pay only the salaries of permanent teachers while the school governing body would be responsible for the running costs of the school. School fees would be used for electricity, renovations and hiring of additional teachers. One of the conditions of this model was that the majority of pupils would have to be White.

Many analysts viewed the apartheid governments' decentralization measures as a means of consolidating resources in White communities in anticipation of the inevitable transfer of political power (Fleisch, 2002). As such, teachers and principals at White Model C schools had understood education decentralization as a way of retaining historical privileges. Chisholm & Kgobe (1993:4) have argued that the Model C school policy was, to some extent, an attempt to entrench the notion of autogenous education, that is, education based on mother-tongue, or on cultural, religious or other inner values. As indicated earlier, the ex-White Model C schools are among the best-resourced schools within the public school system in South Africa, some of which may be regarded on par with the best private schools. Two of the schools in this study were former Model C schools before they became public schools in terms of the South African Schools Act (SASA) (1996).

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<sup>124</sup> DoE, Report of the Committee to Review the Organization, Governance and Funding of Schools, 1995.

Farm schools in South Africa, on the other hand, are among the poorest in terms of infrastructure and the provision of basic learning facilities. There are about 4 657 farm schools with about 639 032 learners, constituting 17% of the total number of schools in the country (Vally, 2000). Many are without water and electricity, and only a few have laboratories, libraries and other specialist rooms. Most farm schools have multi-grade classes – 35% have one or two teachers teaching a number of grades in one class. Teachers are often poorly qualified and often not the beneficiaries of teacher development programmes. Teachers either live on the farms or travel from a town to school at their own expense (as is the case with the farm school in this study). The conditions that teachers at farm schools are exposed to are therefore quite daunting. This poses formidable pedagogical and socio-economic challenges for teachers and departments of education.

The third broad category of schools in this study was Black township schools. Most of these schools had been managed under the jurisdiction of the former Department of Education and Training (DET) in the previous dispensation, and were generally the worst resourced when compared to their counterparts in the former White, Coloured and Indian schools. It was students from this category of schools that were at the forefront of the 1976 Soweto schools' uprising. Fleisch (2002) recalls the 'defiance campaign' of the early 1990s waged by the South African Democratic Teachers' Union (SADTU). Besides forcing a halt to bureaucratic practices such as classroom inspections, hundreds of principals were targeted by the Union in a systematic campaign to have them removed from schools (Fleisch, 2002: 24). This was the experience of the one township school in this study.

Teachers located within these different school contexts were therefore confronted with particular challenges in their work environments. These challenges also shaped their interaction with various policies. In the case studies that follow, some of the challenges and experiences with regard to the development of SASA are highlighted. The main data source for what follows is interviews conducted with teachers, principals and SGB officials. The interview questions (*see Appendix 2*) probed the nature of teachers' involvement in the policy formulation of SASA, with emphasis on the key issues raised

by teachers, and the forms and quality of teachers' participation. In addition, the interviews sought to determine any problems or difficulties encountered by teachers that impacted on the nature and quality of their participation and to ascertain the democratic nature of the policy process relating to SASA.

The main focus of the chapter is on teachers' experience of the policy making process. In each of the cases, an introduction on the selection of the school as a site of study and a brief history/profile of the school are provided. This is followed by an analysis of teachers' participation in policy making and specifically the development of SASA, which covers their understanding of the notion of 'participation', obstacles to their participation, and what could be done to improve or make their participation more meaningful. Each case study then probes the opportunities and constraints of participation through the vehicle of the SGB, and finally, examines the role of teacher unions in shaping teachers' experiences at the school level. Each case study is concluded by highlighting the opportunities and constraints of meaningful participation for teachers. Finally, an analysis of the main themes relating to teachers' participation in policy making and the development of SASA is presented.

### **8.3 School case study 1: A farm school**

As explained in Chapter Three, a farm school was selected because it could provide unique insights about teachers' participation in policy making compared to those in suburban or township schools. More specifically, the angle of a farm school would be interesting to test the perception that teachers in remote schools are usually more marginalized from policy making processes than those in urban localities. This particular farm school was selected after considering at least two others in the province of Gauteng. Besides its location within an hour's drive from Pretoria, there were one or two teachers who had been at the school during 1995-1996 when SASA was being developed. It was also ascertained that the majority of teachers were members of teacher unions which would allow for probing grassroots members' involvement of policy making within teacher unions, over and above their general experience as teachers.

The analysis that follows is based largely on interviews with one teacher, the school principal and an official of the SGB, who had once been a teacher and had served as a governing body official for a number of schools in the area.<sup>125</sup> The teacher interviewed was the SADTU representative and served as the teachers' representative on the school governing body.

### *8.3.1 School history and profile*

The school, a comprehensive school, is situated about 80 kilometers east of Pretoria in what is regarded as a maize farming district, although many farms do keep cattle and poultry. The school itself is quite isolated and surrounded by open fields. There are no houses or farm buildings close to the school. On the days that the school was visited, there were about three to four buses parked in the schoolyard, which were used for transporting pupils mainly from farms, some about 50 kms away. The principal commutes from Mamelodi, a township north of Pretoria, while teachers travel from various townships including Mamelodi, 55 km's and Tembisa, 56 km's away.

The school had been established in 1969 by a White Afrikaner farmer for the children of Black farm labourers with two classrooms. At some later stage, the school was run by a church, which built seven more classrooms. Eventually, the school came under the control of the DET and by the year 2000 had expanded to cater for pupils from Grades 1-12, with a staff of about 15 educators. Presently, the school has a staff complement of about 18 educators which includes the principal, 3 heads of department and 14 level 1 educators. Pupil enrolment has grown steadily over the years and now comprises 535 students. Over the years, the school has managed to establish a small library, but has no science laboratory. The main reason for its expansion and student growth is that it is the only school in the area catering for secondary school children. Parents of pupils are all farm workers, who earn a pittance, about R150-R200 a month. Most farm workers have large families by urban standards, on average about seven to eight members. They also

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<sup>125</sup> In spite of earlier indications (I had planned to interview at least two teachers), none of the other teachers were willing to be interviewed. The reasons for this were not entirely clear although it might have had something to do with the principal's vacillation in facilitating my access to teachers. See Chapter Three: Research Methodology, section 3.4.1.4 for details.

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have long working hours. However, the majority of parents don't work or only the father works. A major problem for families is that they live far from any clinics, with the nearest hospital about 50-60 km's away.

Union membership of teachers was distributed among the National Union of Educators (NUE), the Professional Educators Union (PEU), formerly TUATA, both affiliates of NAPTOSA, and SADTU. About half the teachers were members of SADTU. Teachers at the school were initially members of SADTU or TUATA. However, with the further fragmentation of teacher organizations in the mid-1990s, the profile of teacher union membership changed as some ex- TUATA members had joined SADTU or the NUE (the principal himself had joined the NUE). This left the PEU with a smaller presence at the school (cf. section 4.7 on teacher union fragmentation).

### *8.3.2 Policy formulation experiences*

Teachers in farm schools tend to experience greater neglect than their counterparts in urban schools when it comes to service provision by the education authorities. In the realm of policy making and implementation, the experience of teachers in this school suggests considerable isolation, underpinned by a dearth of policy information and uncertainty about new policies and education change generally.

#### *8.3.2.1. Participation in policy making*

The teacher that was interviewed at this school had a particular understanding of what the notion of participation in policy making meant. This understanding included the making of inputs and sharing ideas, especially with policies that affect teachers directly, for example, teachers' performance management, and with policies affecting the learners because *"teachers are with the learners, they know the problems of the learners, unlike the person who is at a district office for instance, who was last in a classroom 10 or 20 years ago; he does not know the problems we are encountering in class"*. As such, there was a strong desire for engaging with policies, especially those that directly affect

teachers' working lives. This is a view that is shared by many teachers as is noted in some of the other case studies.

In response to the question on having participated in education policy making with specific reference to SASA, the teacher responded quite emphatically:

*Not at all, not at all. And you'll be surprised to hear that at our school I only obtained a Schools Act recently. Now this thing has been kept away from us. We couldn't get it before. Now what's the point of making an input if the policy has already been made by the department and then distributed to the teachers. It's not made accessible to them before. (Interview, Teacher 1, School 1)*

There is a strong suggestion here that teachers had been deliberately prevented from making inputs or comments in the process of policy development ("this thing has been kept away from us"), and that the SASA had only become accessible when teachers were required to implement the policy. The teacher's tone suggests a certain degree of outrage at not seeing the policy document during the formulation stage. Although the teacher does not state explicitly, he seems to be implying that teachers' inputs are not really valued. It should be noted that this particular teacher was a SADTU representative and seemed to be expressing a view on behalf of his colleagues. This is evident in his use of the collective "teachers" and "them" in the last two lines of the quote.

Even though the teacher was unable to recall much about SASA, including information in the media, he did remember something about teacher rationalization policies and the status of temporary teachers, both highly emotive issues for teachers at that time. It is worth recalling that between 1994 and 1996, the government introduced a plethora of education policies all aimed at transforming the new education system (cf. section 5.2). Many of these policies, such as those mentioned by the teacher at this school, affected teachers far more immediately. The SASA, therefore, had to compete for the time and attention of teachers with teacher rationalization policies, salary negotiations and various

other policies relating to teachers' conditions of service that were being developed simultaneously.

The teacher also laid some of the blame for not having access to policy information on the style of school management:

*...there is no transparency at our school. The principal hides a lot of information, and acts like a detective, trying to find fault with the teachers. This leads to a situation where there is no trust and no discussions on important matters – you [the principal] cannot call the teachers to discuss policy and get our input. Because you only go to certain people to help you find fault with others.*

For the teacher, the poor and distrustful relationship with the principal generally is a major obstacle to constructive engagement with broader policy issues. There is a sense of secrecy about how the principal operates which is construed by the teacher (a SADTU official) as deliberate exclusion from getting access to important policy and work-related information. In the view of the SGB official, the exclusive style of management at the school was not unusual given the traditional management/staff relations, in which teachers were always criticizing management, especially complaints against the principal. The management-staff tension is part of an historical legacy in many Black schools. Under apartheid, principals were perceived as agents of oppression especially in Black schools as many were seen to enforce education policies on an unwilling staff. In general, principals are an extension of the education state (Dale, 1989; cf. Chapter 2) and expected to ensure that school-related policies are implemented. Many principals therefore had adopted non-transparent styles of operating to prevent open conflict within their institutions (see Govender, 1996; Hyslop, 1990). Nevertheless, although rooted in a particular history, the tendency by principals to keep policy information to themselves, feeds into the perception that policy making is more of a government or management function rather than one requiring inputs by teachers.

The view of the teacher about not being involved in SASA's development was reinforced by the principal, who indicated, firstly, that the school as an institution had not made a submission. Further, that both principal and teachers had not been fully aware of the implications of the Schools' Act on specific activities of their work, such as school governance, until much later in the formulation process. They needed some guidance from the education authorities, which had not been forthcoming. Certainly teachers were interested to learn more as there was a sense from the media and interaction with teachers elsewhere that changes were afoot that would impact their lives with regard to school governance, corporal punishment and other issues dealt with by SASA. The main reason advanced by the principal for their isolation from the policy process was the absence of proper communication channels with the education authorities – this was attributed to the fact that it was a time of transition – with many changes in the education system, changes in personnel especially at the provincial and district levels etc. This assessment is consistent with some of the policy literature. For example, Fleisch (2002: 190), in his study of educational change in the Gauteng Provincial Education Department, points to problems relating to the slow process of change, growing insecurities from uncertainty, inadequate communication with affected staff and lack of staff participation in restructuring forums.

The teacher at the school also saw the lack of policy involvement as a problem associated with the education bureaucracy and one shaped by history:

*...the problem is with the district offices because in most cases the people in the offices are still the people of the old era. They are still people who want to oppress, they want to dictate to the teachers what they should do and what they should not do (Interview with Teacher at School 1).*

This is consistent with the general perception that very often policies are simply handed down to teachers through the educational bureaucracy, often ending up on principals' desks or archived in libraries (Taylor et al, 1997: 6-7).

A further point highlighted by the principal was that because of the big shift from the old system to a new order there was lots of skepticism as to whether their inputs would be taken seriously. It should be remembered here that the principal was a member of the National Union of Educators (NUE), an affiliate of NAPTOSA, which had been engaged in a struggle to be recognized on equal terms as its rival SADTU by the new ANC government (See Chapter Seven). The principal's union membership might explain partly his concern regarding the transition and whether policy inputs from persons associated with organizations not allied to the ANC would even be considered by government. However, part of the feeling of 'paralysis' was attributed to the patriarchal nature of the apartheid education system. In the principal's own words:

*In the past things were done for the school by the authorities – the school just followed instructions* (Interview, Principal, School 1).

When asked what could be done to *improve teachers' participation in policy formulation*, the teacher suggested that teachers needed to have better access to policies, citing the acquisition of better knowledge of appointment procedures for meaningful engagement with policies on teacher promotion, as an example. As such, more effective communication of policies was identified as a pre-requisite or the minimum level of interaction with the policy process. Whether this would lead to participating further in the policy development process was not all that clear. This view does emphasise, however, that at the very least, teachers want to be better informed. Knowledge or genuine awareness of what's going on could be seen as the next best thing to actual participation, such as making inputs or serving on policy committees.

#### 8.3.2.2. Participation through the School Governing Body (SGB)

During the design stage of the study, it was decided to examine whether a governing body, in whatever form, was functioning at the school and whether it served in any way as a vehicle for teachers' participation in policy making. Although many Black schools had been without a functioning governing body for a long time because of the resistance against the then school management committees in the late 70s and 80s as part of the

general opposition to apartheid education, this could not be taken as a given. Moreover, in some schools alternative PTA structures had been established by the democratic movement (see section 4.2.2) and there was a need to ascertain whether alternative structures were functioning or not.

In response to the question on *discussion of policy matters*, the teacher claimed that in the past, including the mid 90s, teachers were not involved in the SGB structures, and that participation in governance structures was something new for teachers. The teacher reiterated the view that policies, and regulations relating thereto, are generally formulated in government offices:

*But mostly things are being made out in the district offices without the teachers' input. So they are just made there and to us it's just an instruction that you must do this, that and the other* (Interview, Teacher 1, School 1).

This view was reiterated by the SGB official, who affirmed that SGB members were never involved in policy matters relating to the school, let alone policies formulated at the provincial and national levels. It would seem that this complete lack of involvement, even with regard to school-based policies, is peculiar to this particular school. This is plausible given that it is a farm school, usually more isolated from union and education department offices. According to the official, in the post-1996 period, with the institutionalization of new SGBs in terms of new legislation, SGB members, including teachers were gradually becoming involved. Policies were generally imposed on teachers, and as SGB officials it was a question of “do or die”. The situation was compounded by the uniqueness of governance and management practices at farm schools. The School Management Committee (in effect the SGB) consisted of the principal, the farm owner or farm manager and 3 parents, who were responsible for the general running of the school, for example, interviewing teachers for vacant posts. By all accounts, the farmer or his representative wielded considerable power, with parents and the principal playing a minor role in decision-making. In fact, this was a matter that was highlighted in the work of the Review Committee (cf. section 5.3.3.2 *Insights from Consultative process*). As Eliam Biyela, the NAPTOSA representative on the committee recalled:

*In the old era, where the farm owner had overwhelming powers, sometimes with no school committees, they could close the school at any time because the land on which the school was built belonged to an individual farmer.*

*We would find that because the farm workers were dependant on the farmer, even if they sat on the school committees, they were serving under intimidation. Something had to be done to temper the powers of the manager, particularly on professional matters (Interview with E. Biyela)*

Even the Department tended to recognize the authority of the farmowner in the pre-1996 era as it directed its communications to the farmowner, in the first instance, and thereafter to the principal, a situation that was exacerbated because departmental officials did not visit the school. This was reinforced by the experience of an official of the SGB, who recalled that all policy documents were received by the farmowner. With regard to making policy inputs, the SGB official felt that this happened mainly at the top-level of teacher unions, and that schools only received policies that had already been formulated. With specific regard to SASA, he recalled seeing a final copy but not in draft form for comments. According to the principal, the system had changed since then. Since the new political dispensation post-1994, there had been a concerted effort on the part of government to ensure that the authority of principals in farm schools was recognized, and that they were furnished with relevant policy documentation.

#### 8.3.2.3. The role of teacher unions

Teacher unions are often regarded as the primary vehicle for teachers' participation in policy making. This view was shared by the teacher at this school:

*I think the unions can play an important role by conducting branch meetings whereby representatives from different sites can participate and be involved, and in turn they will come and report to the entire staff. By so doing then the whole staff will be in the know if there is something that is being done.*

However, the teacher claimed that as a member of SADTU, he was not consulted, nor given any feedback relating to SASA by senior union officials at the provincial and national levels, although the situation had improved considerably since then (cf. section 6.4.1 for details on information flow within SADTU structures). This suggests that branch level meetings to discuss policy developments relating to SASA were probably not held in all rural areas. This is quite plausible as SADTU was still in the process of establishing its regional and branch level structures during these years (1995-6), and rural organizational structures were generally last on the agenda. As emphasized in section 6.4.1, participation of SADTU members at branch level was minimal, and the Union's communication strategy to members on the ground still in its infancy. Moreover, participation in policy making during this period was confined largely to provincial and national representatives at the Union's National General Council (NGC) meetings and national policy conferences, which further explains the isolation from policy making experienced by this teacher. At the very least, teachers at this particular school would have received copies of organizational newsletters, and it would have been left to the dedication and commitment of Union officials at the provincial and branch levels to solicit the views of teachers on broader policy issues, such as those relating to SASA.

The teacher did make particular reference to the legacy of intimidation that union members in farm schools had been subjected to. This response was given to a question on why SADTU members would not attend union meetings:

*There was a time when members of the unions were afraid of being members of the union, or to let people know that they are members of the unions because in the rural areas the schools were still under the farm owners and the farm owner would not tolerate that a teacher in his school is a member of a union. We would be warned by district officials that the farm owners could dismiss us at will, without even consulting the authorities.*

Much of the fear among teachers arising from the farmowner's intimidation was still prevalent in the 1995-1996 period. As a result of the intolerant attitude of the farmowner, it was difficult for teachers to even think of getting involved in broader policy issues to

try and influence its development as any association with SADTU had political connotations. The teacher claimed that SADTU members were regarded as political activists and as agitators by most White farmers whose political allegiance was with the National Party (NP) government or other White political parties. The situation had changed since then as teacher union organization and activity had become more acceptable across the country (cf. section 4.7 on the institutionalization of teacher trade unionism in South Africa).

Teacher union rivalry was another important undercurrent of teachers' participation in policy matters relating to school governance and management. This was particularly the case in the region where the school is located (part of the former Transvaal province prior to 1994). The point was emphasized by the SGB official, who as a teacher earlier in his career, was a member of TUATA. He remembered SADTU members as being *"too political"* and who thought that they were *"too oppressed"* and that they could *"fix everything"*; as a result they were described as the *"76 boys who caused the corruption"*. On the other hand, SADTU members often described TUATA as the *"Ya-Baas (Yes-Boss) organization"*. However, according to the SGB official, a former teacher, this has changed considerably as SADTU has now realized that the children are adversely affected if teachers engage in too much politics and strikes. Nevertheless, old rivalries were still a part of teachers' lives in the mid-1990s, and many teachers were constrained by these tensions when it came to expressing their views on education policies.

### 8.3.3 Summary of School Case Study 1

Based on the views of the teacher, principal and SGB official, teachers at the school, historically, had little involvement in policy making. Policy making emerges as something that was done by the state education authorities with some involvement by the farmowner, who, more than the principal takes on the role of state emissary. There was a sense that practices would change with a new, democratic dispensation, but very little of the changes regarding broader consultation on policy matters seems to have filtered down to this farm school. Even the teacher, a union representative at the time, felt isolated. Almost ten years on, two opportunities for participation have emerged for teachers at the

school: the legitimization of teacher union activity and the potential for participation through the vehicle of the school governing body, a role which many would argue still needs to be fulfilled (see, for example, Grant-Lewis & Naidoo, 2004).

In many ways, the legacy and unique situation of farm schools may explain their relative neglect by unions and education authorities in the realm of policy making. That is, given the poor conditions of employment of farm-based teachers, such as inadequate housing, having to travel long distances, the school's dependency on community support (a problem in poor communities) etc., little could have been expected by way of contributing to policy development processes, especially those perceived as being removed from the daily experiences and struggles of teachers located in such contexts.

#### **8.4 School Case study 2: A Black community/township school**

A large number of schools in South Africa were community schools. These schools were built in rural areas and in townships close to South Africa's main cities. The school selected for this study was from the latter category as it would be useful to have a Black township school, in addition to a Black farm/rural school. While most community schools in rural areas were built from community resources, those in townships were built by the state. The government generally paid for teachers' salaries, textbooks and stationery. All other expenses, including maintenance, educational resources, sports equipment etc. had to be generated by the community (DoE, 1995: 18). As a result of the poverty in most of these communities, schools were poorly resourced and consequently offered education of poor quality.

The particular school was chosen because many of the teachers at the school had been actively involved in building SADTU and challenging the apartheid educational authorities. It was determined that it would be useful to get some of their insights regarding the development of SASA to illuminate the experience of teachers in an environment of political activism. It was also hoped that something could be learned about the way SADTU operated from the perspective of the grassroots' teacher. During preliminary inquiries, it was ascertained from a telephone conversation with the school

principal that the majority of teachers had been at the school from 1995-96, the period of the study.

The analysis is based largely on interviews with two teachers, the principal (an ex-teacher at the school), and a parent who had served on the SGB. One of the teachers was an active SADTU branch official, and the other the teachers' representative on the school governing body during the time of SASA's development.

#### *8.4.1 School history and profile*

The school, a secondary school, is located in the heart of Soweto. It is situated close to the homes of its pupils, most of which are small houses, often described as 'match-box' houses. The school was established around 1969 and was at the center of the Soweto uprisings in 1976 and noted for its political activism. Many of its former teachers were in the forefront of the 'defiance campaign' of the 1980s and early 1990s that had been orchestrated by progressive teacher unions, which eventually merged into SADTU in 1990.

It had a staff complement of 42 when the study was conducted. All but two teachers of the current staff were members of SADTU. Pupil enrolment stood at 1500. The school boasts a history of producing good results. In 2001, it had a matric pass rate of over 80%, including one of the top students in the country. The school is also renowned for its achievements in the arts and sports arenas.

#### *8.4.2 Policy formulation experiences*

The teachers at the school had little experience of involvement in policy making under apartheid education, particularly state-driven processes of policy development. Their experience was confined mainly to implementing policy or resisting it when the conditions for resistance were optimal. In particular, teachers who were active in the progressive teacher unions (later to merge into SADTU) and in NECC activities during the 1980s and early 1990s, such as the development of alternate curricula, would have

had some exposure in terms of generating ideas in the context of oppositional politics (cf. section 4.2.2).

#### 8.4.2.1. Participation in policy making

In response to the question on what it means for teachers to be participating in policy making, both teachers felt that the best avenue for teachers' participation was through their union structures. This was not surprising given that the teachers were both active union members. However, they made a useful distinction between levels of participation. At the highest level, participation implied that the union sat on national policy committees, debated with government policy makers, engaged with the membership and gave feedback to these committees. Another level of participation was within the union itself. This was largely in the form of attendance by school representatives at workshops organized by the union education committee.

While advancing the view that the best way for teachers to participate is within union structures, as union representatives are generally better informed, a number of constraints to effective participation were identified. First, attendance at meetings and workshops is a challenge as only about half of all school representatives usually attend these SADTU union activities. A major constraint is that meetings to discuss policy and related issues usually "*end up being information sessions, rather than a session where people can give informed responses*" (Interview, Teacher 2, School 2). Occasionally, participants have the necessary documentation to prepare in advance and may therefore be able to feed into the union process. There is a perception that not much can be gained by attending meetings, which are often time-consuming and this could act as a deterrent. Therefore, ensuring optimal attendance and the nature and content of union meetings/workshops were regarded as two key challenges.

In response to the question on having participated in education policy making with specific reference to SASA, it was felt that teachers were excluded from the development of SASA and that only union officials from the provincial level upwards were involved. In terms of participation at the school level, the following was elicited from the teachers:

*In most schools it becomes the document of the principal and it's not available to ordinary staff members.*

The teachers emphasised that principals tend to hold onto policy documents and information and seldom share it with teachers, who only get to know about policies when they are required to implement them. This is a similar view to that expressed by the teacher at the farm school. The situation was aggravated at the time because the school had an authoritarian principal, which led to poor relations with staff. Ultimately, militant teachers expelled the principal from the school as part of the defiance campaign orchestrated by SADTU and COSAS (“sending them to exile”). Therefore, for these teachers, the management style of the principal regarding policy information was a major constraining factor in their engagement with SASA. Moreover, the situation at the school was exacerbated because of the particular history of strained teacher-principal relationships.

The principal (who was a teacher at the school in 1995/6) confirmed that the school as an institution had not made a submission with regard to SASA; but that teachers may have been involved at the union level. He added that because of the new political process that was unfolding, there was a tendency to wait for the changes to be made before considering participation in policy processes. This had also been the view of the principal at the farm school. It would appear therefore that the uncertainties associated with political transition and its implications for education policy making were something of a constraint, at least, in creating an environment that was conducive to engaging with policy issues. Whether the school would have otherwise made a submission is questionable given other known constraints at the institutional level, such as available time and limited or no access to relevant policy information. Moreover, it is likely that as was the case with SADTU, which represented the educational aspirations of the Black community, teachers and principals at Black schools would have taken the view that the newly-elected Black majority government would be responsive to their needs (cf. Chapter Six).

Participation was also seen to be hampered as the education department's own process tended to involve principals and not ordinary teachers. This was a reference to the fact that the departments forward policy information to schools through the principal as head of the organization. Problems arise, as noted above, when there is a breakdown in management-staff relations at the school. Teachers therefore relied on their unions for information and feedback (this was borne out in the interview with Trevor Coombe, then Deputy Director-General in the DoE, who contended that the education department did not regard the dissemination of policy information to teachers as its responsibility; instead teacher organizations should undertake that task – the department's responsibility was to consult broadly with the organized stakeholders in education). This is an important distinction between communication and consultation. The communication of policy information to grassroots teachers is seen largely as a union responsibility, whereas the department saw its main responsibility as engaging with teacher union representatives who would then be expected to engage with its membership. However, given the reality that the lower structures of the union were in the beginning stages of development, with the accompanying policy capacity, knowledge and skills' constraints, there could have been little appreciation of the significance of participation in policy making from many teachers at the grassroots level, especially when union leaders at the national and provincial level had themselves not fully grasped this significance (cf. section 6.3).

The above distinction was felt by teachers, who asserted that the Department tended to engage with school management or senior union officials in policy making and that the only recourse that the grassroots teacher had was to rely on their unions for policy information. On the other hand, union officials interviewed felt that communicating and involving teachers was a joint government-union responsibility. Clearly this is an area of disagreement between government and teacher unions, and an area that should be addressed if grassroots teachers are to be meaningfully involved in policy making (this also raises the question of who takes responsibility for teachers who are not union members). Greater cooperation between unions and the education department in addressing communication of policy information might be the route to follow, as was the idea in setting up the ELRC and its provincial chambers in relation to education labour

issues. Now that the ELRC and SACE are well established, these structures might have a role to play in this regard.

Overall, the teachers felt that it was government strategy to formulate policy and hand it down to schools to implement. Only then are teachers able to comment, but to no avail as the policy remains unchanged. As a result, teachers felt that in terms of the government process the ordinary teacher was excluded. This was the case with curriculum policy, Further Education and Training (FET) and SASA. In the case of SASA, the teachers claimed that the first time they knew anything about SASA from the government was when the Gauteng Education Department delivered the green resource packs for SGBs to schools – this was after the policy had been formulated. They contended that the government's approach had consolidated into a new trend wherein some policies are presented as non-negotiable. The only avenue for teachers' participation, therefore, was through the unions, leading one of the teachers to express the view that *“if you want to get teachers involved in policy making, get the unions involved from the outset”*. However, effective participation within the unions depends on a number of factors, key among which is well-resourced and fully operational union structures, even if confined only to representatives of the various union structures.

This was not the case with SADTU in 1995-6, a situation confirmed by the SADTU President at the time, when he expressed the view that teachers at branch and school level were never really involved in policy development (cf. section 6.4.1). This may also reflect the lingering legacy of the perception about the roles of government and unions in policy making, notably that government makes policy and unions and teachers help with its implementation. As noted in Chapter Two (section 2.5) the estrangement of teachers from policy making processes is partly a function of the separation of policy formulation from policy implementation in the conception and practice of the policy process (see Prunty, 1985 and Young, 1993).

An interesting position was offered by one of the teachers, which suggested that participation in policy making should be regarded as an ongoing process involving

grassroots membership throughout the consultation and negotiating phases, to the ultimate point of agreement:

*I wouldn't say the union was fully involved in the drafting of SASA because if we look at the South African Schools Act we still have questions. Even the union still has problems with the South African Schools Act on certain issues, whereas if it was agreed upon we wouldn't be having such problems because they would have consulted us, that is, they (the unions) would come back to their constituents and say, "Do we agree on these provisions (maybe A, B, C and D)?" Then it will be deliberated upon, and re-negotiated. But there are sections in the Act which we are still not at all happy with.*

It is interesting to note that the sections in the Schools Act that the teachers were unhappy with related to teacher incapacity and misconduct, which they argued did not spell out clearly enough the criteria for determining whether a teacher was incapable of doing her job or was guilty of misconduct, issues relating to the behaviour of teachers which hardly featured in the national public deliberations of SASA. The teachers' concerns were therefore largely with school-based issues, and not the broader policy issues of school governance, funding and ownership that dominated the public agenda. On these key issues, the teachers had no problems except with regard to the limits placed on the powers and functions of SGBs whereby permission had to be sought from the provincial education head in respect of certain areas, for example, the suspension of a pupil from school.

In responding to the question on improving the quality of teachers' participation in policy making, the teachers suggested that copies of draft policies should be sent to schools so those teachers who are interested and have something to contribute can do so. They felt that, under ideal circumstances, they should have the opportunity to make inputs and suggestions before the policy is implemented as they are the most affected by education policies. In other words, if the principal adopted an inclusive approach to engaging with new policies and the unions were better organized, teachers would have more opportunities to participate, especially with regard to policies affecting them.

#### 8.4.2.2. The SGB as an avenue for teachers' participation

The general experience of the teachers was that broader policy issues, such as those relating to teacher education and development and the education budget, were hardly discussed at meetings of the SGB. The same situation applied to SASA:

*... we only knew about the Schools Act when it became law and there were no discussions, no proposals, no nothing, no input.*

By and large, SGBs discuss issues related to the governance and management of the school. The principal, who was a teacher at the school in 1996, recalled discussions relating to the role of parents, especially on employing teachers. There was also a tendency for parents' role in the SGB to be marginalized at the time because of the unstable situation at schools and because many parents were not contributing any school fees they felt that this disqualified them from taking important decisions. Teachers and parents were largely responsible for fund-raising and seldom called on to make inputs with regard to policy, part of the historical legacy of decision making within governing bodies in many South African schools. At the time, many teachers felt that parents in most Black schools lacked the educational background and expertise to be competent school governors. Within SADTU, there was a particular view that parents should not dominate discussions in the SGB (see Chapter Six)<sup>126</sup>, although the teachers at the school, both SADTU officials, were evasive and non-committal about their own feelings on the matter.

SGB officials also confirmed that there were no discussions on broader policy matters, such as SASA as there were no guidelines to follow. There was much uncertainty about new policies, and the school context was characterized by tension between principal and teachers. In their view, the situation was exacerbated by the depressed socio-economic conditions of the community, for example, the high unemployment rate among parents of

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<sup>126</sup> This was part of the underlying rationale for SADTU's stance on the composition of SGBs (cf. section 6.6.3)

pupils. At the very least, then, teachers may be in a position to engage with 'school issues' and contribute to management and governance of the school – such as fund-raising and decisions on teacher workloads; and the broader, less immediate policy aspects left to unions and education departments to thrash out – this seems more feasible and practical, at least until teachers' conditions of work are less constraining and they themselves are as policy conversant as union officials.

#### 8.4.2.3. The role of teacher unions and democracy

In response to the question on whether the policy making process of SASA was democratic, the teachers felt that government believes that if union representatives are consulted then consultation with teachers has taken place. This is a problem as even within the union, discussions of policy are limited to certain structures and it becomes *“too much to discuss at union meetings and there are much more urgent issues - day to day issues - that affected us”*. It was also a question of limited time. In the words of one of the teachers: *“...there were consultations at the top level but it never filtered down to us”*. This confirms the view that involvement in policy making is essentially a union activity, but this does not mean that grassroots participation is guaranteed. These teachers were of the view that SADTU members were rather alienated from policy debates within the union at the time. By all accounts, not much has changed since then.

According to the SGB officials, teacher union rivalry was still prevalent, although it was more intense in the early 1990s. They recalled that teachers belonging to older professional unions, such as TUATA, sided with the principal or the principal favoured them and this caused a rift between SADTU members and the other teachers and with the principal. At the heart of teacher union rivalry was the perception that SADTU members seemed to be more interested in politics. Such a situation was not conducive to teachers openly expressing their views about policies such as SASA as they would be associated with the positions of particular unions, leading to inferences about party political alignment, a sensitive issue among teacher unions then, adding to further tensions at the school.

#### *8.4.3 Summary of Case Study 2*

The experiences of the teachers at this school were similar in some ways to those at the farm school, for example, the lack or absence of teachers' involvement, the strained management-staff relations and teacher union rivalry. However, the teachers were more critical of both their union and government policymakers in contributing to their isolation. For example, union branch meetings were criticized for being mere information sessions rather than a forum where genuine discussions and debates could be held. There was a feeling that the situation would improve if both the principal and union structures made more of an effort to engage with teachers on the ground to solicit their views on policies before they were implemented. An important feature of this case study was the teachers' concerns with immediate school issues as opposed to broader education policy matters, which suggests the need for practicality and realism when considering the nature of grassroots' teachers' participation in policy making more generally. Historical legacies, especially regarding the role of unions and SGBs, and perceptions regarding responsibility for particular phases and aspects of the policy process, seem to mediate teachers' participation.

#### **8.5 School Case study 3: An Afrikaans-medium primary school**

Most White schools had been granted Model C status a few years prior to the development of SASA (cf. section 8.2). This was seen as an attempt to protect the privileged status of White schools acquired under apartheid. White teacher and parent organizations had actively mobilized this constituency to contest various aspects of the Schools' Act (cf. Chapter 7). In selecting two Model C schools for the case studies, an underlying interest was the exploration into the involvement of teachers at these schools in the development of SASA. This would afford the opportunity to explore the experience of grassroots' membership of White teacher organizations in the policy making process, given the high visibility of opposition of the White teacher constituency to key aspects of SASA, especially the Afrikaans-speaking teacher organisations.

This particular case study is of an Afrikaans-medium White school. Two teachers, the school principal and a parent member of the SGB, an attorney with considerable experience in policy legislation, were interviewed. All of them had been at the school during the period of study. In addition, access was granted to the records of the school governing body for the period. One of the teachers was the Transvaalse Onderwyserunie (TO) representative at the school and the other a teacher during the period of study.

### *8.5.1 History and profile*

The school, a primary school, is set in the eastern residential suburbs of Pretoria. The suburb may be described as a typical lower White middle-class, mainly Afrikaans-speaking community. Houses generally have 3-4 bedrooms, 2-3 living rooms, a kitchen, garage, domestic quarters, and some with swimming pools. The suburb has most of the essential amenities, such as schools, parks, sports grounds, tennis courts, nearby shopping centers, post office, churches and is in close proximity to other suburbs with similar facilities. Most of the pupils live close to the school. The school has good facilities, including a library, specialist subject rooms, for example, art and music, sports fields and a well-run cafeteria.

All the teachers on the staff are members of the TO, which was an affiliate of NAPTOSA until July 1996 when the Afrikaans teacher unions withdrew and established SAOU (see Chapter Seven).

### *8.5.2 Policy formulation experiences*

*I mean we were protected...we were protected in the sense that we were fairly secure in our jobs; we could educate children in their home language whereas Black schools, they had to educate children in Afrikaans. I mean that policy was forced down on them; we had very little policy forced down on us. All the policies that were set down in those days were absolutely set down to privilege us (Interview with Teacher 1, School 3).*

#### 8.5.2.1. Participation in policy making

The teachers tended to hold rather negative views about the notion of participation in policy making, partly as a result of teachers' general experiences in the workplace, but largely because of their specific identity as White Afrikaans teachers in South Africa. While there was some identification with the pressures of teaching as a job and portraying an image of the 'good teacher', the teachers, in the main, tended to describe their situation as peculiar to their 'protection' by the apartheid government. They seemed to lament not having been more independent and outspoken, often contrasting themselves to Black teachers, who had to struggle and fight for their rights.

*I don't think that teachers realize what they're up against and especially now because previously we [White teachers] have been very protected while people from other cultural groups found themselves out in the cold. They learned to speak out for themselves and say, "We're not happy with this, this is not what we want", whereas we've always just gone along, and I don't think that White Afrikaans teachers realise what the essence of this is. We are going to find ourselves in an even more diminished position in future if we don't start speaking out more. And not just there at the top level, everyone must be involved (Interview with Teacher 1, School 3)*

*White teachers are very laid back because they have been admitted into a sick system in which they are wary of shaking the boat at this time in their lives. They're not going to start making a big fuss about policy not going their way. (Interview with Teacher 2, School 3)*

Therefore, the need to be associated with a more active and assertive identity, one which acts as a bulwark against their marginalization under a new political dispensation, is seen as a critical aspect of these teachers' conception of participation in policy making. There is a strong suggestion for greater involvement in broader policy issues to protect the interest of White teachers, especially now that a new, less sympathetic government was in power. The sentiment expressed here is not dissimilar to the concerns of NAPTOA,

especially its White affiliates, in their relations with the ANC-led government. This is apparent in the first quotation by the TO representative at the school, which is consistent with the general mobilization efforts by the Afrikaans teacher unions of its members during the period of SASA's development. However, in the second quotation, the teacher has expressed serious doubts about whether the average White teacher would come out of the state of lethargy. Both quotations, however, reflect a state of turmoil in the minds of the teachers, which was characteristic of the period of transition in South Africa during the mid-1990s.

In response to the question on teachers getting involved in policy making generally, especially at the national and provincial levels, both teachers felt that a particular culture of non-involvement had become institutionalized in Afrikaans schools over the years.

*I want to go back to the culture again. I think that we were very protected in the old Model C schools and I think that at this school it's still the same - we are very protected. We, as teachers, we are not.... allowed to think about policy in this school. We are here to teach the children, to do sport and to do cultural things like Eisteddfods, concerts and stuff like that... (Interview with Teacher 1, School 3)*

*I think the culture from which we come, as Afrikaans teachers - we have been fairly happy so far that policy has been made for us and that perhaps the headmaster or the person at regional level would look after our interests (Interview with Teacher 2, School 3).*

The above quotations raised several interesting issues: that teachers have become accustomed to others, particularly school management and union officials looking after their interests in broader policy matters; and that the teachers' role was largely confined to teaching and taking care of learners' multi-faceted needs. However, there is also a feeling of deprivation, not being able "to think about policy", which is related to a feeling of "protection" by the old education authorities for White schools. This reinforces the view that teachers at lower levels do not have many opportunities to participate in policy

making, although in the case of SASA there is some evidence to support the claim that teachers from some of NAPTOSA's White teacher union affiliates got involved a bit more than their Black counterparts (cf. section 7.6.2). However, when it came to involvement relating to policy development within the school context, teachers tended to be more involved. For example, one of the teachers mentioned specifically her involvement in developing a system of discipline for the school as required by the new national policy guidelines.

The experience of teachers at the Black schools was not quite the same. Certainly Black teachers experienced a sense of alienation but for very different reasons. Apartheid education policy was designed to keep Black teachers in a position of inferiority to their White counterparts. School principals and education officials were used as instruments of government policy. Therefore, instead of developing feelings of trust in school management and education officials, teachers in Black schools became suspicious of them and eventually rebelled against them. However, there is one interesting similarity – teachers in Black schools also expressed a desire to be involved in school based issues (cf. similar pattern in Case Study 2).

A similar picture emerged in this school with regard to teachers' involvement in SASA. It was once again highlighted that a tradition had emerged in the school where teachers relied on the school principal as leader and authority on matters of education policy and the governance of the school. This tradition had resulted in a largely passive and inactive teaching staff when it came to matters of national education policy. Teachers saw their roles as being confined to the classroom, as caregivers and instructors (Interviews with Principal, Teacher 2 and Governing Body Official of School 3).

From the responses of the two teachers, the principal and the GB official, it was apparent that teachers at the school were hardly involved in making inputs or commenting on the development of SASA. As with most other policies, the established practice at the school was that senior management, especially the principal would respond to broader policy related issues.

*The way things work at our school where you have a very strong and involved principal, the situation is that he has his thumb on the pulse of everything that happens in that school (Interview, Governing Body Official School 3).*

Both teachers did not recall any meaningful engagement relating to SASA, one of the teachers admitted to having not seen the policy as yet, and stressed that teachers “*don't have time to go and read through that*” because of their busy schedules:

*At this school we are very busy. Today, for example, I have taught from 7:30 to 12:40. I have to leave now for a (teacher union) meeting until 4:30. Then I come back to school, for a parents' evening from 5 - 7 tonight. Then I have to go and bind my test papers for English - we are writing a test on Thursday, and I have to go and mark papers and all that I must do before tomorrow morning.*

As a teacher union representative of the TO in 1996, the same teacher recalled receiving some information about the proposed new governing body structures from her union. This is consistent with the data on greater involvement by Afrikaans-speaking teacher unions and their attempts to engage with their membership in the development of SASA (see previous chapter). She also remembered that the principal spoke to teachers about certain issues only, notably on the intended scrapping of corporal punishment, which had to be carefully discussed with teachers. But these served more as information sharing activities, not soliciting teachers' inputs in the making of policy. Again, teachers' involvement was confined largely to receiving information and not having opportunities for critiquing or making inputs.

As with several of the Model C schools, a written submission was made to the Review Committee by the school. The submission was compiled by the principal and members of the SGB who were knowledgeable about education policy, in particular, the then chairperson of the GB, who was an ex- education department employee, and very knowledgeable about schools' policy, and the parent/lawyer who was interviewed in this

study. The expertise and experience of the lawyer in legislative matters acquired in assisting various provincial legislatures on policy matters proved invaluable. This is similar to the legal expertise that the Afrikaans teachers' organizations had enlisted to assist them in making submissions on the Schools' Bill. Some of the key concerns that were raised in the submission were over financing of schools, language, religion and powers of the governing body<sup>127</sup>. According to the principal, one of the main concerns articulated by teachers of his school had been over the issue of teacher-pupil ratios and its implications for their jobs, an issue that would eventually become the subject of negotiations in the Education Labour Relations Council (ELRC).

At the very least, it would appear that teachers' conception of their identity mediates the extent they get involved in policy making. Two dimensions of this identity seem to feature at this school: teachers' identity with broader community interests in the affairs of the school, for example, the identification with language and religion, and concerns over job security. The question of teachers' identity has been explored in various studies and has been found to have an important bearing on teachers' participation in policy making and school reform and change. A study of teachers' involvement in education decentralization policies in Ghana found that many teachers openly considered their roles as teachers to be secondary to their civil servant identity, and concluded that "*teacher participation in reform and change was not part of their preference experience or culture*" (Osei & Brock, 2006: 447).

The school also responded to the invitation to make a submission after the publication of the South African Schools Bill in April 1996. A meeting of the GB and School Management Team was held on 22 May 1996 to discuss the school's submission regarding SASA. The meeting noted that there was insufficient time to make a proper response. Nevertheless, it had been resolved to make a written submission or participate at public meetings. The principal and the lawyer/parent official of the SGB were charged with studying the Act and compiling a submission. A key concern that was raised was the issue of school ownership, which had become one of the main issues taken up by the

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<sup>127</sup> These concerns were similar to those raised by the White teacher union constituency of NAPTOA (cf, section 7.6).

Model C lobby during May-June 1996 when the nationwide Section 247 consultative meetings were taking place (see section 7.6).

The average teacher at the school, however, appeared to have had limited involvement in developments relating to SASA. Active involvement was confined to the principal and his management team and members of the GB. In acknowledging this and their overall isolation from policy making at the national level, the teacher interviewees expressed a strong desire for meaningful participation:

*It doesn't matter if it's curriculum or governing bodies. We must have a say because we are working with the children every day. As teachers we are the most important people in education. It's the teacher, it's the children, it's the parents and we want to have a say in it (Interview with Teacher 1, School 3).*

*The time has come now that we must really speak out for ourselves because as teachers we find that policy has been made up there and then handed down to us and not always with a sound knowledge of what really goes on in the classroom and how teachers' time is consumed by certain things (Interview with Teacher 2, School 3).*

The desire by the teachers to be more involved is related in part to the new political reality, in which the government, in spite of being a Government of National Unity, prioritises the interests of the Black majority. Therefore, to prevent the interests of the White teacher from being marginalized, active involvement in policy matters was regarded as crucial. Ironically, under the previous political dispensation, it was Black teachers that were in a similar position. That is, the government of the day had almost completely ignored the interests of Black teachers.

#### 8.5.2.2. Obstacles to teachers' participation

As a way of summing up their experiences, the teachers felt that several factors stood in the way of White teachers' involvement in policy making which historically has given rise to a culture of non-involvement by Afrikaans-speaking White teachers at the grassroots level. These factors include the management style at the school, the fear of victimization with some gender undercurrents and 'historical privilege':

*Previously it was what the headmaster and top management decided; it was a top-down management style; it's only now that we're getting the bottom-up kind of system. Many teachers will also hold back because of the fear of victimization, being left out in the cold, excluded from things they like to do, e.g. an educational tour. And in White schools there is still the privileged White male. It's just something that happens. You can look at the top*  
(Interview with Teacher 1, School 3).

Historical legacies, therefore, also seem to have mediated the nature of teachers' participation in policy making in this ex-Model C school.

#### 8.5.2.3. Improving teachers' participation in policy making

There was a strong feeling by the teachers interviewed that most teachers do not want to get involved in broader policy issues because of the additional burden it places on their time and energies. At the same time, the teachers argued for greater involvement because of the changed political environment. They felt that certain things could be done to improve teachers' participation, especially with regard to appropriate language and teacher training on policy matters. For example, they stressed the need for more user friendly language in writing policy documents and newsletters – “*a more communicative approach*” - and teacher training should focus on understanding and extending teachers' knowledge of policy issues. One potential area of teachers' development appears to be with regard to the legal and technical aspects of policy making (cf. remarks made by the SGB official in the next section on The Role of Teachers on the SGB).

As such, teachers would prefer to be more knowledgeable and more active in policy making, in spite of very difficult conditions of service. Effective communication and having access to policy information were high on teachers' agendas for facilitating meaningful engagement with policy. Teachers at the other schools also emphasized this dimension. An interesting perspective was advanced with regard to Black teachers, namely that the latter were advantaged because they emerged from a culture of standing up for their rights and speaking their minds. The empowerment of individual teachers to be able to stand their ground in the policy domain was recognized as critical, something that White teachers could learn from their Black counterparts. This was recognized as an important legacy of Black teachers' resistance to apartheid education policies. From the school case studies of the two Black schools, however, it would seem that the credit attributed to Black teachers applied more to Black teacher union officials and not the average Black teacher.

#### 8.5.2.4. The role of teachers on the SGB

While teachers who served on the SGB appear to have made some inputs on matters relating to SASA, there was a sense that they are often out of their depth with regard to legal or technical aspects of policy making, and that there is a tendency to defer to officials of the governing body and the school principal:

*...when it comes to legal matters such as this, the teachers will most probably sit there with their big eyes and not make much of an input. When it came to the question of the basic principles of the Act, the question of language, the question of religion etc., they definitely made an input and a very positive input as well. And the teachers were generally supportive of the way we, as members of the Governing Body, were tackling this thing on a totally independent basis (Interview with the Governing Body Official, School 3)*

It was the view of the governing body official that teachers generally are out of their depth with regard to grasping the constitutional, legal and financial implications of policy, but that they were able to contribute to issues relating to language and religion, which they were more familiar with. This is partly a consequence of the recognition within Afrikaans teacher organizations that policy and legislative matters needed a sound legal and technical appreciation, and partly a result of teachers' general lack of training in policy. Another important point raised by the parent was that the school and its GB had adopted an independent position with regard to the mobilization of opposition to the Schools Bill in White communities. Therefore, they resisted the temptation to be part of the Model C lobby, and openly align themselves with organizations like FEDSAS, the largely English-speaking parent body. They also disagreed with the strategy of the Afrikaans teacher organizations of arousing a general opposition to the Schools' Bill. Instead, the GB decided not to be swayed by emotion and political sentiment, but to study the Bill on its merits.

Hence the submission to government came out in support of certain aspects of the Bill and concern was expressed with other aspects of the Bill, especially around the ownership of school assets and maintaining the cultural and religious ethos of the school (Interview with Governing Body Official, School 3). As such, not all White school communities readily identified with the robust efforts of White teacher unions and allied civil society formations in opposing the Schools Bill. This particular governing body seems to have been rather selective in its opposition, recognizing the positive aspects of the Schools Bill, and not allowing itself to be swayed by the underlying political contestation between the White Model C lobby and government policymakers. The widely held view that White Afrikaans-speaking communities were generally opposed to change is therefore not entirely borne out by the experiences of this particular school community.

The undermining of the teachers' representatives on the SGB was reinforced by one of the teachers, currently the teachers' representative on the GB. She maintained that teachers have very little influence on decision making because the management staff tend to dominate proceedings. Part of the problem, she argued, was that the two vice-

principals who served on the committee and the principal took on the role of spokespersons for teachers, much to the disenchantment of the teachers' representative:

*...I've been a representative now for the past 4 years or more and I regard it as a mere formality because I don't really see myself as making a major contribution, although I've spoken up on a few occasions on things that I really felt strongly about. It's myself and the two vice principals that have to speak for the teachers, but they are not teaching any more, they are not in classrooms ... they are part of management and I distinctly get the feeling that our headmaster is always very protective of not really wanting the governing body to know when teachers are unhappy. He always presents this wonderful happy family and that is not the case. So it's not an effective forum for teachers' voices to be heard... I really feel like a puppet on a string (Interview with Teacher 2, School 3).*

The sidelining of the teacher's voice in the GB at the school is partly a legacy of the way school committees operated in the past. Firstly, teachers were not represented on these committees, and secondly, the principal had assumed the role of spokesperson for teachers over the years. The teachers and the governing body official confirmed that this was still very much the case.

#### 8.5.2.5. The role of teacher union representatives

Overall, the two teachers felt that their union representatives, especially at the national level, were doing a good job. In the words of one of the teachers:

*...we know for a fact that they've worked very hard for the sake of the White minority in teaching. And I think in a way we are comforted by that, but by [us] not being very involved, I'm not always sure whether they are aware of what really goes on in schools. They definitely address the big issues, but I think it's the smaller issues that can cause more problems than the major ones.*

Nevertheless, the teacher expressed reservation about whether officials at the senior organizational level were really in touch with what goes on at the school, a situation that is exacerbated by the lack of involvement by ordinary teachers in union activities. There was also the concern by the teacher who was the union representative at the school that her work was confined largely to labour issues and had little to do with broader education policy. Engagement with membership at the school therefore revolved mainly around conditions of service, such as salaries, medical aid, etc., but hardly anything with regard to policies such as the Schools Act. In the same breath, she stressed that most teachers don't want to get involved because of work commitments and the unsupportive culture at school; and that teachers are happy that union representatives do the broader policy work, even if this is confined largely to labour matters.

### *8.5.3 Summary of Case Study 3*

In this school, the teachers interviewed spoke with passion about their views, especially around the issues of teacher identity, the loss of voice in important forums, such as the SGB, and the dominance of school management in decision-making. At the same time, they expressed confidence in their union leadership and admiration for their Black counterparts who in the face of adversity had learned to 'speak out' against social and political injustices. Teachers' multiple identities, therefore, tended to mediate their involvement in the process. Another mediating factor was the historical legacies regarding their experiences in the school, particularly around the dominance of school management in decision making and teachers' marginalization within the SGB.

With regard to their involvement in policymaking, the teachers at the school experienced a real tension. On the one hand, they felt it was important to be more involved in broader policy issues but on the other hand, work commitments, an unsupportive school environment and the limited role of the school union representative make it difficult. Nevertheless, the need to be involved in especially school-based issues was strongly expressed. Finally, this particular school community appears to have been quite sensitive to the broader political struggles that had become manifested at the school level, and were

careful to assert a certain degree of autonomy in formulating their response to the Schools Bill.

#### **8.6 School Case study 4: An English-medium White primary school**

The school is the second of the two Model C schools that formed part of the study. The former principal of the school recalled parents voting around 1989/90 to become a Model C school.

Two teachers, the principal, and two members of the SGB (one, the Chairperson), all of whom were at the school during the period of study, were interviewed. One of the teachers is a Head of Department at the school and a branch representative of the National Union of Educators (NUE). The second teacher, although a member of the NUE, was not an active member.

##### *8.6.1 Brief history and profile*

The school is one of the older schools in Pretoria, in existence since the 1950s. It has served as an English-medium school for White children, but since the early 1990s gradually opened its doors to children of other race groups.

The school is set in a lower middle-class White suburb south of Pretoria. It is blessed with excellent community facilities, including a hospital, two libraries, several shopping centers and places of worship (historically, for both Afrikaans and English-speaking Whites), parks and sports fields, and primary and secondary schools, one each for Afrikaans and English-speaking pupils. Most teachers on the staff were members of either the NUE (English-speakers) or the TO, both affiliates of NAPTOSA at the time of SASA's development. School facilities include a library, well-resourced classrooms, specialist subject rooms, sports fields and a cafeteria. Generally, the school's facilities mirror the economic prosperity of a typical White middle-class South African suburb.

### 8.6.2 Policy Formulation Experiences

#### 8.6.2.1. Participation in policy making

The teachers responded quite differently when asked what they understood by the notion of 'participation' in policy making, although they concurred that participation was confined largely to union representatives. One of the teachers felt that the union was an adequate vehicle for consultations with teachers, especially if teachers were to get involved in union activities. This was probably because she was an active union official. This was similar to the sentiments expressed by teachers who were also union officials in the other case studies. The second teacher expressed herself more definitely:

*We don't participate in policy - that's the notion that comes to my mind. We have just drafted a new Junior Primary policy [for our school] according to departmental guidelines. I was actually involved in it and I wrote part of it and it was a great feeling that I had the opportunity and that my ideas were quite acceptable. Now I think I can influence somebody in this little world, in my own school, but I cannot imagine that it could go any further (Interview with Teacher 1, School 4).*

The teacher who was not involved much in union activities held very different views and tended to favour greater and more direct participation for teachers in policy making. She was also very critical of the tendency and practice that evolved over the years whereby inputs regarding policy were solicited by the education authorities from school management staff and not from ordinary teachers.

In reflecting on their experiences at the school, both teachers asserted that teachers were generally not involved in policy making at the national and provincial levels, and that their involvement in education policy was generally at union conferences when policies were discussed and resolutions voted on. As one of the teachers put it:

*...as teachers we haven't really been involved. The one input that I know that we have had is at our NUE Conference where decisions would be made and we could vote on them and that obviously would be taken through by our union. But I think that's the closest as a teacher that I'll get to make any input (Interview with Teacher 1, School 4).*

The above view is clearly in line with their belief that only teachers active in the union would have some opportunity to engage with broader policy issues. At the school level, the focus was on classroom teaching and care of the pupils. With specific regard to participation in processes relating to SASA, both teachers indicated no involvement whatsoever. Apparently, the principal of the school at the time had made a written submission but teachers had not been involved. However, they did remember reading about issues relating to the Act in the newspaper, with one of the teachers remembering reference to it in her studies. It was interesting that the teachers, in preparation for their interviews with me, had held a discussion with their colleagues about their involvement in the Schools Act. They remembered particularly their concern over corporal punishment, one of the more contentious issues during the development of SASA:

*And what came out is that when corporal punishment was taken away it just happened around us, we never had a say about it. When it came to OBE (Outcomes Based Education) nobody's ever asked us whether it really worked. I mean obviously these questions are being asked, but they are not being asked of the average teacher (Interview with Teacher 1, School 4).*

The teacher recalls, as did teachers at some of the other schools, that there are no attempts to engage the views of the grassroots teacher in policy making processes. As noted in earlier chapters, both the education authorities and teacher unions themselves seldom have the time, capacity or will to canvass the views of the ordinary teacher. Teachers therefore often find themselves estranged from policy making and only learned about new policies when they had to implement them.

With regard to the main problems of teachers' participation in policy making processes, including those relating to SASA, the teachers again provided two different, but interesting perspectives:

*Teachers don't have time and are not interested in political issues. Only those very dedicated teachers who get involved in union structures and governing bodies really participate* (Interview with Teacher 2, School 4).

The association of education policy here with politics is not unexpected. Under the previous regime, government went to great lengths to disassociate education from politics. It was a strategy that helped to curtail critique of unjust education policies by teachers. Indeed, teachers' conditions of service made it unlawful for teachers to criticize government policy (see Govender, 1996).

The second teacher felt that she was probably not consulted because she was just an ordinary teacher, not an HOD or someone with status. As a result she took for granted that *"these decisions are made for you"*. She also added that she had been busy with studies at the time, which would have made it difficult for her to get involved in broader policy matters, such as SASA. Teachers' career aspirations can also distract teachers from getting involved with broader policy processes, which have little by way of material reward. As such, it is not uncommon for teachers to devote their time and energies to being good teachers and improving their chances of promotion. In the past, involvement in broader policy (read "political") issues especially if associated with union activity worked against an individual's chances of promotion and development. A major problem was the uncertainty and confusion that prevailed around the new Schools Act, very similar to the experience of school staff and GB officials at the other schools. As one of the former GB officials put it, there was *"wonderful confusion - things changed quickly as the principal would report something new and contradictory each week"*. This became very unsettling and confusing. So it was decided to continue as before (stick by the old 'Blue Book') until the new Act was finalized.

When asked about what could be done to make teachers' participation in policy making more meaningful, the two teachers offered very different views. One argued that teachers should become more active in union activities, while the other preferred more direct participation as an individual and not necessarily through the union structures.

#### 8.6.2.2. The SGB as a vehicle for teachers' participation

Although in existence for a while, the SGB had very little engagement with policies formulated at the national or provincial levels. Historically, teachers were not represented on the SGB until provisions for their representation were made in the Schools Act of 1996. From the minutes of meetings of the SGB during 1996, discussions were held around the uncertainty in education, certain unpopular decisions made by the Gauteng MEC for Education, Mary Metcalfe, and the Review Committee Report, which had been released a few months earlier. Besides a reading and a noting of the Review Committee Report in Minutes of the AGM of the SGB on 16 January 1996, no other references to the SASA process could be found. The above was verified by governing body officials who served at the time. They maintained that the SGB was not involved in policy at provincial and national levels. Although they would have liked to have made inputs it did not happen. In relation to SASA, the principal would merely report on developments which the SGB would note, especially those aspects which had implications for the governance of the school. The media was the main source of information on matters of national policy. Overall, the SGB did not engage with policies made at the national and provincial levels during the period of the study. Much attention was devoted to matters relating to post provision and appointment of teachers and ensuring the smooth running of the school. This was not dissimilar to the role of GBs at the other schools during the 1995-96 period.

On the question of teachers' participation in the school governing body, both teachers recalled that under the previous dispensation, the GB or school management committee (as it was known then) was regarded as something far removed from the teachers' daily experiences. Teachers were not represented on the committee, neither were they consulted: "*Teachers regarded the committee as part of school management*" (Interview

with Teacher 2, School 4) and never really got to know who the GB officials were. According to one of the teachers, the situation has changed considerably since then:

*Nowadays we know our governing bodies...if there is a matter concerning us we have a governing body member who comes into our meeting in the morning and explains to us, for example, the legal aspects [of policies], and you feel more at ease with them. You've now gotten to know these people (Interview with Teacher 1, School 4).*

It is apparent from the above that new provisions regarding teachers' representation and participation in the SGB were still in the process of being formulated and implemented. The SGB of the 1995-1996 period, therefore, did not serve as a forum for teachers to engage with policy. The suggestion here is that the situation has improved since then. For example, the teacher representatives serving on the SGB have become familiar with the legal dimensions of policy making. This trend was certainly true of some members of unions affiliated to NAPTOSA (cf. Chapter Seven). More research, however, needs to be undertaken to assess the usefulness of the SGB as an avenue for meaningful teachers' participation, and its facilitative role regarding teachers' ability to access policy information. At least one study of participation in the SGBs of six schools in Gauteng and Kwa-Zulu Natal has emphasized the lack of authentic participation of parents and students, while pointing to teachers assuming a stronger, more active role, second only to the principal (Grant-Lewis & Naidoo, 2004). As such, there is cause for some optimism regarding teachers' participation and hence the potential for shaping school-based policy issues.

With regard to the role of teacher unions, the teachers believed that their unions made some attempts at communicating policy-related information to teachers but very little from the Department's side. The two teachers interviewed, however, disagreed on whether teacher union representatives were the best avenue for teachers' participation in policy making as was noted earlier.

### *8.6.3 Summary of Case Study 4*

As was the case with the other schools, a dominant view was that teacher unions were the appropriate vehicles for teachers' participation as teachers generally don't have other opportunities to participate. Teachers' pre-occupation with school-based policy issues was also a feature, and historical legacies once again proved to be an important mediating factor with regard to the conditions of possibility for teachers' participation and potential influence in policy making.

Other factors that emerged at this school related to the negative association of policymaking with politics and the reality that teachers have little time to focus on activities beyond their regular teaching duties. Teachers' experiences with the SGB suggest that this structure as a mechanism for teachers' participation in policymaking was rather limited. They were more optimistic, however, of the future potential of the SGB to create opportunities for teachers' engagement with policy matters. While one of the teachers favoured the teachers' union as the best avenue for participation, the other teacher believed that teachers needed to get more involved as individuals, thereby expressing a preference for more direct avenues of participation.

## **8.7 Emerging themes**

Several issues and themes have emerged from the schools' data regarding teachers' participation (or lack thereof), in policy making generally and with regard to SASA specifically. Some of the issues were common across school contexts and raised by several teachers; others were raised by individual teachers and were peculiar to specific schools and shaped by their particular histories. Some of the issues may be said to possess a 'generalisable quality', while others may be regarded as unique to a particular school or individual teacher's experience. Nonetheless, the data, at best, point to certain themes or patterns, which would require further investigation drawing on a larger sample of schools, before drawing firm conclusions.

It should be noted that there is a strong overlap among the themes, for example, the school as a constraining environment and the management factor. The separate treatment of these related and overlapping themes, however, serves as a technical function to facilitate the highlighting of particular aspects associated with specific factors.

### *8.7.1. Historical legacies*

Given that the formulation of SASA occurred in the early years of South Africa's transition and post-apartheid government, several historical legacies characterized teachers' experiences of policy making. These included teacher-union rivalry, particularly in the two Black schools, where the two main protagonists were SADTU and PEU, formerly TUATA. Recent developments point to a more complex picture, as another NAPTOSA affiliate, the NUE has entered the membership competition stakes, especially in Gauteng (Interview with Dave Balt of NUE and NAPTOSA). On the other hand, in the two ex-Model C schools, a culture of non-involvement in broader policy issues was still quite prevalent. A number of factors were seen to account for this continuity, namely the strongly hierarchical school management style, fear of victimization and teachers' perception of enjoying a privileged status under the apartheid regime.

Strained management-staff relations emerged as another powerful legacy, especially prevalent in the Black schools. A strong refrain of this feature is the association of principals as an extension of the apartheid state. Even in the ex-Model C schools, there is an implicit identification of the role of principals with the 'protectionist' designs of the apartheid state. The authoritarian role of the principal both in running the affairs of the school and the SGB in the daily grind of school life reflects in many ways the principal's function as agent of the state (cf. section 2.2.4). Fundamental to teachers' exclusion from policy making, however, are apartheid education policies which favoured the image of the 'docile' teacher, and teachers' roles as implementers of policy and not makers of policy (see section 4.2.1).

A third legacy with implications for teachers' participation in policy making was their exclusion from serving on GB structures prior to 1994, with the exception of teachers at

some Indian schools. This exclusion made it difficult for some teachers to be assertive and hence play a meaningful role in SGBs.

#### *8.7.2. The school as a predominantly constraining environment for teachers' involvement in policy making*

At one level teachers advance their hectic work schedules as too demanding to allow for involvement in policy formulation at the provincial and national levels, unless the issues have immediate relevance for their daily activities and tasks. The constraining nature of teaching as an occupation, therefore, is an important mediating factor in teachers' interest and ability to participate in policy making. At another level, the absence of support from the education authorities, especially from the district and school management adds to the structural suffocation of teachers when it comes to opportunities of expressing themselves on broader policy matters. Therefore, teachers' inputs are more likely to be solicited by the principal on issues that impact on teachers' behaviour and execution of their daily activities.

#### *8.7.3. The school management factor*

A strong mediating factor regarding teachers' participation in policy making is a mind-set among school principals/management, and teachers themselves (especially in former 'Whites only' schools) that policy formulation inputs is the domain of senior management and not the ordinary teacher. This resonates with the observation that in many schools authority structures and dominant social rules perpetuate ritualized teacher behaviours: "*The school is held together largely by the ritualized scripts followed by headmasters and teachers – patterns of belief and behaviour that are deeply ingrained within the institutions*" (Fuller, 1991: 73). The nature of participation in the policymaking of SASA revealed its own rituals. Teachers' involvement was largely non-existent as school principals and experienced members of the SGBs were more involved, especially in the two ex-Model C schools. In the Black schools, principals and/or the farmowner were accused by teachers of withholding policy information; in any event it seems that the school management at these schools did not respond or make any policy submission.

Teachers associated their exclusion from education policy within the school environment with particular management styles. Traditional, authoritarian and entrenched management/staff relations appear to have generated different responses from teachers in Black and White schools, respectively. Teachers in the Black schools associated authoritarianism with apartheid education, and accused principals of deliberately withholding information about policy developments. This gave rise to a lack of transparency and trust in school principals; whereas, teachers in the ex-Model C schools accepted the hierarchical management structure in their schools, and were content to leave broader policy matters, such as those relating to SASA, to be dealt with by the principal and other members of school management, as well as by the school governing body. This attitude, though, was stronger in the Afrikaans-medium school. In the farm school, it is the farm owner who is seen as the power behind the throne. As such, in Black schools, teachers have developed a rebellious attitude towards the school principal, while in the White schools teachers have acquired a fear, bordering on respect, for authority.

#### *8.7.4. SGBs as avenues for teachers' participation*

Overall, the GBs of the four schools were not regarded by teachers as a useful vehicle for their participation in policy making, even policies relating to the specific school. There was a tendency for the business of the SGBs to be dominated by school principals or members of school management, with the exception of the farm school where the farmowner had traditionally been ascribed the role of key decision-maker/policy maker by the education authorities. The influence of the parent representatives on the SGBs was relative to their occupations, educational levels and economic status. The voices of parents who were education bureaucrats or lawyers were privileged over those who were farm labourers or generally from working class backgrounds. As such, parents in the ex-Model C schools exercised greater influence in the decisions of their SGB than parents at the Black farm or township school. Generally, the voices of the school management and parents with knowledge and expertise in education policy and legislation were privileged. This was linked to the perception that teachers do not have the technical and legal background to engage with policy documents.

As was noted earlier, teachers generally had not been represented on the SGBs until the early to mid-1990s. Their exclusion from any policy making activities through the SGB therefore had been a structural reality. This may be linked to the tradition of principals representing teachers, a point emphasized particularly by teachers at the two White schools. Similarly, in the Black farm school, it was the farmowner, and to some extent the principal, not teachers, who engaged with education policy matters, including SASA. Although the situation had changed over the years, with teachers' representatives getting more involved especially with regard to policies formulated by the SGB, there was a strong perception among teachers and SGB officials that such entrenched practices were difficult to change. Nevertheless, the potential for the SGB serving as a useful vehicle for facilitating teachers' engagement with especially school issues/policies remains. If this opportunity is grasped by teachers, with support from school and district management, unions, parents and other stakeholders, ordinary teachers' ability to influence policy making may yet become a reality.

#### *8.7.5. The dominance of teacher union officials*

Participation in policy making at the national level is regarded by teachers at the schools largely as an activity confined to teacher union representatives. National or provincial office-bearers, and to a lesser extent branch and school site representatives are apt to be more involved. Although teachers at the four schools acknowledge the important role of teacher unions in policy making, the teachers interviewed were fairly critical about a general failure on the part of their unions to involve rank and file members in policy deliberations during the policy development phase of SASA. Some teachers bemoaned the exclusive nature of participation by their union representatives and expressed the wish to be more directly involved themselves. Overall, teacher union representatives in both the Black schools felt rather isolated from the rest of their union activities and structures with regard to policy issues. Teachers at the two White schools were less critical of their union representatives, with one exception, and were content to leave broader policy matters to them. These teachers were more likely to express confidence and trust in their union officials and were satisfied with them carrying forward their inputs.

At the school level, union officials or site representatives are faced with several constraints and challenges. SADTU representatives felt that there were several urgent day-to-day issues that demanded the attention of teacher union branches, which left little time for policies being formulated at the national level. In the White schools, union representatives felt that labour relations and conditions of service took up most of their time. The specific conditions relating to farm schools where the owner would not countenance teachers' involvement in union activities ensured that the one possible avenue of teachers' participation in policy making remained closed to them.

Another factor relating to teacher unions was teacher union rivalry. While teacher union rivalry was experienced as a pronounced feature in the life of teachers in the Black schools, this was not the case in the two Model-C schools. This finding is explained partly by the historical ethnic and racial 'laagerisation'<sup>128</sup> of teachers who were confined to teach in racially exclusive schools and who were members of racially exclusive teacher unions, and partly by the greater intensity of teacher union rivalry experienced in Black schools as compared to White schools.

#### *8.7.6. Distinguishing between policymaking and policy implementation*

Teachers perceive that policies are made some distance from them, by government bureaucrats, and that teachers and governing body officials must just follow instructions. This feeds into the conventional thinking that policy formulation is the preserve of departmental and union officials and school management staff while policy implementation gets done by teachers. Many studies have highlighted this narrow conception of teachers' roles in policymaking and decision making processes. Van Veen & Slegers (2006), for example, in their review of school reform literature, point out that teachers are often involved in the implementation of the reforms and not in their design, leading to them having very little control over the actual school improvement process. They further point out that reforms are often imposed - at least initially - from the outside

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<sup>128</sup> I borrow the term 'laagerisation' from Bouare (2001), who speaks of the social *laagerisation* of various ethnic groups in SA as a feature of post-apartheid civil society.

(citing Beare & Boyd, 1993). This narrow conception of teachers' roles in policymaking was quite strong among some of the senior officials in the first education administration post-1994, in spite of Minister Bengu's efforts at widespread consultation. As such, there was a view that the government regards policy making as the domain of policy makers and teachers as implementers of policy. Part of this perception is attributed to the influence of bureaucrats from the old era.

#### *8.7.7. Transitional context: constraint and opportunity*

Both principals and teachers stressed the uncertainty and confusion of the transitional context in 1996 that had accompanied the policy making process of SASA as a significant factor in their lack of agency in making policy inputs. While the dynamics of education change and uncertainty impacting grassroots' teachers' involvement in policymaking is recognized, the significance of this broader contextual dynamic diminishes in the face of the continued marginalization of teachers almost ten years later. Other factors, such as those discussed above, seem to magnify in significance in seeking explanations.

The changed circumstances, namely from authoritarian to democratic regime seemed to hold promise for teachers, especially for White teachers who believed that they were now forced to get more directly involved in policy making as they no longer enjoyed the privilege of state protectionism of the past. The experience of Black teachers also emerges as a largely negative experience, as if not much had changed from their almost total exclusion from policy making in the past. This view, however, while quite strong, masks the improved status of teacher unions in policy making post-1994, especially those representing predominantly Black teachers' interests. Still, even with this change, the experiences of grassroots' teachers as opposed to union officials, is largely one of isolation from policy making, especially policies formulated at the national level with limited or no direct relevance to teachers' daily work.

*8.7.8. Policy information and knowledge as the minimum condition of possibility*

Given the various constraints and obstacles that teachers experience at the grassroots level, whether related to teacher unions, education authorities or SGBs, teachers at the schools, without exception, identified the importance of effective communication of policy information and the acquisition of policy knowledge, as a priority. At the very least, teachers should have access to policy documents and information. Moreover, draft policy documents should be made available to teachers at school for their comments prior to finalization. The availability of policy information and knowledge to facilitate teachers' access to policy making was seen as critical to their status as professionals. Central to teachers' status as professionals was the importance of having the opportunity to make inputs as they have the practical experience and knowledge to inform policy making.

Whether they were able to participate in the actual process of policy development, through the submission of inputs or participation in union activities thereafter, was a matter of individual choice and situation. This finding is consistent with other studies relating to teachers' roles in policy and decision making processes. Teachers participate in policy and school organizational processes for various reasons: because of their concerns for their students, colleagues and the well-being of schools; because of individual feelings of responsibility; and the desire to be involved and to have influence. Others may feel overburdened by family responsibilities or view involvement in policy matters as increasing workload (Van Keen & Slegers, 2006: 102). As a result, there is enormous variation in the reasons why teachers may choose to be or not be involved in policy processes.

In this regard, teachers' felt that their isolation from policy making activities could be alleviated with greater attention to communication and information flow of policies by teacher union structures, education authorities and school management. Devising effective communication and participatory mechanisms for policy engagement were therefore seen to be essential, as was the use of more user-friendly language, especially for teachers whose first language is not English.

#### *8.7.9. School-based issues*

A strong theme relating to some of those already discussed above was teachers' emphasis on the importance of involvement in policy making of issues with immediate relevance to their lives at school. Teachers recalled discussions on the issue of corporal punishment but recalled little engagement with other issues pertaining to the development of SASA, such as school funding and governance matters. Moreover, teachers reported on instances of being involved in the development of school-based policies more generally, as was the case with the teacher who helped to draft and write a school policy for the Junior Primary phase at her school.

### **8.8 Conclusion**

Although several themes and issues relating to teachers' participation may be gleaned from the data, it is worth noting that teachers' experiences in the development of SASA varied considerably from one school context to the other. Perhaps most significant is the different cultures around policy making that had emerged in Black schools on the one hand and White schools on the other. This had given rise to very different teacher identifies in relation to involvement in policy making, which manifested itself in teachers' consideration of their participation as individuals, as members of teacher unions, and through their non-involvement (or lack of involvement) in SGBs.

An overriding theme relating to teachers' participation in policy making at the national/provincial levels and specifically with regard to SASA, is the many constraints experienced by teachers at the workplace, resulting in very unsupportive school environments. Micro-level factors, however, were related to national or macro-factors, such as the transitional context, teacher union rivalry and the exclusive and exclusionary nature of participation in policy making that had taken root in South Africa. Underpinning the convergence of micro- and macro-factors was a strong historical thread, which shaped the nature of teachers' participation in the development of SASA and policy making generally. Simultaneously, the notion of 'history in the making' hung

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uncertainly over teachers' heads as they tried to make sense of exactly where they were located in the new policy dispensation.

## **PART IV: CONCLUSION**

- ❖ **CHAPTER NINE: TEACHERS' PARTICIPATION IN POLICY MAKING: EMERGING CONCEPT, ORGANISATIONAL BASIS AND OUTCOMES**
  
- ❖ **CHAPTER TEN: CONCEPTUAL AND METHODOLOGICAL PROPOSITIONS**

## PREAMBLE

Chapters Nine and Ten attempt to give coherence to the main research findings of this study. In Chapter Nine, emphasis is placed on unpacking the emerging concept of teachers' participation in policy making, taking into account its historical context and the conditions that shaped South Africa's transition to democracy in the 1990s. Teachers' participation emerges as a *historically-determined stakeholders' form of participation* in which teacher union representatives, not grassroots members, are largely active. Moreover, this brand of stakeholders' participation is shaped by teacher unions' adherence to particular ideologies, namely, unionism and professionalism, by their partisan and non-partisan alliances and the extent to which teacher unions are coopted or not coopted by the state.

The chapter highlights the organizational basis of teachers' participation paying particular attention to their various forms and strategies in the development of SASA. It examines the strategies both from the perspective of the state and teacher unions, with specific reference to the effectiveness of the various channels to enable teachers' participation. It also explores the mediating factors that shaped teachers' participation, notably the competing agendas and underlying discourses that manifested themselves in the policy process. Finally, the chapter considers the main benefits of participation in policy making. It is argued that besides deriving satisfaction from having the opportunity to influence policy change (despite the various constraints), a significant benefit for teachers was the "policy learning" dimension that flowed from participation in SASA's development.

Chapter Ten brings the thesis to a close by highlighting key policy implications, making the case for a historically-biased research approach to policy studies and proposing a conceptual framework of teachers' participation in policy formulation.

## CHAPTER NINE

### TEACHERS' PARTICIPATION IN POLICY MAKING: EMERGING CONCEPT, ORGANISATIONAL BASIS AND OUTCOMES

*Well I think that the minister at that stage was very, very conscious of the transparency of the process and really invited comment across the board, held meetings and invited visits, it was very much an open-door policy, tried to get as many people as possible on board to participate. So it was a very enthusiastic attempt on the part of the political leaders to get this process democratised and to get transparency and participation. And that was a brand new experience for all of us.*  
(Interview with Dave Balt, National Union of Educators and NAPTOSA)

#### 9.1 Introduction

Drawing on the findings of previous chapters, Chapter Nine provides an integrated analysis of the emerging concept of participation (taking into account the rationale and context of teachers' participation in the development of SASA); the forms, strategies and organizational basis of their participation; and an assessment of the policy outcomes of teachers' participation. The analysis seeks to provide answers to the main research objectives of the study, which focused on the nature and content of teachers' participation in the development of SASA; teachers' role in shaping education policy making and the factors that mediate their role; as well as the outcomes of participation and teachers' participation in the context of South Africa's transition to democracy (cf. section 1.2).

In exploring the concept of participation (section 9.2), attention is given to the reasoning behind teachers' participation in policymaking (their rationale) and the main contextual factors that mediated teachers' participation in the development of SASA. A strong historical thread may be discerned in the factors and context that have come to shape the notion of participation. These factors include the entrenchment of representative democracy as a political system, the predominance of a rational approach to policy

making and the changed nature of teacher-state relations, all located within the context of the broader dynamics of South Africa's transition to democracy, particularly the politics of compromise that underpinned this process.

Section 9.3 reviews the different modes of participation and range of strategies employed by teachers in the development of SASA. It examines the organizational basis for participation both from the perspectives of the state and teacher unions, paying particular attention to the effectiveness of the various channels for participation and the factors that mediate participation.

In section 9.4, the study considers the important aspect of policy outcomes of participation, and argues that there is more to be derived from participation in policy making than hopes of influencing the final shape and content of policy. Specific attention is given to the main competing agendas that manifested themselves in the policy development process. This is especially relevant given the contested nature of policy making and that different actors are unable to influence the process to the same degree, if at all. As such, besides assessing whether teacher's inputs impact education policy making, the section also highlights the importance of 'policy learning'. It addresses issues relating to human and organizational capital, and whether participation has relevance for teachers' practices and broader social interactions.

## **9.2 The emerging concept of teachers' participation**

This section seeks to address the main research objective of the study, that is, to acquire an understanding of the nature and content of teachers' participation in policy making.

The concept of participation that emerges from the study is one that is underpinned fundamentally by history. Moreover, given the backdrop of the transition from authoritarianism to democracy in South Africa, the nature and content of teachers' participation was influenced by the emerging democratic dispensation and the changing nature of state-civil society relations, particularly teacher union-state relations. The analysis also points to a strong influence of the rational, interactive and political

approaches to policy making. All of these factors, history, the changing nature of state-civil society relations, South Africa's adoption of a predominantly western version of representative democracy, and the privileging of particular approaches to policy making both by the state and teacher unions, have shaped the nature of teachers' participation in the development of SASA.

### *9.2.1 A historically-shaped notion of teachers' participation in policy making*

Historical legacies have shaped policy actors' notions of participation, and these legacies manifested themselves specifically in the nature of participation by teacher unions, who were themselves a product of history. In broad terms, it is contended that teachers' participation in the development of SASA in the mid-1990s be located within the *historical conjuncture of the political and economic dynamics of South Africa's transition to democracy*.

Teachers' participation in policymaking has revealed a strong political character, influenced by racial, cultural and ideological forces rooted in history. Hence, teacher union fragmentation during the formulation of SASA, particularly the defection of African and Coloured teachers from NAPTOSA's affiliates to SADTU and the withdrawal of the White Afrikaans teacher organizations from NAPTOSA, represented a culmination of tensions and conflicts rooted in South Africa's apartheid history (cf. sections 4.1, 4.2, 4.5 and 7.2). The defection of African and Coloured teachers was prompted by the political and ideological symbolism of non-racialism, non-sexism and democracy that SADTU embodied at the time through its alliance with the ruling party, the African National Congress (ANC). At the opposite end, concerns over the preservation of their language, culture and religion pushed the White Afrikaans teacher organizations into a political 'laager' reminiscent of the heyday of apartheid. Therefore, at the political, ideological and cultural levels, the nature of teachers' participation in the development of SASA reflected strands of historical contestation and conflict that were being played out on the broader stage of South Africa's transition to democracy.

Drawing on a longer-term historical span, most teachers, but especially Black African teachers were excluded from participation in policymaking in South Africa (see sections 4.2, 8.3.3 and 8.3.4). This exclusion would have particular significance for the younger generation of teachers that became members of SADTU as their experience of policymaking under apartheid was confined to opposition and resistance, not the development of policy analysis skills and expertise. However, the experience of exclusion from policymaking was the stimulus for demands of more democratic practices, spearheaded by the NECC and SADTU's founding members, such as NEUSA. This resulted in the People's Education Movement of the 1980s that bequeathed several important legacies that would shape the nature of teachers' participation in policy making in the 1990s. These included the principles of consultation, active participation and learning; the recognition of the role of teacher unions and not just professional associations by the state; highlighting the role of teachers in curriculum development and in school governance and inserting the link between teachers' lives, education and politics in the public discourse (see section 4.2).

A key demand of the democratic movement in the 1980s was the establishment of democratically elected PTSAs, which emphasized the involvement of parents, teachers and students in decision-making. This idea would constitute the kernel of SADTU's policy proposal for school governance, leading to one of the key areas of contestation in the development of SASA. The historical legacies of these educational struggles laid the foundation for a notion of participation that would, at the very least, provide mechanisms for consultation with key education stakeholders, especially parents, teachers and learners (see section 4.2.2). This was embodied in the operationalisation of the Review Committee and the various consultative activities it undertook, and in the Section 247 consultative meetings. As a result, a particular notion of democratic participation involving consultation of key education stakeholders had started to emerge in the 1990s.<sup>129</sup>

Throughout history, teachers' relations with the state and their engagement with education policy making, has had a strong ideological dimension, captured in struggles

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<sup>129</sup> The importance of embracing a particular model of democracy in SA in shaping the emerging concept of participation is examined in section 9.2.4.

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over professionalism and unionism (Ginsburg, 1995, Ozga and Lawn, 1981 and Lawn, 1995). As Lawn and Ozga (1988, cited in Lawn, 1995:34) have argued:

*...studies of relations at work or the politics of skill control through to local and national policymaking involving organized teachers and their arguments on the nature of their industry...should be historical, recognizing the movement of teachers in and out of teaching, and changes in schools, in local authorities and in central and local educational policies (own emphases).*

In South Africa too, the historical contestation between teacher unionists and teacher professionals has reflected the broader nature of teacher-state conflict (cf. section 2.4.1). Under apartheid, it was in the state's interest to deal with an acquiescent labour force which a conservative reading of professionalism favoured (Govender, 1996). During the political contestations of the 1990s, a radical teachers' union movement was invaluable to the ANC Alliance that was seeking political power (see section 6.4.1), but the same union was required to temper its radicalism once the ANC took control of the reins of government and consensus-seeking and compromise dictated the nature of policymaking. This had serious implications for the nature of post-apartheid teacher union-state relations, especially the extent to which teacher unions would become or not become coopted by the state (see section 9.2.3).

One of the effects of teacher-state contestation in South Africa's history was differences between teacher unions themselves. This was more than just a difference over political alignment, but cut to the heart of professional versus unionist identity. Professional associations in South Africa historically had greater exposure to policy engagement and were better equipped to engage in the technical and academic exercise of policymaking (see Chapter 7). This expertise was boosted in the early 1990s with the recruitment of senior policymakers from the former apartheid education departments into key positions within NAPTOSA, for example, its Executive Director, Huw Davies. On the other hand, a teachers' union born in the womb of the struggle for liberation and democracy (cf. Chapter 6) had become skilled in the art of resistance and opposition to policy and not in

the art of policy development. Moreover, many senior officials of SADTU took up positions in government, further eroding the capacity of the newly-established union. SADTU, therefore, was faced with serious policy capacity and skills challenges when the ANC government's comprehensive education policy proposals were introduced post-1994.

The differences in policy capacity among teacher unions contributed to the historical twist which resulted in the White affiliates of NAPTOSA having a more profound impact on the development of SASA than SADTU, in spite of the latter's numerical strength and alliance with the ruling party. As Seddon (1988, cited in Smyth, 2001:7) claims, teachers' status as employees of the state and their understandings and sense of professionalism have all been put in place through contested settlements that have a long legacy. What has also emerged in this study is that the emerging ANC-led democratic government used the ideologies of unionism and professionalism in their management of teacher-state relations in similar ways that its apartheid predecessor had done (see section 4.2.1). The one important difference being that the ANC-led government recognized unionism whereas the latter did not. This historical trajectory of states' manipulation of unionism and professionalism has been a characteristic of many states throughout the world (see section 2.4.1).

However, the emerging concept of teachers' participation was not shaped solely by existing historical forces. As Mills (1959: 156) so eloquently put it:

*Sometimes there are quite new things in the world, which is to say that 'history' does and 'history' does not 'repeat itself'; it depends on the social structure and upon the period whose history we are concerned*

New challenges, such as global pressures and the changing nature of state-civil society relations were brought to bear on the nature of teachers' participation in policy making. In particular, the specific nature of South Africa's political transition in the 1990s emerged as an important factor. These forces would come to represent "new" historical constructions, in addition to pre-existing forces from an earlier history.

### *9.2.2 Participation and South Africa's transition to democracy*

In order to better understand the emerging concept and nature of teachers' participation in the development of SASA, it is important to look more closely at the broader context of teachers' participation and the reasons why teachers chose to participate. Specifically, this thesis argues that the nature of teachers' participation in policy making in South Africa in the early 1990s was influenced largely by the unfolding context of South Africa's transition. Besides the political conditions that shaped the transition, economic factors with global overtones also featured prominently.

#### 9.2.2.1 Political context

Two aspects of the political transition were crucial in shaping the notion of participation in policy making that emerged in South Africa post-1994. These were the acceptance on the part of the major political protagonists that compromise and consensus-seeking would constitute the basis of the transition and the determination by the new government to establish a political dispensation founded on democratic principles. Each of these dimensions will be examined further.

In Chapter Four, it was argued that the negotiated political settlement in South Africa gave rise to a state policy agenda that was based on compromise and consensus-seeking (cf. 4.3.1). This, more than any other factor, it was claimed mediated the extent of teachers' influence in the development of SASA, in spite of teachers' pivotal location in the education policy making cycle. It was further argued that even the government's embrace of a macro-economic policy framework founded on neoliberalism and free market principles, although important, had less of an impact in shaping the influence of civil society interest groups, such as teachers in education policy development. Other factors too, such as government's favouring of a rational and expert-driven approach to policy development, although important, were also peripheral to the political dimension. In essence it was argued that the politics of negotiation was the overriding force that shaped policies developed between 1994 and 1996.

In seeking an explanation as to why political compromise and consensus-seeking was such a decisive 'structural' determinant of education policy making in this period, this study suggests that the answer lies in an appreciation of the specificity of the historical conjuncture of South Africa's political transition. The negotiated political settlement in the early 1990s, embodied in the CODESA talks and South Africa's carefully crafted Constitution, provided the backdrop for the development of the South African Schools Act from 1994-1996. The compromise education clause in the 1993 Interim Constitution, section 247, was fundamental to the shaping of the politics of accommodation in policy making in the years to follow (cf. section 5.2.1). Nelson Mandela, as the country's first post-apartheid President, together with former President F.W. de Klerk of the apartheid era National Party, as his Deputy, symbolized the intent to forgive and accommodate diverse interests. The appointment of Sibusiso Bengu, the first post-apartheid Minister of Education, a political conservative from the ANC, and Renier Schoeman of the National Party, as Deputy Minister, represented the same intent in confronting the challenges of education transformation. The political compromise embodied by the post-apartheid constitutional arrangements and the conservative appointments of the first post-apartheid education Minister and his deputy constituted the sub-text of the SASA. The two political appointees symbolically launched the public process of the Schools Act (that is, the Review Committee process - cf. section 5.3.3.2), and were prominent in the final parliamentary debates at the end of the legislative phase in November 1996.

By the same token, the government's emphasis on democracy, non-racialism and equity in the education system was about entrenching particular principles and values. The conflict over values and principles underpinned other specific areas of contestation in the formulation of the Schools' Act, notably around the areas of school funding, the perpetuation of the private school sector and the powers and functions of school governing bodies (see Table 4, section 9.2.1). For example, SADTU's call for free and compulsory education was based on the historical promise of the liberation movements led by the ANC that the provision of education in a post-apartheid, liberated and democratic South Africa would be made free to the majority of citizens who had previously been excluded.

The stakes were indeed high as the new government sought to remove power and control of the school sector from minority White hands and transfer it to the historically disenfranchised majority of South Africans. However, the intended transfer of power was riddled with conflict and contestation. Teachers and their organizations became central to the contestations. Government chose accommodation of diverse interests as the least problematic approach in dealing with confrontation. The 'expertise' that teachers brought to the policy arena was, at best, subject to negotiation. In this approach, although teacher unions were consulted, they were not always able to act in the best interests of their members and the teacher polity at large because of the nature of teacher-state relations and the politics of policymaking, which were characterized by tension, mutual suspicion and trade-offs. As Torres et al (2000) observe, policy contestation involving teachers and their unions are part of the broader political landscape of teacher-state relations, shaped by market forces and the state's insistence on the professional accountability of teachers:

*... since the 1980s, they (teacher unions) have lost influence in policymaking, and their opinions are often viewed with suspicion by the government. Around the same time, government's discourse on education began to focus on concepts such as restructuring, excellence, decentralization, managerialism, and accountability. Moreover, in order to increase control over unions, governments now use the very concepts of responsibility, service, expertise, and autonomy that were advanced by unions in the past to increase their power and prestige (Torres et al, 2000: 11).*

Overall, teachers' participation in the study reflected the broader political dynamics in society. A brief narrative of the changing fortunes of the main protagonists in the various phases of SASA's development underpins this political dimension of policy making (cf. section 2.6.1 for details on the *Political Approach to Policy Making*). Initially, in the policy generation phase of SASA, the development of policy represented, in the main, the aspirations of the democratic movement in South Africa and those of the ANC government, in spite of the high level of participation by the 'conservative lobby',

including White teacher organisations. However, with the obligatory Section 247 consultations with existing mainly White SGBs, a consequence of the negotiated political settlement, the impact of the conservative lobby was reflected in the changes made to the second draft of the Schools' Bill (cf. section 5.3.2.1). The balance of power had shifted somewhat in favour of a predominantly White middle-class constituency. This shift, however, was facilitated by a concomitant realization within government of the need to retain the influential middle-class schooling sector, including a small, but growing Black middle-class population, within the public schooling system. Hence, the inclusion of a more liberal school-funding option in the policy documents, together with other accommodations relating to language and employment of educators. Contestation in the development of SASA had reached a crossroad following the section 247 consultations and the subsequent amendments to the Bill. The democratic movement, within which SADTU was located, rallied their forces during the subsequent and crucial parliamentary phase of the process. As a result, the final version of SASA as legislated in November 1996 represented a "refined compromise", where neither the democratic movement nor the conservative lobby could claim a total victory. The state's agenda of compromise and consensus-seeking had prevailed to the end of the policy development process of the Schools' Act (cf. sections 5.3.2.2 and 6.6.3).

After a prolonged struggle, the passing of the SASA in November 1996 represented a political compromise, in many ways a *temporary settlement* of very contentious issues surrounding school funding and governance. Government's revisiting of these issues with the establishment of a Committee to Review School Fees and Admissions in 2003 bear testimony to this claim. The notion of policy as temporary settlement was aptly captured by Gale (2001) in his discussion of Australian higher education entry policy. Gale described the notion of temporary policy settlements as a 'moving discursive frame' "that at a particular historical and geographical moment defines the specifics of policy production" (citing Ball, 1994:23). Because Gale understood these hegemonic settlements as containing crises or other settlements 'in waiting', he characterized them as "asymmetrical, temporary and contextual" (2001: 386).

Historically, unions were divided along racial and ideological lines, and the work of the Review Committee came to represent a microcosm of the broader contestation and conflict that characterized South Africa's transition to democracy in this period. SADTU, as an ally of the ANC, claimed to be representing the interests of the majority of historically disenfranchised Black South Africans. NAPTOSA and later SAOU were perceived as representing predominantly White privileged interests. This microcosm of conflicting interests was reflected beyond the work of the Review Committee and extended into the various phases of the development of the Schools' Act, namely, Education White Paper 2, which followed the Review Committee's recommendations, the various drafts of the South African Schools Bill, the section 247 consultations and the parliamentary process leading up to the legislation of the Schools Act. Policy making therefore is "*overtly political*" and is concerned with "*the legitimation of values*" (Prunty, 1985:136-7). This became apparent when the Afrikaner teacher organizations withdrew from NAPTOSA in July 1996 over sharp differences on issues relating to the preservation of the Afrikaans language; culture and religion (see section 7.6.2).

Arguably, NAPTOSA was faced with a much stiffer challenge in responding to the changed political environment in the early 1990s and especially post-1994. This was largely because of the history of many of its affiliates, both White and Black, which were regarded as conservative and apolitical. More specifically, none of the affiliates were known to support the ruling ANC. Although the White teachers' lobby was predominant within the federation, NAPTOSA was able to adapt to the conditions of the transition and develop an identity that would prevent its marginalization from education policy making. An important factor in this regard was that about 50% of its membership comprised Black African teachers, many of whom taught in the most disadvantaged rural schools. NAPTOSA's first President at its "*second founding*" in 1994 was a well-known Black educator, Leepile Taunyane, who at a meeting with the Minister of Education, Sibusiso Bengu on 14 November 1995 drew attention to the fact that NAPTOSA represented the interests of some of the most historically depressed Black schools, as well as the interests of a broad spectrum of South African society. The point would be reiterated in the introductions of the federation's many submissions relating to SASA:

*More than half of the 100 000 educators who belong to NAPTOSA affiliates come from communities which experienced at first hand the injustices of the apartheid era, work in schools which were seriously disadvantaged during that era, and have high expectations of Government undertakings with regard to redress and the elimination of backlogs and disparities in education. (NAPTOSA, 1995: 1)<sup>130</sup>*

*The majority of the 63 000 educators represented by NAPTOSA affiliates come from communities which were disadvantaged and oppressed by the apartheid dispensation. In commenting on the South African Schools Bill, 1996, NAPTOSA represents the views of a significant constituency of educators drawn from all the provinces and all forms of CS education in South Africa. In addition, the greater part of that constituency is drawn from communities who have no wish either to retain or to see perpetuated any features of the apartheid education system of the past: liberation from the shackles of the past is a priority. (NAPTOSA, 1996: 1)<sup>131</sup>*

NAPTOSA, therefore, took great pains to enhance its credibility and legitimacy under a new political dispensation by highlighting its predominantly disenfranchised membership and its hopes that the new ANC-led government would right the wrongs of the past.

Given the above context, it is hardly surprising that teacher unions' participation was motivated by political considerations. Teacher unions were not immune from the contested nature of South Africa's political transition. Therefore, during the development of SASA, teachers continued to be divided along political and racial lines. While SADTU, for most part, remained loyal to the new ANC government, White teacher unions struggled to find an identity, some aligning themselves with the new, non-racial order while others sought comfort in existing racial structures. Teachers belonging to the

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<sup>130</sup> NAPTOSA National Archives, Pretoria, Introduction to NAPTOSA's *Comment submitted to the Review Committee for the Organisation, Governance and Funding of Schools*, 30 May, 1995.

<sup>131</sup> NAPTOSA National Archives, Pretoria, Introduction to NAPTOSA's *Submission to the Parliamentary Portfolio Committee on Education on the South African Schools Bill*, 4 September, 1996.

African and Coloured affiliates of NAPTOSA were faced with some hard choices: remain in a federation that was struggling to accommodate the diverse interests of a disparate membership (cf. section 7.5 '*The federal challenge*') or align themselves with a union that was unambiguously committed to the new political dispensation. Many of them chose the latter<sup>132</sup>, while the Afrikaner organizations opted for the other extreme, withdrawal into an organisational laager characteristic of the race-based teacher organizations during apartheid (cf. section 7.3 '*The politics of membership competition*').

#### 9.2.2.2 Economic factors

A key argument made within the framework of this thesis is that South Africa's embracing of the notion of 'neoliberal globalisation' was central to the ANC-led government having to compromise on its democratic impulse to foster more meaningful participation in policy work by its citizens and key civil society interest groups, including teachers. The argument will emphasise the core features of neoliberal globalization that shaped South Africa's macro-economic framework in the mid to late 1990s, draw attention to its ramifications on the state's education policy agenda, and then highlight their implications for the emerging notion of teachers' participation in policy making.

As discussed in Chapter Two, neoliberalism has come to be signified by, among other features, privatization of public enterprises, reduced public spending and strict control of the labour force. This has meant a diminishing of the role of the state in key areas, such as education and health provision (cf. section 2.2.3). At the same time, the 'global' impulse of neoliberalism has translated into its promotion and marketing across national, regional and continental borders. Motala & Singh (2001:2), contend that neoliberal globalisation has had specific implications for the democratic project in South Africa and the conception of the state:

*...global change has had a pervasive effect on the policies of national states. It has impacted strongly on the **character and policies** of*

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<sup>132</sup> The decline in NAPTOSA's membership by about 40 000 in just over a year is worth noting. As indicated in section 4.5 many members of NAPTOSA's African and Coloured constituencies defected to SADTU during this period.

*national states and is associated with the powerful imperatives of imperceptible market forces (own emphases).*

However, as Oldfield (2001) and Marais (2001) have argued, this has not led to states, such as South Africa completely abandoning its interventionist role (cf. section 2.2.3 for details). This is particularly the case when organs of civil society have not been subdued and are afforded the political space to challenge state economic policies. The state, therefore, is neither all-powerful nor entirely powerless; its interests and power are shaped by other actors and structures, which are historically grounded (Habib, 1995: 64-5).

Arguably, the shift towards neo-liberal macro-economic frameworks in the South African context began with the ANC's Reconstruction and Development Programme (RDP), 1994, and its more decisive successor, the Growth, Employment and Redistribution Programme (GEAR), 1996, both of which constituted the macro-economic context within which the Schools' Act was developed (cf. section 4.5). It was also argued in section 4.5 that 'global' forces often operate in tension with local conditions and forces. As Chisholm (1999) and Marais (2001) have noted, the influence of neoliberal economics was subjected to modification by local conditions and the specificity of the economic, political and historical conjuncture of South Africa's transition (cf. section 4.5). While South Africa might have resisted 'direct' structural adjustment commitments (through refusal to accept World Bank loans), it was not immune to the overall neoliberal rationale that came to characterize its macro-economic policies. Moreover, in the policy environment, South Africa became particularly reliant on policy models and international policy expertise as the country set about developing its post-apartheid policy framework.

Neoliberal globalization has had specific implications for the education sector and teachers. It has provided an impetus for the reorganization of education and teachers' work along lines that reflect "*the imperatives of the new world economy, a process reinforced by the pressures of international organizations such as the World Bank. As a consequence, the demands of local, movement-based struggles can often be marginalized in the name of strategies of "national" development that just happen to coincide with the*

*longer-term interests of global, transnational capital*” (Morrow and Torres, 1999: 108-109). More specifically, neoliberal globalization is reflected in the educational agenda that privileges particular policies for evaluation, financing, assessment, standards, teachers training, curriculum, instruction and testing (Torres et al, 2000: 35). According to Torres et al (2000: 11), one of the consequences of the upsurge of market ideology in education, combined with tight central controls, is the erosion of the traditional partnership between central governments and teacher unions in educational decisions, thereby placing unions in a difficult position. Nevertheless, *“this international agenda of education, supported by governments, international and bilateral international organizations, is challenged by teacher unions”* (Torres et al, 2000: 35). However, this study illustrates that not all teacher unions are likely to challenge the neoliberal economic global education agenda because of differences in ideological disposition (cf. section 9.3.5 later in this chapter).

Global influences on the education sector, particularly in the South African context have emerged alongside local forces that have continued to shape education policy development. Kruss (1998: 67), for example, notes that:

*In this global context one can see qualifications and curricular innovations being shaped significantly by the ideology of the market. They may take particular forms in the South African context, shaped as education has been by the historical legacy of Apartheid education, and by the contradictory demands for equity and redress on the one hand, and economic growth and development on the other.*

Similarly, Fleisch (2002) has argued that the implementation of teacher equity policy was the result of a complex set of forces, including the political settlement that favoured the privileged and the constraints of globalization in the state's fiscal austerity measures encapsulated in GEAR.

In the development of SASA, decisions around school financing and the powers and function of local school governing bodies reflected the hegemony of the global economic

discourse, whereas decisions around the abolition of corporal punishment and the composition of SGBs to include teachers and pupils symbolized local historical trajectories. The Department of Education, following the trend of commissioning international policy consultants, drew on the expertise of two leading international consultants, namely Luis Crouch and Christopher Colclough. Their arguments for opting for the User-fees option were underpinned by a strong neoliberal economic discourse in order to retain middle-class parents within the public school sector (see section 5.3.1). This argument was consistent with similar arguments proffered by some of NAPTOSA's White affiliates:

*...Yes, compulsory education for all and on an equitable basis and it must be quality education, but it's impossible to say that compulsory education must be totally free with no financial commitment from the parents and from the broader community. We can't do that. It's impossible in South Africa. The fiscus can't carry that kind of burden (see section 7.6.2 for more details).*

The commissioning of experts has become something of a trend in policy work in South Africa, especially when policy makers are faced with a 'crisis of legitimacy'<sup>133</sup>. Education policy making in South Africa generally became more receptive to education policy models and technical expertise from the developed world (cf. section 2.2.3), areas in which the country's new generation of policy makers and technocrats needed assistance with. However, the notion of 'international borrowing' did not go unchallenged by local organizations such as SADTU and the Wits EPU (cf. section 6.6.2). Their protestations, however, had little impact on the state's growing reliance on policy experts and consultants.

As such, the use of academics and experts as a way of mediating policy making and reaching consensus, especially when a policy crisis or impasse is identified, may be

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<sup>133</sup> Besides their involvement in SASA, other academic experts have been commissioned with regard to curriculum policies (Prof. Linda Chisholm); the review of school fees (Prof. Crain Sourdien) and the appointment of a Ministerial Committee to resolve the impasse relating to teacher education policies (Profs Wally Morrow and Michael Samuel) over the last decade.

traced to the commissioning of experts quite early in the ANC government's accession to power. SADTU's General Secretary, Thulas Nxesi reflected on this shift in July, 2000:

*The policy framework for education was developed under [Education Minister] Bengu with the participation of affected parties in the education field. At policy level, nothing has really changed. At the level of process, however, [Education Minister] Asmal's preference is to outsource work to academics and consultants, and to inform stakeholders – the people who have to implement the new policies – after the fact (Sunday Times, July 9, 2000).*

The swing towards a macro-economic policy framework had particular implications for teachers and their role in policy formulation. Recognising teachers as critical to South Africa's response to the human resources and labour market challenges, the RDP emphasized the importance of developing policies to meet the labour and professional interests of teachers. Teacher salaries were to be reviewed and policies relating to career paths, teacher education and professional development were to receive attention (cf. section 4.3.4). For teachers and teacher unions, therefore, the political and social transformation of the 1990s and the impact of neo-liberal agendas gave rise to new challenges, both with regard to workplace relations and the broader question of how best to engage with the changing nature of education policy processes.

Even as the RDP was being implemented, with the involvement of key civil society constituencies from the ANC Alliance, such as the National Education Coordinating Committee (NECC), of which SADTU was an active member, there were perceptible grumbles from Alliance members against the state's swing to neoliberalism and market-led development policies. These grumbles turned to open hostility between COSATU and the ANC in the media and elsewhere with the release of GEAR (cf. section 4.3.4). The undermining of the role of civil society was the subject of considerable analysis among academics and policy analysts. Some argued that the importance attached to the role of civil society formations in the RDP was replaced by South Africa's own version of corporatisation (Friedman & Reitzes, 1995); and that one of the consequences of the turn

to neoliberal economics was the gradual squeezing out of the role and influence of mass-based civil society organizations, as government restricted its consultations on growth and development to business and labour (Deacon & Parker, 1998).

Teachers and their organizations in South Africa constituted an important civil society group that became enmeshed in the 'politics' of South Africa's response to 'neoliberal globalisation' that the ANC-led government had to make after its election in 1994. Of the teachers' formations in South Africa, it was SADTU, as part of COSATU, which challenged the impact of the government's economic policies on educational reform. This became apparent during the contestations around school financing, a key aspect of SASA (cf. section 6.6.2.1). A recent study of SADTU's impact on education policy, noted that in such a constrained economic environment, the union's policy interventions had varied impact and significance. The report concluded that *"inclusion in the processes of policy formulation without the ability to change the overarching macro-economic policy framework governing them has prevented SADTU from playing its intended role in policy formulation. This has been a result both of the direct impact of GEAR on the lives of teachers, and because of the limitations placed on education policy transformation by neo-liberalism"* (NALEDI, 2006: 9). At a broader policy level, both NAPTOSA and SADTU united against government policies motivated by the neoliberal economic agenda especially with regard to cutbacks in education spending and rationalization policies (Vally & Tleane, 2001) (cf. section 4.6).

In summary, the political and economic dimensions of South Africa's transition in the 1990s laid the basis for education policy making processes that would accommodate a diversity of interests, and that would reflect the growing hegemony of a neoliberal economic agenda that had started to penetrate countries of the south. It also had implications for teacher unions' influence in policy making, especially SADTU which together with COSATU perceived the government's adoption of macro-economic policies as a major factor in undermining redistribution and redress measures.

### *9.2.3 Teachers' participation and state-civil society (teacher unions) relations*

The emerging concept of teachers' participation has been shaped by the nature of state-civil society relations during South Africa's transition to democracy (cf. sections 4.3.3 and 4.3.4). An important development in this regard post-1994 was the changing face of civil society, which reflected not primarily Black working class interests as was the case in the 1970s and 1980s, but also largely White middle-class interests, Afrikaner cultural and religious interests and business interests. In many ways, this reflects the historical influence of cultural and religious ideas on education development, and the impact of economic trends on education policy making in the modern era. These broader manifestations within civil society became refracted through the unfolding dynamics of teacher union fragmentation and reorganization (cf. section 4.7). From a policy perspective, the growing diversity of interests within civil society meant that policy contestation would be heightened; and that the struggle for ownership and control of the policy process would come to be a central feature (see Prunty, 1985; Badat, 1991).

Civil society associations are often confronted by the hegemonic designs of the state and may lack the capacity to assert autonomy. Moreover, while many civil society associations have successfully fought against cooptation, many have been unable to resist it (Giyamah-Boadi, 1994). As noted in section 2.4, the Ugandan Teachers' Association, for example, had been criticised for being puppets of the Ghanaian Education Ministry in the 1970s (Tiberondwa, 1977). Internationally, teacher unions have had other options besides the prospect of cooptation. In broad terms, the following options are identifiable:

***Option 1:** Teacher unions may be incorporated and coopted into the ruling party machinery, and thus be lost as a significant civil society voice (e.g. Ghana, as noted above and France (Welmond, 1999). In Mexico, the National Union of Education Workers (SNTE) was seen to be part of the incumbent Institutional Revolutionary Party, thereby forgoing its autonomy);*

**Option 2:** *Teacher unions may be marginalized or incapacitated and eventually eliminated (e.g. teacher unions in Tanzania have been largely excluded from policy making processes since the country's independence and it is only in recent years that attempts have been made by the education authorities to involve teacher unions in policy making)<sup>134</sup>;*

**Option 3:** *Teacher unions may remain a strong oppositional stronghold outside the state and ruling party machinery in the policy domain (e.g. teacher unions in Argentina in the early 1990s (Murillo, 1994:44)); or*

**Option 4:** *Teacher unions may bargain within the education system, a notion described as the "education sub-government" (Manzes, cited in Lodge and Blackstone, 1985) as is often what happens in England.*

None of the above adequately describes the South African process. On the one hand, the larger of South Africa's two unions, SADTU, was caught between cooptation because of its alliance with the ANC and retaining some degree of independence from the state to allow the union to pursue the 'private' interests of its members and continue to be a critical voice as its predecessors did under apartheid. As such, in SADTU's case, a different option is applicable: being coopted and yet able to retain an independent, oppositional base to the state and ruling party machinery. This is, to a large extent, a combination of the first and third options described above. Although SADTU's independence and influence as a civil society constituency was compromised through its alliance with the ANC government, the union was not coopted to the extent of losing all its independence. Its cooptation, therefore, was limited and not comparable with teacher unions in other African countries, which became almost fully incorporated within the ruling elites of their post-independent governments. This was partly because SADTU was

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<sup>134</sup> Discussion held with officials of the Tanzanian Teachers' Union (TTU) in Dar-es-Salaam on 28 March 2006 as part of the South African Education Labour Relations Council's study trip to investigate education policymaking processes in developing countries. The author was a member of the research team that visited Tanzania and Zanzibar.

affiliated to a powerful and influential trade union movement, COSATU, which itself was concerned about the issue of independence, and partly because SADTU was competing for membership with a rival teachers' union that placed a high premium on political autonomy and professionalism. Therefore, SADTU's "alliance" to the ANC could be interpreted as a weaker version of the 'cooptation' strategy.

In the policy making process of SASA, SADTU's closeness to the ruling ANC was reflected in the conformity of policy inputs agreed upon within the ANC Education Alliance and the submission of a single alliance position as opposed to separate, yet reinforcing inputs, as was the case with NAPTOSA, its affiliates and alliance partners, such as SASOO (see sections 6.6.2 and 7.6.3). Nevertheless, SADTU was not simply reduced to another incubator and promoter of the ruling party ideology. Instead, the union compromised some of its independence, but not all of it, especially in the final parliamentary stages of SASA's development (see section 6.6.3). Importantly, though, with the changed nature of state-civil society relations under a democratic political dispensation and SADTU's experience of the politics of alliances, the union had begun to appreciate civil society as essentially a separate space from that of the state, which paved the way for a revision of its conception of professionalism, now understood as a strategic weapon in its defence of teacher autonomy, in a similar way that it had relied on unionism in its fight against a repressive apartheid state (see section 9.2.4).

On the other hand, the smaller teachers' federation, NAPTOSA, fits into the third and fourth categories, namely existing as a strong opposition to the state (i.e. the DoE and its various organs) and the ruling ANC. NAPTOSA was not hamstrung by SADTU's dilemma because, in principle, the federation was opposed to any party political alignment, although it might have exploited the benefits of strategic political alliances. This made it easier for the union to engage in oppositional politics despite the emergence of a more benevolent state. The federation was forced to position itself initially as an independent civil society entity and in the latter stages of SASA's development it came to realize the importance of courting elements within the ruling party, even if their political and ideological principles were fundamentally different (cf. sections 7.6.1 and 7.6.3). Most of NAPTOSA's affiliates had some experience with being part of formal state

policy making structures and initiatives under apartheid (cf section 4.2.1). They had evolved as part of the state-teacher unions' compact (Welmond, 1999) or the education sub-government (Lodge & Blackstone, 1985), and had long learned the importance of being a partner to government in education policy making. As such, the nature of teacher union-state relations that emerged at the time of SASA's development represented a complex array of oppositional, cooperative and cooptational forces. This reflects a very different picture to state-civil society relations in, for example, Ghana, where there is a tendency for government-aligned civil society associations to prosper and for independent and autonomy-seeking ones to decline (see Gyimah-Boadi, 1994: 125).

Teachers' participation in the development of SASA also reflected the ambiguous and political nature of teacher union – state relations. On the one hand, teacher unions cooperate with government in developing policies that are in the interest of the public good, on the other hand, they have to defend members' interests, which may lead to opposition and resistance to the very same policies (Torres et al, 2000). In the development of SASA, SADTU's identity as a teachers' union had become subsumed within the broader political identity of the ANC and its alliance partners. Initially, it had not established an independent union identity whose primary concern in the policy domain was the interests of its members as teachers (cf. section 6.5). The move towards 'independent organizational' participation came much later in the process when the union started to question its close links with the ANC Alliance and began to challenge key government positions relating to SASA (see sections 6.6.2 and 6.6.3). Similarly, Lodge and Blackstone (1985) suggest that there are special tensions peculiar to professional unions, that is, while they wish to represent the interests of their members with respect to salaries, job security and working conditions, they also seek to be a "*responsible and influential force in the pursuit of wider aims concerning professional standards which they perceive to be in the national interest*" (Lodge & Blackstone, 1985: 219). Teachers unions therefore enjoy a close, but ambiguous, relationship with the state in the policy arena, and their participation in policy making is shaped by this relationship.

In the development of SASA, teacher unions' pursuit of particular issues, such as the preservation of Model C schools (White affiliates of NAPTOSA) and equal

representation of teachers and parents on SGBs (SADTU), reflected teachers' identification with broader concerns of power relations, securing the best policy outcomes in the interests of the broader communities they served and ensuring local school communities' access to state funding and material resources, while at the same time demonstrating sensitivity to the national political project of nation-building and contributing to developing an appropriate system of education. They were also concerned with advancing their own 'private' interests and securing adequate decision making powers for teachers (e.g. in SGBs) as key education stakeholders.

At the school level, while individual teachers may have been constrained by their working conditions, they were nevertheless engaged in micro-level struggles to make sense of broader policy developments in the mid-1990s (cf. Chapter 8). Ginsburg (1995) captures some of this political complexity in the work of teachers' lives more generally:

*What educators do occurs in a context of power relations and distributions of symbolic and material resources, and what action (or inaction) educators engage in has political implications for themselves and others....Educators' actions (and inaction) are constrained and enabled by such relations of power and resource distributions, while at the same time through their daily activity and historical struggles educators are engaged in reproducing, resisting, and transforming existing power relations and resource distributions. **Casting the notion of educators and politics in this way means that educators are political actors regardless of whether they are active or passive; autonomous or heteronomous vis-à-vis other groups; conservative or change-oriented; seeking individual, occupational group, or larger collectivities' goals; and/or serving dominant group, subordinate group, or human interests** (Ginsburg, 1995: 7-8) (own emphasis).*

In terms of the context of power relations, the dominant role of the principal and school management was an important factor in contributing towards teachers' 'action (or inaction)' in the development of SASA (cf. Chapter 8). However, teacher passivity in

policy making could mask potential opposition and resistance in the implementation of policy and serve as a warning signal to policymakers. This has been borne out by the continued opposition by teachers and other education stakeholders to the implementation of various aspects of SASA to this day. As indicated in section 9.2.2, in response to such opposition, government established a committee to review contentious issues around school fees and admissions policy in 2003.

#### *9.2.4 Participation and South Africa's emerging model of democracy*

One of the motivations for undertaking the study was to explore the notion of participation in the context of South Africa's democratic transition with specific reference to policy making in the education sector. This was prompted by recognition of the importance attached to the notions of participatory (direct) and representative democracy in the decades preceding South Africa's transition to democracy in the 1990s. Two key ideas emerged as central to these notions:

- that decision-making in schools and school governance structures should include all sectors/role-players/stakeholders; and
- that greater representation would ensure educational accountability, legitimacy and democracy (Sayed & Carrim, 1997:91)

The authors note that the demand for democracy and participation in South African education “*has a long history stretching from the flight of the first slaves from their colonial masters in the early 17<sup>th</sup> century to the intense and bitter student protests of the 1980s*” (Sayed & Carrim, 1997: 91). One of the strongest claims made by policy makers and stakeholders in this study, including teacher unions, is that the development of SASA was the most democratic in years. Indeed, throughout the process, from the initial work of the Review Committee to the passing of SASA (that is, the policy generation and formulation stages), there was an enormous amount of consultations with education and training stakeholders. The nature of participation was largely characterized by ‘consultations’, not direct democracy in the classical sense. Perhaps, the closest

approximation to direct participatory democracy was the Review Committee process (cf. Chapter 5).

In the main, though, the nature of teachers' participation in education policy development in South Africa post-1994 has inclined towards representative democracy in spite of attempts in the development of SASA to adopt a more eclectic or 'mixed' model of participation, incorporating features of representative, participatory and deliberative democracy (see, for example, Carrim 2001). This is because teacher union representatives, not rank and file or grassroots teachers, have been the main actors in the formulation of SASA (cf. section 9.3.1). Teacher union representatives have served on the Review Committee, SASA's experiment in deliberative democracy, including, participation in meetings with the DoE and Ministry of Education, seminars and conferences and in lobbying activities. However, the characterization that the notion of participation in deliberative democracy must be governed by the principles of equality and symmetry where all participants have the same chances to initiate speech acts, ask questions and to open debate (Benhabib, 1996) has not been borne out in this study.

NAPTOSA representatives enjoyed a clear advantage over their SADTU counterparts, for example, in the work of the Review Committee where critical policy issues were discussed (cf. Chapters 5, 6 & 7). This suggests that debates in the work of the Review Committee did not meet the ideal in this regard as conceived by deliberative democracy theorists. This is consistent with the argument made in this thesis that participation has a strong learning dimension, including the acquisition of argumentative skills (cf. section 9.4.3).

Activities with the potential for participation by rank and file members have included school site meetings, union branch meetings and protest marches. However, these events were irregular (in the case of union branch and school site meetings), few and far between (in the case of public protest action), and tended to focus more on immediate issues rather than on policies at the national level, such as the Schools Act. As such, although teachers' participation contained elements of deliberative and participatory democracy during various phases, there was a strong tendency overall towards

representative democracy in the policy development process. This has resulted in the stakeholder-driven model of participation in policy making taking root in South Africa, which shaped fundamentally the emerging concept of teachers' participation in policy making and specifically the development of SASA. In similar vein, it has been observed that “[w]hereas the Constitution depicts representative modes of democracy at the national level, and the NEPA [National Education Policy Act] at the provincial level, the SASA [South African Schools' Act] takes representative democracy to the level of the school – the local level” (Carrim, 2001: 102).

At another level, participation by teachers may be regarded at times as a version of ‘pseudo-participation’. In Pateman’s (1970) terms (cf. Chapter two), ‘pseudo-participation’ is a form of disguised participation in which participants or stakeholders end up ‘rubber-stamping’ decisions already taken, without in anyway participating in decision-making. Although this is an extreme caricature of teachers’ participation in the development of SASA, particular moments in the process point to this type of futile participation. First, the constitutional provisions marked out the parameters of what could be negotiated and what could not. Even the provision of section 247 of the Interim Constitution on compulsory negotiations with existing SGBs was eventually interpreted by the DoE’s legal team as engaging in bona fide discussions with no obligation for agreement to be reached:

*Negotiation could consist of no more than an act of communicating with another person or body for the purpose of arranging some matter of mutual agreement. (cf. Chapter Five)*

Therefore, although White teacher unions and their allies, were able to wring certain concessions from government, the Section 247 consultations, by government’s own admission, was essentially the creation of a platform to allow for the airing of grievances, without making any significant policy concessions. Secondly, SADTU too was a victim of ‘pseudo-participation’ because of its allegiance to the ANC – this was evident when SADTU was forced to back down on positions that conflicted with the ANC government, for example, on school funding and the composition of governing bodies. This reinforces

the political nature of policy making (cf. section 9.2.2.1) where compromises are entered into as a matter of political expediency, leaving the way open for issues to be revisited and re-contested (Ball, 1994; Gale, 2001). As Ball (1994:16) suggests, policy texts are “*the product of compromises at various stages (at points of initial influence, in the micropolitics of legislative formulation, in the parliamentary process and in the politics and micropolitics of interest group articulation)...There is ad hocery, negotiation and serendipity within the state, within the policy formulation process*”.

#### 9.2.5 A multi-dimensional approach to policy-making

Internationally, there is a growing recognition that policy making processes draw on various approaches. This study has argued that education policy making in South Africa in the early 1990s contained strands of the political and rational approaches, but that the interactive approach perhaps best describes the development of SASA (cf. section 2.6). While the pursuit of sectoral interests and political contestation by various stakeholders characterized the policy making process (evident in the written submissions and stakeholder inputs at public meetings (cf. Chapter 5), the SASA process was also a highly technical exercise especially when it came to the drafting and writing of the policy text. Legal and constitutional obligations shaped the nature and content of the process, and helped to draw the boundaries for consultation and participation. At the same time, ‘social learning’ and participation of key stakeholders emerged as important features, for example, during the Review Committee process, the Section 247 meetings and the PPC deliberations (cf. Chapter 5).

In the development of SASA, the adoption of *an expert-rational driven approach to policy-making* was quite predominant and constituted an important dimension of the emerging concept of participation. One explanation for the privileging of ‘policy as expertise’ is the framing of the policy process in a rather rigid and linear fashion. In spite of a huge body of literature and research which suggests that the policy process is an ongoing, interrelated process in which policy making and policy implementation are closely linked (see section 2.8.3), policy making in South Africa has become the domain of government policy makers and policy experts, while policy implementation is seen as

the responsibility of teachers. Teachers' experiences in this study reinforce this view (see, for example, section 8.3.3). This is consistent with findings elsewhere in Africa where teachers emerge as important stakeholders more often in respect of the implementation rather than the formulation of education policies (Evans et al, 1996; Chisholm et al, 1998).

As such, a useful, broader framework of analysis of education policy, which stresses the inter-connectedness of policy processes, appears to have been lost in the South African policy arena. The position was alluded to in comments made by Trevor Coombe, a senior member of the government's policymaking team at the time in response to a question regarding conflict among different stakeholders in policy, including government as a major stakeholder:

*I must demur from your suggestion that government is a stakeholder in the policy process. Government is responsible for policy by virtue of the Constitution, and it is not a kind of interest group like teachers or a political organization. There is no other body in society that has the responsibility to create policy than government, and that makes its role unique and indivisible. It doesn't share it with anybody (Interview with Trevor Coombe).*

This does not mean that government does not consult education stakeholders in the policy making process. As Friedman (1995:1) asserts, policy makers are not government ministers or officials only, they include business people, trade unionists, NGO leaders – anyone with the power to influence decision-making. Overall, a very conservative and 'rational' reading of the policy formulation process had been adopted by the DoE, one which underlined the marginal influence of stakeholders in policy making. This has implications for teacher-state relations as it undermines teachers' professional autonomy and status in the policy arena, with the potential for teacher union resistance and conflict, and also reflects the state's ambiguity towards participation by teachers and other stakeholders.

This study also argues that the notion of 'policy as expertise' was quite central to the process with specific implications for teacher unions. Particular conceptions of expertise might be privileged or given greater legitimation over others, for example, government's privileging of technical and legal expertise. The former is often associated with the commissioning of academics and policy analysts or consultants (Cross, 1999; Reimers & McGinn, 1997) and the establishing of policy commissions and committees (Evans, 1994). The composition of the Review Committee in the case of SASA included several academic and policy experts, typical of many policy commissions. As discussed in section 5.3.1, the composition of the Review Committee recognized the important role of academics and policy experts, who took up seven of the seventeen positions, including that of Chairperson. Elsewhere I've drawn attention to the role of international consultants in the development of SASA as part of a new trend in policymaking, not unrelated to perceptions of lack of capacity in African countries (cf. section 9.2.2.2). A significant consequence of this trend is that policy experts tend to have a disproportionate influence in policy making, very often at the expense of ordinary citizens and civil society organizations (Magasela, 1998).

However, in spite of the predominance of a rational, expert-driven approach in the development of SASA, the process overall reflected an 'interactive' approach, which maintains that education policy making is not only a task of technical analysis, but is also a social and political process (Evans et al, 1996; Hartwell, 1994 & Ranson, 1995). On the one hand, the Review Committee, for example, made optimal use of the academic expertise at its disposal, and where necessary commissioned appropriate research (cf. Chapter 5). On the other hand, there was a genuine attempt by the ANC-led government to capture the spirit and promise of democracy envisaged by the People's Education Movement of the 1980s and the Mass Democratic Movement (MDM). This was reflected in the Review Committee's involvement in various conferences, the provincial visits and consultations held with various stakeholders in all nine provinces, carefully reviewing written submissions, and so on. Indeed, the Review Committee process was a genuine attempt on the part of the state to consult widely. Therefore, the process was both a technical exercise, involving experts and consultants, and a social dialogue process that

sought to take account of a broad spectrum of views in order to reach consensus on areas of policy that were highly contested.

Is there a lesson in all this? Based largely on experiences in Africa, Hartwell argues that *“the rational techniques of policy analysis and planning must be embedded within an interactive, politically sensitive dialogue concerning educational goals and priorities”* (Hartwell, 1994: 34). A useful analytical point derived from his argument is the distinction and interplay between information and technical analysis, on the one hand, and politics and power, on the other. In the African context, even modest changes in education from a technical perspective can lead to substantial unrest and even violence if they are perceived to threaten acquired interests and benefits of various groups in society. Therefore, *“Change in education requires public consensus and political acceptability to a degree not needed in other sectors”* (Evans, 1994). The situation is exacerbated in many countries on the continent because policy making has nearly always taken place in an environment of uncertainty, tension, and sometimes overt conflict (Evans, et al, 1996: 12). This was certainly the case for the SASA given the backdrop of tension and conflict that characterised South Africa's transition to democracy.

#### *9.2.6 A multi-faceted notion of teachers' participation in policy making*

The concept of teachers' participation that emerges from the study, therefore, may be described as a historically-determined stakeholders' form of participation in which teacher union representatives, not grassroots members, are largely active. Moreover, this brand of stakeholders' participation is shaped by teacher unions' adherence to particular ideologies, namely, unionism and professionalism, by their partisan and non-partisan alliances and the extent to which teacher unions are coopted or not coopted by the state.

Central to understanding the emerging concept of teachers' participation in policymaking in South Africa in the 1990s was the historical threads manifested in the behaviour and choices of the state and teachers. The policy choices and decisions have been underpinned by the ambiguous nature of teacher-state relations in the policy domain, and particularly the resolution of the tension between 'public' vs 'private' interests by

teachers' unions. Integral to teacher unions' resolution of the 'public' vs 'private' tension, was teacher unions' location within civil society and the nature of political alliances between teacher unions and other civil society interests, such as parents and political parties. A key aspect of teacher unions' policy role is their understanding of their identity within civil society, that is, an identity that is defined by their degree of independence from the state. This is especially relevant in the context of political transition where teacher unions evolve with strong political alliances with specific political movement or parties. One of the consequences of not defining a clear and unambiguous identity as part of civil society is the possibility of cooptation by the state or party-political machinery, a situation with the potential for stifling teacher unions' influence in the policy making process, as was the case with SADTU.

The emerging concept of teachers' participation must also be located within the broader economic and political contexts of the period of SASA's development. In this regard, political compromise and the adoption of a neoliberal economic framework during South Africa's transition to democracy are important factors. The adoption of a predominantly representative model of democracy in South Africa shaped fundamentally the notion of teachers' participation in the development of SASA and education policies in the 1990s. While there was an initial effort to consult and involve grassroots members of society as much as possible (especially during the Review Committee process, cf. Chapter Five), this initial enthusiasm soon gave way to the realities and difficulties of engaging in participatory (direct) democracy in the modern era. The narrowing of political space for teachers' participation in the development of SASA was further heightened by political factors and the adoption of a rational and expert-driven model of policy making, wherein the views and contributions of experts were more highly valued than those of ordinary citizens, including individual teachers. Therefore, the adoption of a highly politicized (in terms of power relations) and expert-driven approach to participation in policy making founded on a model of representative democracy, contributed to the marginalization of grassroots teachers in the development of SASA. As such, Hartwell's proposition (cf. Chapter Five) that policy making contains technical and political components, with emphasis on a social dialogue process, was borne out by the nature of teachers' participation in the development of SASA.

### **9.3 The organizational basis of teachers' participation**

This section looks more closely at the organizational basis for participation paying particular attention to the various forms and strategies of teachers' participation in the development of SASA. It examines the strategies both from the perspective of the state and teacher unions, with emphasis on the effectiveness of the various channels to enable teachers' participation. The section therefore probes the key 'drivers' that underpin teachers' various forms of participation and selection of strategies. It also explores the mediating factors that shaped their participation, specifically the competing agendas and underlying discourses that manifested themselves in the policy process. In so doing, it speaks to the research questions on the nature and quality of teachers' participation and the factors that have mediated their participation in the formulation of SASA (cf. section 1.2).

The section starts with an outline of the main issues highlighted by teachers and positions adopted by unions in the formulation of SASA (cf. Chapters 6, 7 and 8) as a way of focusing the analysis (see Table 4). Table 4 reveals that considerably fewer issues were highlighted by individual teachers in comparison to those raised by the two major unions. While this deduction is consistent with the claim that teacher union officials participate more in policy making than ordinary members, a much larger sample of individual teachers than was used in the study might reveal a different picture. However, even the issues identified by teachers were mentioned in the context of a vague recollection and, importantly, as something that teachers might have discussed without necessarily having made an input or formal submission both within their union processes and the broader processes of consultation initiated by the state. This underpins the *isolation of ordinary teachers in the development of SASA*, a theme that emerges quite strongly in the study (cf. section 9.3.2). The table does reveal, though, that questions relating to powers of the school governing bodies, corporal punishment and language, religion and culture were among the more controversial issues for teachers.

**Table 4: Main issues highlighted by teachers and positions adopted by unions in the formulation of SASA**

TEACHERS AT SCHOOLS	NAPTOSA	SADTU
Limits on powers of SGBs	Devolution of more powers to SGBS	Concern over SGBs' powers to set admission policies
Abolition of corporal punishment	Opposition to a blanket ban on corporal punishment	Abolition of corporal punishment
Language and religious issues	Protection of language, cultural & religious rights	Language, culture and religion not to be used as exclusionary mechanisms
<ul style="list-style-type: none"> <li>• Teacher-pupil ratios</li> <li>• Teacher misconduct</li> <li>• Teacher incapacity</li> </ul>	Support for school fees/user charges	Free schooling for first 10 years
	Favoured employment of teachers by SGBs	Opposed to employment of teachers by SGBs
	Parental majority in SGBs	Equal representation of teachers and parents on SGBs
	Retention of Model C schools	Phasing out of Model C schools
	Subsidies for independent schools	No subsidies for independent schools
	Favoured prefect system over SRCs	Favoured SRCs over prefect system
<p><i>NB. This is not an exhaustive list of the issues taken up by teachers and unions, but it does represent those issues that they were most concerned with.</i></p>		

It is noteworthy that the issues highlighted in the table were also the issues that manifested themselves most strongly in debates conducted in the public domain and which demanded the attention of state policy makers. The table reveals that NAPTOSA and SADTU had diametrically opposed positions on almost every major issue dealt with by the Schools' Act, for example, with regard to corporal punishment and school fees. These positions coincided broadly with public opinion, which arguably was split into two broad camps, namely, those representing largely White minority interests and those representing largely Black majority interests (cf. 9.3.5). This suggests, at the very least, that *teachers' concerns coincided with the concerns of the broader public*. This is hardly

surprising given that education has long been regarded as a public commodity, and teachers, traditionally viewed as a public asset. This, of-course, is too simplistic an interpretation of teachers' location in society, but one that is worth noting here.<sup>135</sup> Moreover, there has been considerable coincidence between teacher unions' agendas and that of the state in the development of SASA (although individual teacher unions had different concerns and were selective in the issues identified). Nevertheless, teacher unions have also contested and resisted specific policy positions advanced by the state, especially when the interests of their union membership were threatened, for example, NAPTOSA's opposition to the abolition of corporal punishment and SADTU's opposition to school fees and the principle of parental majority on school governing bodies (cf. chapters 6 and 7 for details).

### *9.3.1 Forms of teachers' participation*

Table 5 provides an overview of the different modes of teachers' participation. These have been analysed in terms of activities initiated by teachers' unions, state/government and civil society organizations (other than teacher unions), and are each discussed below.

#### 9.3.1.1 Teacher union channels

Most of the opportunities for participation by grassroots teachers are activities initiated by their unions, such as branch and school site meetings and different protest action events. The main purpose behind most of the activities is to facilitate the process of developing organizational policy positions on issues. Even then, the involvement of rank and file teachers is patchy, at best, as indicated by the responses of teachers in this study (see Chapter Eight). This is consistent with research indicating low levels of teachers' participation in policy formulation in many Southern African countries (Chisholm et al, 1998). Teachers have questioned the effectiveness of union branch meetings in engendering participation in respect of broader policies (as opposed to school-based) as,

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<sup>135</sup> Erik Olin Wright, for example, has drawn attention to teachers' ambiguous class location in society and its relevance to teachers' work and lives (Wright, E.O. (1979) *Intellectuals and the class structure of capitalist society*, In: Walker, P (Ed) *Between labour and capital*; and Wright, E.O. (1989) *The Debate on Classes* (London: Verso)).

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very often, there is only time to discuss urgent matters, revolving around local issues (cf. section 6.4.1).

**Table 5: Modes of teachers' participation in SASA**

UNION-INITIATED ACTIVITIES	STATE-INITIATED ACTIVITIES	CIVIL SOCIETY (OTHER THAN TEACHER UNIONS) – INITIATED ACTIVITIES
Annual policy conferences* National Council and NEC meetings*	Conferences/workshops*	Conferences and workshops (Education policy NGOS, e.g. CEPD, Wits EPU etc.)*
Seminars*	Calls for written submissions	Meetings and workshops of political parties
Specialist policy/working committees	Policy commissions/committees*	Meetings of the Education Alliance of the MDM*
Branch meetings	Public hearings (Parliamentary Portfolio Committee)*; Public meetings (Section 247)	Meetings of the ANC Education Study Group*
School site meetings	Meetings with Ministry and Department of Education*	Meetings and campaigns of the South African Federation of State-Aided Schools (SAFSAS)*
Lobbying initiatives*	School Governing Body meetings	Meetings and campaigns of the Suid-Afrikaanse Stigting vir Onderwys en Opleiding (SASOO)*
Constitutional/legal challenges*	School management (principal) interactions	
Protest action: marches, 'walkouts', public meetings and rallies		
*Denotes participation primarily by teacher union representatives.		

In rural constituencies, the organization of meetings is made difficult because of long traveling distances and time factors. With regard to school site meetings, it would appear

that there is usually only time to discuss school-based issues and rarely an opportunity to consider broader policies, which are regarded as matters to be dealt with by union officials. However, more research needs to be undertaken on the operations of union branch and school-site meetings to assess its effectiveness as channels for participation.<sup>136</sup>

Interestingly, the union-initiated activities for grassroots teachers' participation are the closest examples of participation with a flavour of direct democracy, wherein ordinary members have an opportunity to have their say (see section 2.9.2). However, this must be seen in context. The participation by grassroots teachers in union meetings only affords them the opportunity to express views on policies; these views are eventually filtered by the various union structures at the provincial and national levels (see sections 6.4.1 and 7.4.1). Unions then compile submissions that are presented to government; sometimes the submissions are incorporated into policies and sometimes they are not. At the very best, a considerably watered-down version of grassroots members' original views are reflected in teacher union policy submissions. This is what happens largely in terms of the policy inputs of members of NAPTOSA and SADTU in education policy processes within their unions, such as curriculum and teacher appraisal policies (see, for example, Chisholm, 2005). In the case of SASA, as noted in the previous chapter, there was little if any discussion on organization, governance and funding issues at school site or union branch meetings.<sup>137</sup>

Considerable divergence exists among analysts on the merits of teachers' involvement in policymaking based on a strong version of direct democracy. Gutman (1987:80) has argued that teacher unions do not necessarily have better educational expertise over democratic communities and suggests that policies resulting from "*negotiations between*

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<sup>136</sup> A report by the National Labour and Economic Development Institute (NALEDI), COSATU's research arm, on SADTU's impact on education policy from 1994-2004 also identified the need for further research to gauge the levels of policy involvement of members in lower levels of the organization. (See National Labour and Economic Development Institute (2006). *Assessing the impact of SADTU on Education Policy in South Africa*. Johannesburg: NALEDI).

<sup>137</sup> The focus of the discussion here has been confined to internal union activities; a more detailed analysis of other union-initiated forms of participation reflected in Table 4 is dealt with in 9.3.3 under Teacher Strategies.

*democratic communities and unions*” are equally important to the democratic process. Participation in the development of SASA was very much in this mould, wherein both the views of community-based organizations and teacher union were given equal weight (cf. Chapter Five). For individual teachers, this might not be a problem as they could also participate in the democratic process as members of community groups, such as parents. However, Carrim (2001:100) has noted that in the policy development processes of South Africa post-1994, whereas individuals who are organized in formal organizations of one form or another are recognized and protected in a representative democracy, others with more specific interests but are not represented by organized formations are not recognized and their views may not be taken account of.

Fung (2000), on the other hand, advocates for the incorporation of “*empowered participation and deliberation*” if public institutions such as schools have become ineffective and unresponsive to community needs. Based on the experiences of local communities in Chicago, Fung (2000: 6) suggests that “*a judicious allocation of power, function, and responsibility between central authorities and local bodies can mitigate these pathologies of inequality, parochialism, and group-think and so better realize the ideals of empowered deliberation and participation*”, and proposes that it is possible to empower local actors to contribute to policymaking meaningfully through a process of “*accountable autonomy*”. This entails the provision of support where skills and expertise are lacking and through mechanisms to check domination and factionalism. Fung (2000: 8) notes that:

*Far from withering away, central authority serves two important general functions in this model. The first is to provide various kinds of supports needed for local groups...to accomplish their ends, yet would otherwise be unavailable to these groups in isolation. The second is to hold these groups accountable to the effective and democratic use of their discretionary latitude.*

Teacher unions could consider Fung's (2000) ‘*accountable autonomy model*’ to improve grassroots’ participation in policy making yet exercise sufficient control to hold them

accountable; and grassroots members could demand accountability from their leaders using the same model.

#### 9.3.1.2 State/government channels

In order to promote public participation in policy making, the ANC-led government initiated a process that afforded members of the public the opportunity to comment on draft policy proposals and draft legislation. This is one of the few state-initiated activities to foster grassroots participation in policy making post-1994. As members of the public, teachers can also respond to public calls for submissions as individuals. However, in practice, teacher unions, not individual teachers make submissions. In general, teacher unions attach a high value to state-initiated activities for participation because they bring teachers closer to the policy process, and thereby enhance their potential to influence the policy making process.

In the case of SASA, individual responses from teachers were confined largely to teachers from the White Model C lobby. Even here, these were mainly at the behest of organizations and not motivated by an intrinsic individual commitment to make a submission. The study reveals that teachers do not participate in national policy making as individuals. As expressed by one of the teachers:

*... we find that policy has been made up there and then handed down to us and not always with a sound knowledge of what really goes on in the classroom. (Interview, School 4, Teacher 1)*

This resonates with the view that for most teachers, the world of policy making is far removed from the daily trials and tribulations of their classrooms, giving rise to what Shulman (1983) has described as “*the remote control of teaching*”.

Over and above the public call for submissions, there was an assumption on the part of DoE officials and teachers that school principals would discuss the draft Schools Bill

with teachers. However, in most cases principals of schools in this study rarely engaged with teachers. One of the teachers recalled:

*The principal hides a lot of information, and acts like a detective, trying to find fault with the teachers* (Interview, School 3 Teacher 1).

The School Governing Body (SGB), a statutory structure, provides some opportunity for grassroots participation. However, given that teachers' representation on SGBs was a new practice in the period of the study, these structures did not have enough time to live up to their full potential by 1996. In the two Model C schools there was a clear strategy to involve members of the SGBs, including teacher representatives, but this was hardly the case in the two Black schools as the principal in the township school and the owner of the farm school were alleged to have kept policy documents to themselves (cf. section 8.7 *Theme: The school management factor* for details). Overall, teachers' marginalization from policy making resonates with concerns over the 'intensification' and 'deprofessionalisation' of teachers' work, which produce constraints on teachers' autonomy and creativity in the classroom (Ball, 1994; Hargreaves 1994). If teachers' productivity in the classroom is constrained by debilitating working conditions, it is not surprising that their capacity to engage with broader policy issues is also weakened.

Several factors contributed to teachers' marginalization from policy making at the micro-level, institutional context of schools. Firstly, involvement in policy making is seen largely as the domain of principals and other members of school management, both in terms of policies formulated internally and externally of the school. Secondly, there is an absence of a supportive environment for teachers to be involved in policy making at the school level, with teachers' severe working conditions often being cited as a constraining factor (another reason to consider Fung's *accountable autonomy model*). Thirdly, while teachers generally welcome their representation on school governing bodies, there was a belief that it would take some time before teachers were able to reap the full benefits of their involvement because of a lack of experience and expertise. Fourthly, many teachers had been uncertain and even confused about the implications of the Schools Act and other education policies in the transitional context because of the political contestation at

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the national level; as a result there was a tendency to adopt a 'wait-and-see' attitude before getting involved (cf. Chapter Eight for details).

#### 9.3.1.3 Civil society channels

The significance for teacher unions of being able to participate in joint activities with other civil society organizations is that it affords them a broader platform, often more powerful than teacher unions acting independently, to influence the policy making process.

Teachers, especially teacher union representatives, participated in workshops, seminars and conferences organized by education policy NGOs, such as the CEPD and university-based policy units. Many of these, however, were co-hosted with the Department of Education. They were therefore joint civil-society and state sponsored. The reason for this cooperation was largely due to the close working relationship that the ruling ANC enjoyed with these NGOs, as a result of their association during the struggle for democracy prior to 1994 (cf. section 4.6).

Teacher unions were also active in the policy strategy meetings and mobilisation activities of like-minded political parties and civil society organizations. The most prominent of these were the meetings of the ANC Education Alliance and the ANC Education Study Group, wherein SADTU was involved, and activities of the South African Federation of State-Aided Schools (SAFSAS) and SASOO, wherein affiliates of NAPTOSA were active (cf. chapters 6 and 7 for details). Teacher unions fell broadly into the camps of these two civil society groupings and became part of the mainstream competing agendas in the development of the Schools' Act.

#### 9.3.1.4 The isolation of grassroots teachers from policy making

Overall, therefore, there was a strong organizational platform for teachers' participation in the development of SASA, which constituted important aspects of the policy formulation process and its dynamics. In the main, government institutions, policy think-

tanks, education sector civil society organizations and teacher unions provided a range of opportunities for teachers to utilize in the policy making process. Two key features of teachers' modes of participation in the development of SASA may be identified, namely 'representative' or stakeholders' participation and the isolation of grassroots teachers.

Firstly, teachers' participation is confined largely to teacher union officials, especially those operating at the national level. This has given rise to the notion of 'stakeholders' participation' in policy making, which was fundamental to the emerging concept of 'teachers' participation' in policy making (cf. section 9.2.4). Participation included a range of activities, such as policy conferences, seminars and lobbying (union-initiated); responding to government invitations to make written and oral submissions, serving on government policy committees and attending workshops and conferences jointly organized by government and education policy NGOs; as well as representing the unions' interests in activities of civil society organizations, such as the ANC Education Alliance or SASOO. The policy information emanating from such activities is mainly accessed by union officials serving on various structures, such as provincial union structures or as members appointed to policy committees. At best grassroots members may read about some of the activities and policy debates in union newsletters or the mainstream media.

Secondly, the biggest limitation of participation based on a model of representative democracy is the isolation or marginalization of grassroots teachers. A significant finding with regard to teachers' participation in the development of SASA is that teachers' experience 'dual marginalization' in the policy arena because state policy makers do not consult or engage them, and moreover, because teacher unions themselves are often unable to adequately involve grassroots' members in policy formulation activities within the organisation. This study has confirmed the widely-held perception, both in the literature (see section 2.3) and in the minds of educators, that the ordinary teacher or members of teachers' unions are seldom directly involved in policy making processes outside of their immediate school contexts. Their isolation is especially pertinent with regard to policies formulated at the national and provincial levels, as was the case with SASA.

### 9.3.2 Teachers' policy intervention strategies

In section 9.3.1, the analysis focused on forms of teachers' participation in terms of three broad categories to highlight the organizational origins of the various activities. It also dwelt on some of the main patterns and features of teachers' participation flowing from the three categories. In this section, the analysis goes a step further and discusses the specific forms of teachers' participation as part of their *policy intervention strategies*. Six categories of teachers' intervention strategies are identified. These are: 1) the making of written and oral submissions, including union-organised workshops and conferences held to inform the submissions, 2) informing and canvassing members, 3) the role/use of policy and related expertise, 4) meetings with the Ministry and Department of Education and serving on government-appointed committees, 5) policy advocacy (lobbying etc) and 6) protest actions.

#### 9.3.2.1 Policy submissions and related activities

An important feature of teacher unions' participation in the policy development of SASA was the time and resources dedicated to the compilation of written submissions. This is regarded as an essential aspect of teacher unions' professional image as generally teacher unions devote much time and resources to studying and commenting on draft education policies. NAPTOSA and its affiliates in particular took considerable care in preparing their policy inputs, which were assigned to specialist working committees, namely, the Working Group on Management and Governance of Schools and the Working Group on Constitutional Implications, the latter under the chairmanship of Professor Johan Beckmann of the University of Pretoria. Both committees played a key role in the drafting of NAPTOSA's submissions on the South African Schools Bill as well as submissions earlier in the process, for example, to the Review Committee during 1995. Professor Johan Beckmann recalled some of this experience:

*I was given [policy] documents to study, to evaluate, assess, criticise and those comments were then put before a working committee.*

Besides making use of specialist committees, teacher unions also hosted policy conferences and workshops for the purpose of obtaining direction in the preparation of written submissions. SADTU, for example, organized a National Education Policy Conference in Johannesburg in September 1995, wherein the Union's response to the Review Committee's report on school organization, governance and funding was discussed and positions adopted. The conference was addressed by the Union's Vice-President for Media, Reg Brijraj, who was a member of the Review Committee (see sections 6.4. and 7.4 for SADTU and NAPTOSA's involvement in other policy-related activities, respectively).

### 9.3.2.2 Canvassing and informing members

Keeping members informed and being in a position to claim the mandate of members when articulating and debating policy positions is an important organizational weapon when negotiating with government policy makers. In this respect, meetings of teacher union officials at the national level, for example, the national general councils of both NAPTOSA and SADTU were the main sites of obtaining mandates from members. This was premised on the assumption that provincial or regional delegates had consulted members through lower-level structures within unions, such as branches. However, what emerges is that processes of consultation at the lower levels of the organizations had rarely taken place. Some of the reasons for poor internal union consultations on policy matters include lack of resources and organizational infrastructure and inadequate timeframes for meaningful deliberations within unions (cf. sections 6.4.1 and 7.4.1). Nevertheless, attempts to communicate policy information and secure the inputs of members were in evidence, for example, through union newsletters, telephone and fax communications. This was particularly evident within NAPTOSA which had the necessary infrastructure. SADTU's organizational infrastructure at this stage was in its infancy.

### 9.3.2.3 The use of policy and related expertise

Teacher unions usually rely on policy and legal expertise when challenging particular policy stipulations, sometimes resorting to legal challenges. This aspect of teacher union strategies is closely related to the first strategy, the preparation of written and oral submissions. It is dealt with as a separate strategy because the use of policy and legal expertise, whether it is from within the ranks of teacher unions or externally commissioned, forms a core part of teacher unions' engagement with policies more broadly. As will be discussed below, NAPTOSA and SADTU had very different perspectives on the notion of expertise, much of it a legacy of past experiences.

Overall, teacher unions' organisational influence on national policy making forms an important aspect of their claims to professionalism (Jones, 1985: 237). The traditional emphasis of the NAPTOSA affiliates on professionalism equipped the federation with policy experience and skills that were put to good use in the 1990s, including their participation in the development of the Schools' Act. As part of their 'professional' status, organizations such as the TO and the NUE took great pride in formulating policy inputs that were technically sophisticated and based on sound educational principles. A careful study of relevant policy documents was undertaken long before the formal government process of SASA's development. This was supplemented by international visits to ascertain what the contemporary trends on school governance and financing were. Policy expertise of academics and government policymakers was used extensively. The federation was able to draw on this diverse expertise from its own ranks – its then Executive Director, Huw Davies was a former Director-General in the Department of Education under the erstwhile National Party government. His knowledge of government policy making processes proved invaluable.

The NAPTOSA affiliates also drew on a tradition of utilizing legal expertise. This was a particular strength of its Afrikaans-speaking affiliates. The TO, for example, had lawyers with experience in education law and legislation of policy working on a full-time basis for the union. External legal experts were also consulted in the compilation of the various submissions to the education department relating to the Schools' Act. NAPTOSA was

therefore able to compensate for its lack of political clout by dedicating considerable time and resources to the compilation of educationally sound and technically sophisticated policy inputs, which were difficult for the DoE to ignore. Although NAPTOSA was a post-apartheid creation of the 1990s, its historical professional and organizational roots meant that the federation was better-equipped to cope with the demands of the dynamic education policy environment occasioned by South Africa's transition to democracy.

For SADTU, part of its organisational development challenges during this period was to build policy capacity and expertise. As a new union (unlike the affiliates of NAPTOSA which had been around for many decades), SADTU had little time to adjust to its new role as a recognized teachers' union, with obligations to contribute to policy development. Under apartheid, the union spent most of its time and energies resisting unjust education policies, not helping to formulate them. The closest experience of engaging in policy formulation was the involvement of the Union's members in the People's Education curriculum projects in the mid-1980s. However, this involvement was short-lived because of the repressive actions of the apartheid state. Much of the Union's policy work in the early 1990s was confined to labour issues and ensuring a political victory for the ANC in the first democratic elections of 1994 (cf. sections 6.3). From the mid-to late-1990s, however, there was a gradual realisation that the traditional unionist approach, which was effective in the labour relations domain, was not the best preparation for engagement with the challenges of education policy making more broadly. Hence, SADTU sought to build its policy capacity so that it would be more effective in policy making processes. Unfortunately, the capacity building within the Union occurred after the formulation of SASA, which was legislated in November 1996 (see, for example, SADTU's Educational and Professional Development Programme for 1996-1999).

#### 9.3.2.4 Meetings with education authorities and serving on government-appointed committees

Teacher unions have placed a high value on meetings with the Minister of Education and senior officials in the Department of Education during the process of SASA's

development. These meetings provided a valuable platform for conveying teacher union's policy positions and were often used to reinforce or clarify particular positions. However, meetings with the Department were double-edged, as the Department would sometimes use the opportunity to its own advantage. In this regard, the Department's approach to consultations with teacher unions was firstly, to have bi-lateral meetings with individual unions and once the most controversial issues had been ironed out, a draft bill would be presented to the unions at a joint meeting. If the unions were still not happy, they would be reminded that they could still make presentations during the Parliamentary process (Interview, T. Mseleku). Overall, though, teacher unions and the Department regarded meetings between them as essential and integral to the democratic process ushered in post-1994. Teacher unions also responded positively to government invitations to attend policy conferences and workshops and appoint union representatives to serve on government appointed policy committees, specifically the Review Committee of 1995 (cf. Chapter Five).

#### 9.3.2.5 Policy advocacy

Policy advocacy, such as lobbying and networking of education department policymakers, legal advisors, politicians and key individuals in the legislative process are an important teacher union activity. In the case of the South African Schools' Act, while lobbying by teacher unions occurred from the Review Committee process in 1995 onwards, it intensified during the Parliamentary phase when it became apparent that the Schools Bill was entering the final stages in the legislative process. The Chairman of the Parliamentary Portfolio Committee, Blade Nzimande was the prime target in this regard as he was seen to be the real power in influencing debates on SASA in Parliament. SADTU worked largely through the ANC Education Study Group in Parliament, which was also chaired by Nzimande to influence final deliberations on the Schools' Act. NAPTOSA and its affiliates, besides lobbying Nzimande and others in the Portfolio Committee, also worked closely with civil society alliance partners, such as the Federation of South Africa Schools (FEDSAS) and the Suid-Afrikaanse Stigting vir Onderwys en Opleiding (SASOO) (South African Foundation for Education and Training) to leverage support to influence deliberations.

These initiatives by teacher unions on both sides of the political spectrum yielded some rewards as was reflected in the revisions to different versions of the Schools Bill during the parliamentary debates. Besides the lobbying of key individuals during the Parliamentary Portfolio Committee hearings, the support of political parties and influential individuals within the educational bureaucracy was sought after (cf. sections 6.6.3 and 7.6.3). Much of the lobbying of influential individuals, government officials and political parties occurs in private, often before and after meetings, at lunch breaks and other social occasions. There is also sometimes an element of subterfuge in union strategies regarding alliances with political parties, especially when a union does not want to be publicly associated with a party that might be politically 'tainted' (cf. section 7.5). This 'covert' dimension of teacher unions' strategies is equally important to the more widely known overt strategies in trying to influence policy making.

#### 9.3.2.6 Protest actions

Protest actions and resistance campaigns have also featured in the course of SASA's development. NAPTOSA and its affiliates coordinated their protest activities with parent bodies especially in organizing walkouts and "taking over" meetings during the Section 247 nationwide consultations. It should be noted that, historically, NAPTOSA's affiliates did not adopt militant tactics (cf. section 7.2). However, with the changed political climate post-1994, the teachers' federation was forced to change its tactics. In SADTU's case, a march organized by its Gauteng region in Johannesburg, during the final stages of the Parliamentary debates, sought to sway the deliberations of parliamentarians. This single organized protest march by SADTU was small in comparison to its previous militant history (see Govender, 1996). Overall, SADTU adopted a less militant stance in its opposition to key aspects of SASA because of its alliance with the ruling party in government. As noted in section 6.2, SADTU had made use of a range of militant tactics, including marches and strikes, to register its opposition to apartheid education policies prior to the ANC government coming into power in 1994. The union's reluctance to engage in militancy underlines the adverse effect of partisan alliances with the government of the day on a union's strategic options.

### 9.3.2.7 The varied impact of teachers' participation strategies

In summary, although teachers were involved in various forms of participation and employed a range of strategies, both overt and covert, with regard to the development of SASA, the degrees of influence in shaping the Schools' Act varied considerably from one activity to the other. Written submissions, especially well-written, technically sophisticated ones were highly valued by policymakers, especially if it was consistent with the political rhetoric of government. As a result, NAPTOSA's written submissions were generally well received by policy makers, in spite of the federation's non-partisan relationship with the ANC-led government. Meetings with government policy makers, legal advisors and the Minister were also high-premium events and usually seen as the best opportunity to influence government policymakers.

Policy advocacy and teacher union resistance have also emerged as high impact activities – this was especially the case during the Parliamentary process. Teacher unions have relied considerably on lobbying initiatives and the building of alliances and partnerships with political parties and civil society organizations. A particular challenge for unions, however, is the promotion of participation by grassroots members in the lower structures of their organizations. In this regard, it is worth noting that the federal nature of NAPTOSA's organizational formation gave it greater flexibility in allowing individual affiliates to express themselves, even where they might differ from the organisation's national position (cf. section 7.5). On the other hand, SADTU's unitary organizational formation compelled branches and provincial structures, once their inputs were made, to abide by the Union's national position. This could result in teachers opposing a policy when it is being implemented if they feel that their concerns had not been taken up by their unions and therefore not reflected in the final policy text and regulations that flow there from.

### 9.3.3 *The organizational basis of teachers' participation*

Based on the descriptive analysis in sections 9.3.2 and 9.3.3 on the forms and strategies of teachers' participation in the development of SASA, it is possible to assess the organizational basis of teachers' participation from different perspectives, namely, teachers, the state/government and civil society.

#### 9.3.3.1 Teacher unions

From the perspective of teachers, what emerges as crucial is the degree of organizational cohesion and functioning of the various union structures. At the time of SASA's development, SADTU was barely four years old, and still in the process of establishing its provincial and branch level structures throughout the country, whereas NAPTOSA, because of its federal organizational arrangement, was able to count on the established organizational structures of its various affiliates to oil the operations of the new organization (cf. sections 6.2, 6.3 and 7.2). Moreover, NAPTOSA had the edge over SADTU in terms of policy capacity given the experience of its affiliates with the previous apartheid government. SADTU's membership, on the other hand, had little policy experience but was skilled in the art of protest and resistance politics. The disparity was captured by one of the SADTU provincial leaders at the time:

*A lot of these activities and processes were relatively newer to SADTU representatives than they were to other stakeholders, in terms of participation, in legislative processes and so on, whereas the other teacher organisations had had a history of involvement in the old governance process. So that was a disadvantage that SADTU had to deal with in this process (Interview with Haroon Mahomed, ex-SADTU Gauteng Chairperson).*

As such, a particular organizational strength of teacher unions is the nature of educational expertise that teachers bring to their organizations based on their daily experiences in schools, especially their first-hand knowledge of schooling, policy implementation

challenges, and their management skills (cf. section 2.5). There is also mounting evidence that involvement in decision making outside of the classroom, constructive work with colleagues and shared commitment to continuous personal growth can have a demonstrable impact on student achievement, and hence teachers' self-esteem (Hargreaves, 1994). Many union officials, moreover, are highly talented and gifted in the art of persuasion and debate. As was the experience of teacher union representatives who served on the Review Committee (cf. section 5.3.3.2) the most influential participants are not necessarily those closest to the echelons of power, but those who are well-prepared, articulate and combative. The ability and skill of teacher union representatives in deliberations with government and in serving on policy structures is therefore an important part of teacher unions' organizational capital. This skill comes with experience and years of practice. One area of weakness in this regard that is worth mentioning, although not adequately probed in the study, regards the marginalization of women. As Phillips (1996: 141) puts it, *'those who believe that men have a monopoly on the political skills of articulating policies and ideas will not be surprised that most messengers are men'*. By all accounts this is true with regard to teacher union representatives in the development of SASA and policy making generally. Women are seldom elected as representatives of teachers in policy making fora both within and outside unions (see, for example, Govender, 2004).

Teachers' 'expertise' is reflected in the policy inputs and submissions made by teacher unions. It is derived from knowledge accumulated from their practice in the classroom and related activities, which are echoed in teachers' concerns about their marginalization from policy making (see Chapter Eight) and in the ability to articulate particular positions by union officials. It has been argued in this thesis that NAPTOSA was able to utilize this 'expertise' more effectively than SADTU because of their particular histories. This experiential 'knowledge' does not necessarily translate into policy expertise, which is more of an applied skill to a domain quite different from teaching (hence policy makers' and teacher unions' tendency to commission academics and policy experts). Nevertheless, teachers' first-hand knowledge can contribute immensely to a deeper understanding of education policy issues, especially school-based issues. It is for this reason that there is a strong argument for teacher unions to be consulted on policy

matters, especially with regard to policies that affect them directly, for example, curriculum and school governance policies, aside from the political motivation for teacher unions to be involved in democratic policy formulation processes. However, as argued earlier, the knowledge and 'expertise' that teachers bring to the policy arena is highly contested given that teachers and their organizations mirror values and opinions of the public and are, at best, subject to negotiation.

NAPTOSA and SADTU seemed to have had different conceptions of the notion of expertise. Among the traditional unionist leadership of SADTU, was the view that the expertise of academics and policy analysts was disempowering and synonymous with the power exercised by specific interest groups in the policy process. NAPTOSA, especially its White affiliates, had been more pliable to using the knowledge of academics. This was partly as a result of a long association with like-minded academics, many of whom are members of NAPTOSA. A related concern in the development of SASA was NAPTOSA's perception that the views of researchers and academics were given more weight than the organized profession. This relates to the legacy of government consulting primarily with 'professional' teacher associations when it came to policy development in the previous political dispensation (see section 4.2.1.). With a more inclusive, democratic policy process, teachers were no longer privileged as the primary stakeholder in education. The notion of expertise, therefore, has been far more nuanced; and teacher unions may enjoy an ambiguous relationship with policy experts. Nevertheless, the value of consulting policy experts is widely recognized by teacher unions today. This has been one of the lessons especially for SADTU, given the Department of Education's increasing reliance on external experts/consultants over the years, and the related perception by teacher unions of a lack of government consultation and involvement in policy making. A recently released research study by SADTU underscored the following point:

*When a specific issue requires an intervention, the Education Minister is more likely to hand-pick a committee of experts, which then compiles a report that goes to the Minister for a decision. The overall process around the reports is usually one driven by the department rather than through bottom-up processes that facilitate broad consultation in the*

*sector. Although the individuals picked are usually very skilled and capable, the process can reduce consultation and participation to a formality (NALEDI, 2006: 11).*

An organizational strength of NAPTOSA was its ability to convince a sceptical government of its loyalty and commitment as well as the value that should be attached to 'professionalism' in the realm of policy development. The federation's willingness to respond positively to various government invitations relating to the formulation of SASA and other policies did not go unnoticed. As such, the federation responded timeously in making written submissions, and where there was inadequate time, requested for an extension, thereby demonstrating its commitment. The federation also kept up a steady flow of communication between itself, the Ministry and the DoE, and did not hesitate to remind the government of its support and educational and professional worth:

*1.3 As the representative of professional educators, NAPTOSA is politically non-aligned and is loyal to the Government of National Unity (GNU). It is also committed to the broad principles of the Reconstruction and Development Programme (RDP) and wishes to be an active participant in the programme. NAPTOSA feels duty-bound to give effect to an education policy which was established democratically, but at the same time it maintains the right to state the profession's point of view from a professional angle, based on the interests of teachers and pupils and to serve the cause of education within the framework of a state governed under a rule of law...; [and]*

*1.4 ...The teacher is the greatest single element which determines the successful advancement of education provision and the standard of education. Therefore it is a basic requirement that the profession participates fully in the planning, management, control and provision of*

*education, as well as in the transitional process towards a new education dispensation (NAPTOSA, 28 November, 1994)<sup>138</sup>*

SADTU's experience in protest politics, on the other hand, ensured that the Union had the necessary expertise to effectively organize resistance and mass action campaigns whenever it had to. However, this organizational strength of the Union became less of a weapon because of its alliance with the ANC ruling party, which compromised the Union's independent stance on a number of issues relating to SASA (cf. Chapter 6). Addressing the SADTU 3rd National Congress in July 1995, the Union's Acting-President, Duncan Hindle, captured the sentiments of many in the Union from the mid-1990s onwards:

*...the operation of the Union has become a critical area of concern. As the education partner of government committed to consultation, we are increasingly called upon for inputs and commentary on many aspects. The politically informed responses of the past will no longer serve – we need something far more sophisticated. We have grown up and should reflect this new status. Not through a boardroom approach, but by noting the crucial distinction between being a mass-based and a populist organization. Our base will remain with the masses, but we must exercise reasonable leadership through the careful consideration of all matters. I am therefore pleased to announce that the Union has agreed in principle to establish a Research Office to service the needs of the Union. This should contain full-time staff, as well as opportunities for temporary secondments and attachments for members to work on particular projects (SADTU, 1998:26)<sup>139</sup>.*

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<sup>138</sup> NAPTOSA National Archives, Pretoria, NAPTOSA Memorandum: *Education in Transition*, 1994, forwarded to President Nelson Mandela, the two Deputy Presidents, FW De Klerk and Thabo Mbeki, and the Minister of Education, Prof. Bengu in the Government of National Unity (GNU) and made available in both the English and Afrikaans languages.

<sup>139</sup> SADTU National Archives, Matthew Goniwe House, Johannesburg, SADTU 4<sup>th</sup> National Congress, 6-9 September, 1998, Item 6.0 Minutes of SADTU 3<sup>rd</sup> National Congress, July 1995, Annexure A, *Address by the Acting President – Cde Duncan Hindle*, pp. 23-26.

While Hindle seems to have been addressing the 'professional' organizational demands placed on SADTU in the post-apartheid era with references to "more sophisticated" policy inputs, the exercise of 'reasonable leadership', the establishing of a 'Research Office' and creating opportunities for project 'secondments and attachments', there is also a strong sub-text of the political and unionist commitments that was hampering SADTU's influence in the policy arena, notably references to "*as the education partner of government*" and being a 'mass-based' organization. Central to its repositioning during South Africa's transition to democracy, in spite of the above tension, was the realization that as a professional teachers' union it needed to raise its level of policy preparation, develop its capacity and expertise and ultimately, become more resourceful and imaginative in challenging for a stake in policy making. Unfortunately, the Union was unable to make this shift until after the development of SASA. This was a severe constraint on SADTU's power to influence the development of SASA.

While SADTU has made some progress in addressing shortcomings relating to policy capacity and professional development issues generally, there is a perception that the Union has once again become too focused on labour issues. Six years later, from the vantage of being an outsider, Duncan Hindle, reminisced as follows:

*...it's true to say that, post-'94, SADTU has become more narrowly labour oriented. Its focus has been largely around conditions of service, employment issues and in fact the policy engagement has not been particularly strong. I think there are structural problems in the union - the education desk has not been strong... so in a way the education policy has dropped off the agenda of SADTU, it's not a big issue (Interview with Duncan Hindle)<sup>140</sup>.*

One could add that SADTU's Research Office has, since its inception in 1998, been staffed by only one researcher. For an organization the size of SADTU, with a membership of over 200 000, one researcher and between two to three education

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<sup>140</sup> Interview with Duncan Hindle, former SADTU President and now Director-General in the DoE, 14 December 2004, Pretoria.

specialists at any given time, the question of adequate policy capacity appears hardly resolved.

### 9.3.3.2 Civil-society and state organs as sources of teachers' organizational capacity

Apart from the resources within its own ranks, teacher unions' also benefit from the organisational capacity of partisan allies in civil society. An important part of teachers' organizational basis is its location within the broader agency of civil society and teachers' strategic alliances with policy makers and politicians. Teachers' power to influence policy making appears to be more effective when alliances with other education stakeholders are formed, when their interest is advanced as a collective interest of civil society, especially parents whose support is critical for the legitimisation of particular policy options. This kind of networking is reminiscent of the importance attached to networks in education policy making in Britain through "*the creation of organizations, and the formation of innovation-producing alliances*" (Raab, 1992: 83). The White affiliates of NAPTOSA understood the importance of this collaboration with parental interests. SADTU, ironically, given its record of championing the cause of the oppressed working class, was accused of acting against the interests of mainly Black parents (see section 6.6.3). In the case of SASA, besides parents, teachers have cultivated networks with students, religious bodies, politicians, policy makers and other state functionaries.

SADTU continued its close working relationship with the Congress of South African Students (COSAS) which had been forged during education protests of the 1980s. The White Afrikaans-speaking teacher affiliates of NAPTOSA worked closely with the Federasie of Afrikaans Kultuurverenigings (Federation of Afrikaans Cultural Organisations) (FAK) in their mobilization initiatives against key aspects of SASA, especially clauses relating to language and religion. The participation of teachers "*as collective actors in organizations and in policy networks that represent a professional interest in the policy process*" (Raab, 1992: 87), therefore, constitutes an important dimension of teachers' involvement in policy making.

As individuals, many teachers are members or supporters of particular political parties, and SADTU has, since its founding, allied itself to the ruling African National Congress. As is the case elsewhere in the world, for example, Argentina and Mexico (Murillo, 1999) and England (Lodge & Blackstone, 1985), political party contacts and influence are crucial in shaping the outcomes of policy making and both NAPTOSA and SADTU engaged in extensive networking with politicians especially during the legislative phase (see sections 6.6.3 and 7.6.3). In this study, it was evident that SADTU, as an ally of the ANC ruling party, had easier access to the policy making organs of the state than its rival, NAPTOSA. For example, the political adviser to Minister Bengu, Thami Mseleku, was a former SADTU Vice-President, who attended the ANC Education Study Group Meetings where key debates and policy decisions were made by the democratic movement. SADTU, as a member of the MDM and ANC Education Alliance was represented on the ANC Education Study Group whose chairperson, Blade Nzimande, was also chairperson of the Parliamentary Portfolio Committee on Education (PPCE) (see sections 6.4.2.2 & 6.6.3). Three of the most influential ANC MPs that served on the PPCE were former SADTU leaders, namely its first President, Shephard Mdladlana, ex-General Secretary, Randall van den Heever and one of its Vice-Presidents, Ismail Vadi. Therefore, SADTU was central to the ANC's education policy making machinery. As SADTU's then President, Duncan Hindle opined:

*we've put our own people in Parliament, in the Department, it's our Minister, our Thami [Mseleku] is advising the Minister... there was a degree of confidence stemming from the realization that we've finally elected a democratic government, we've got people in Parliament, in the bureaucracies, and so on. It's not our job anymore... we knew that our government had our particular view on the issues and we had a lot of confidence in them to say "Look, they know what the agenda is here and they will come up with the sort of Schools Act we want" (see section 6.6.2)*

Within SADTU, there was a feeling that their views would be advanced by politicians and policy makers belonging to the ANC Alliance. As a result they could afford to stand

back from certain policy processes, such as SASA. A recent study on SADTU's impact on education policy noted, in similar vein, that the close relationship between the ANC-led Government of National Unity and Alliance members in COSATU facilitated a period of genuine consultation and co-operative governance in the policy arena, notably with regard to SASA and Curriculum 2005 (NALEDI, 2006). As Torres (2000) notes, teacher unions often build alliances with other unions in the public and industrial sectors, and with political parties because, "... *being part of a labour association or a political party provides teacher organizations with class and ideological identities, and with greater powers to influence educational policies*" (Torres, 2000: 10). However, this study reveals that policy making processes are seldom smooth, and the appearance of consultation and cooperation may often mask problems related to process and power struggles (cf. 9.4.2.2).

Under the apartheid government, it was the White affiliates of NAPTOSA, especially the Afrikaans-speaking unions that had the inside track to the policy making machinery of the state. The reality and politics of policy work, however, revealed a more complex picture, especially once the ANC became the ruling party in government. In spite of the political ascendancy of SADTU and its allies, it was the politically hostile, predominantly White unions, under the umbrella of NAPTOSA, and their supporters, not SADTU, that had a greater impact in shaping the development of SASA under the ANC government. This was largely because the White affiliates of NAPTOSA who stood to lose the most in the process, exploited every opportunity for resisting and influencing the development of SASA. This included the submission of written inputs, meetings with the Ministry and Department of Education, lobbying of key individuals and political parties, and, particularly, making full use of the Section 247 public meetings to register their opposition and protests against key aspects of the Schools Bill in May and June 1996 (see Chapters Five and Seven for details). Moreover, their task of shaping the outcomes of the SASA policy process was made easier because of the government's privileging of the notion of 'policy as expertise, which tended to favour NAPTOSA's influence in the process. Here, the professional background and experience of its affiliates in policy work proved useful. Several of NAPTOSA's mainly White affiliates had the benefit of making

policy inputs under the previous regime, which included an understanding of the legal and technical dimensions of policy work.

Therefore, the cultivation of strategic partnerships and networks with a range of allies, especially political parties and parent bodies, has been a strong feature of teacher unions' agency, and has contributed substantively to their organizational capacity. As Jones (1985: 241) argues, "*professional traditions lock into and reinforce the union's reliance upon the achieving of educational progress, not through combativity or political partisanship, but through alliance with the broadest possible forces*". The findings in this study, therefore, depart from research in Argentina and Mexico which found that both union leaders and government officials have partisan identities, preferring to deal with their allies rather than with counterparts in the opposition. NAPTOSA, for example, cultivated working relationships not only with like-minded allies in opposition parties, but also sought to win over members of the ruling ANC, whom it was ideologically and politically opposed to.

A significant part of teachers' organizational strength also derives from teacher unions' cooperative relations with the state in policy making, in spite of the inherently contested nature of this relationship (Apple, 1989; Ginsburg et al, 1995). As such, the many fora provided by the state for teacher unions to participate in, such as conferences and serving on policy committees provide teachers with opportunities to exercise and nurture their skills and expertise in the policy domain. The alternative would be total exclusion from policy making which is largely state-driven. The danger of this avenue is that state initiatives have their own particular agendas, and teacher union representatives can be easily swayed to change positions or be coopted. This was the experience of the SADTU representative who served on the Review Committee (cf. Chapter Five) and the union's experience during the parliamentary process in meetings of the Parliamentary Portfolio Committee and the ANC Education Study Group (see section 6.6.3).

Nevertheless, although teacher unions are consulted, many teachers and rank and file union members viewed policy making at the national level as something far removed from their classroom realities. There appears to be limited effort on the part of

government to effectively communicate information on policy debates and issues during *the process of policymaking*. For policy makers in government, there was an underlying assumption that teachers would participate through their organizations, and that the onus of securing grassroots involvement lay with teacher organizations. Although unions make efforts to keep members abreast of policy developments, through newsletters and other media, this is usually inadequate for teachers to meaningfully engage with often very complex policy questions. Two of the teachers interviewed gave vent to their frustrations in this regard:

*Information - we don't have much information on policy and we don't know what the people on top there want us to do (Interview with Teacher 1, School 3).*

*What hampers teachers is they get these newsletters, they get the policy, but it's written in a language which is not very user friendly (Interview with Teacher 2, School 3).*

This shortcoming is underlined by the erroneous assumption that if teacher unions have been consulted then the views and concerns of the national polity of teachers have been considered. In this regard, teachers who are members of unions have questioned the efficacy of having to rely on union representatives to advance their views and have emphasized the need for greater involvement at the grassroots level. Considerable effort, therefore, is needed to engage the grassroots teacher in policy making to address issues of isolation, self-esteem and personal growth. As one of the teachers suggested:

*Policy makers should really look at the training of teachers, because it's one thing to hand down policies, but from my experience with the course in Teaching Management there are barriers and gaps that many teachers experience. It's not that they don't want to do what's being handed down from the top, but it's just that they've never been trained, that they don't have the skills to do that - they lack skills. It might be a long winded process, but I would say start with training teachers to*

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*show them how because teachers are actually so overloaded with work that if they still think they have to do some things as an extra-curricular activity where they have to go and attend these meetings and stuff, then it's just too much, it just overwhelms them and they are perfectly happy to say, "Okay, no we'll just send one representative" or "The headmaster can go, we trust him, let him go" (Interview with Teacher 2, School 3,).*

For grassroots teachers then, access to 'user-friendly' policy information and exposure to policy analysis training are seen as critical to enhance teachers' meaningful engagement with policy making processes.

#### 9.3.3.3 Strengths and weaknesses of teachers' organizational capital

The organizational basis of teachers' participation in the development of SASA has revealed both strengths and weaknesses. Firstly, well-functioning organizational structures and policy expertise within the ranks of teacher unions are seen as critical. In both these areas, NAPTOSA and its affiliates were in a stronger position than SADTU. Secondly, teacher unions' organizational strength benefits from close relationships with other policy actors. As such, teachers' ability to influence policy is linked to the web of relationships cultivated and nurtured by them, both in the spaces located within civil society, the education bureaucracy and the state's political machinery.

A third source of teachers' organizational space is that provided by state fora. Participation in state-initiated policy activities, however, can be double-edged as teacher unions can either exert considerable independent influence on the course of deliberations or may be persuaded to change their positions, sometimes leading to their marginalization and even cooptation. While teacher union representatives benefit from their relations with organs of civil society and the state, much remains to be done to improve the participation levels of grassroots teachers. Indeed, as stressed elsewhere in the chapter, the isolation of the majority of teachers from policy making emerges as a particular challenge for both government policy makers and teacher unions alike.

#### **9.4 Policy outcomes of participation**

An overarching objective of the study was to assess the extent to which teachers' participation is able to influence and shape the policy making process. This is the basic reason why policy actors generally participate in policy making. However, the study indicates that there are other benefits from participation that go beyond the intention and hope of influencing policy. In particular, the study points to a strong learning dimension associated with participation. This has drawn attention to the importance of teachers' social practices (as teachers, as members of unions and members of the community) in policy making processes. Therefore, the outcomes of teachers' participation in policy making assume broader proportions, and is not confined to policy influence alone. Teachers' participation acquires new meaning through policy learning, organizational learning and ultimately, social learning.

##### *9.4.1 Influencing policy making*

*I would like to claim a strong influence of the unions, but given the final shape of the Schools Act I don't think we can say that the unions necessarily improved it in the way that they might have liked. (Interview with Duncan Hindle, ex-SADTU President).*

One of the challenges in assessing teacher unions' influence on policy making is the scarcity of literature and research on the subject (cf. section 2.5). In addition, as Lodge & Blackstone (1985) point out, it is extremely difficult if not impossible to prove influence. In spite of these methodological handicaps, this section presents an analysis of teacher unions' influence on policy making based on this study.

Although teachers' participation in policy making has the potential to influence the final shape and content of policies, they are often not able to because of the politics and power relations underpinning policy making. On the surface, the data suggests that teachers, especially teacher unions, had a substantial influence on the development of SASA. Specific clauses, for example around school governance and the powers and functions of

governing bodies, reflect both the written and oral inputs made by teachers (cf. Chapters 6, 7 and 8). At the same, teachers are confronted with a number of constraints that limit their impact on policy. Primary among these is the competing agendas of the various policy actors, especially the education state. This section looks more closely at this and other factors that mediated the degree of teachers' influence on the development of SASA.

#### 9.4.1.1 Competing (and converging) agendas

In broad terms, there were two main competing agendas relating to the development of SASA: the agenda of the ANC Education Alliance (representing the aspirations of the democratic movement) and the agenda of the White Model C lobby (representing the interests of the privileged White community). Teacher unions on either side of the political spectrum belonged to one or other of these broad camps. Nevertheless, teacher unions had their own independent agendas, in spite of having common goals and aspirations with other constituencies. There were also particular discourses peculiar to teacher unions that dominated policy deliberations relating to SASA. Within SADTU, influenced by its affiliation to COSATU, there was a strong pro-free education discourse and a strong anti-neoliberal economic policy sentiment that influenced many of its policy positions. Within NAPTOSA, on the other hand, the 'education decentralization' discourse was central to shaping many of its policy positions. The federation also had to mediate competing agendas on the language question within its diverse constituency, which shaped the degree of membership cohesion, and, ultimately, determined which issues relating to SASA were pursued in debates with government and in the public domain.

A powerful mediating agenda that cut through the two broad agendas was the character of the post-apartheid education state; especially its developmental tendencies (cf. section 2.2.4). It is argued that central to the state's developmental character was a privileging of the discourse of compromise and reconciliation. In the analysis that follows, these various competing agendas will be elaborated upon in an attempt to highlight how they impacted on the emerging notion of teachers' participation in the development of SASA and the

degree of teachers' influence in the process. The analysis covers in broad terms the agendas of the two main competing alliances, the agendas of teachers themselves and the state's agenda, expressed through the state agencies of the Department of Education and Parliament charged with policy making and legislative responsibilities, respectively, that shaped teachers' participation.

*a) Main competing agendas*

The agendas of the ANC Education Alliance (representing the aspirations of the democratic movement) and the agenda of the White Model C lobby (representing the interests of the privileged White community) constituted the main focus of attention in the development of SASA. The main thrust of the ANC Education Alliance's agenda was to ensure the transformation of education in South Africa from an authoritarian and racist system to a non-racial and democratic one. This was encapsulated in the Alliance's Reconstruction and Development Programme (RDP) (cf. section 4.3.3). One of the main aims of the RDP was to make education accessible to all South Africans, especially the historically-disadvantaged Black majority. The South African Schools Act was seen as the main vehicle for transforming the schooling system in contributing to the broad education and training programme as envisaged in the RDP document. Organisations, such as SADTU, COSATU and COSAS were all committed to the implementation of the RDP which influenced their submissions and inputs in the development of SASA. As such, the ANC Education Alliance's advocacy of free and compulsory education, COSATU's criticism of neo-liberal economic policies, and demands for the abolition of corporal punishment were all symbolic of the progressive and democratic policy intentions of the liberation movement led by the ANC.

On the other side of the political spectrum was the White Model C lobby, which proved to be the most powerful lobby during the policy making process of SASA. Part of the lobby's success can be attributed to the discourse of education quality, linked to the notion of 'decentralisation' that they projected. In this regard, the Model C lobby, including White teacher organizations affiliated to NAPTOSA, advanced the argument that former White Model C schools provided the basis for a quality schooling system for

all, and that poor and under-resourced schools are developed to reach the standards set by the former. For example, within NAPTOSA, it was acknowledged that an important challenge for the organization was to convince government of the merits of Model C schools – that it was in the best interests even of the historically disadvantaged majority. The federation argued that the principle of maximum devolution of power be maintained and where there was a lack of expertise, for example “*in the Black community there must first of all be a skills development programme, an empowerment programme*”, involving interaction with the more privileged White schools to facilitate a “*progressive growth in the devolution of power to all the public schools*” (Interview, Koos Steyn). This argument gradually gained currency within ANC political and education department circles as the process of SASA's development unfolded (cf. section 5.3.3).

These two broad agendas formed the cornerstone of stakeholder contestation in the development of SASA and were reflected in the agendas of teacher unions and state organs. Ultimately, teacher unions' influence in shaping policy outcomes became intertwined with the state of play between these broad agendas and the ability of key policy actors within civil society and state organs in articulating their own related agendas.

### ***b) Teachers' agendas***

Of all the reasons that emerge from the study, the influence of particular discourses and adherence to particular ideologies probably constitute the most powerful motivation for teacher organizations to want to participate in policy making. In this regard, the ideologies of professionalism and unionism have been key drivers behind teachers' participation in the development of SASA.

An important aspect of teachers' professional identity is their concern and involvement in education policies that impact their lives and work as teachers (cf. sections 2.4.1 and 2.5). For a long time, this has been achieved through the establishment of teacher associations and unions to advance the course of teachers. Teacher unions' very existence and survival depends on the extent to which they are able to protect the interests of their members in

the education sector. The most common way of demonstrating this professional commitment is to engage with policies that affect teachers' work and lives. The professional impulse that drives teacher organizations therefore was central to both NAPTOSA and SADTU's involvement in the development of SASA.

Teacher unions' agendas were also strongly influenced by particular discourses that prevailed within their organizations and that shaped public opinion at the time of SASA's development. Two powerful, inter-related discourses shaped the broad agendas of policy actors in the development of SASA. These were the discourses on education decentralization, closely related to issues of education quality and efficiency, and the discourse around neo-liberal economics and its implications for education. Osei and Brock (2006) capture the interconnectedness of these two powerful discourses that developing countries have been unable to ignore. The authors identify three moments relating to education development and decentralization that populate contemporary thought on the subject. These are as follows:

- the degree of de/centralization driven by tradition, that is “context-specific cultural issues such as national geography, language, religious involvement and the educational organization of the former colonial power”;
- the ideology of neoliberalism and the minimization of the state as an actor, “where some form of decentralization is a necessary precondition for the creation of the markets in education”; and
- the idea of a social market, in which “notions of good governance and local accountability have become valued not just as means to an end, but as desirable in their own right” (Osei & Brock, 2006: 438).

The inherent contradiction in these powerful ideologies was aptly captured by Torres “According to the confusing logic of decentralization, education should be a decentralized market in a centrally controlled system” (2000: 3). Similar debates on globalization, decentralization, fiscal austerity and governance characterized the South African policy arena (Oldfield, 2001). As observed in Chapter Four (cf. section 4.5), discourses relating to decentralization and economic neoliberalism resonate with the

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discourse around the 'global' and the 'local', and the influence of teachers' and other policy actors in education policy making is best understood within this discourse (see e.g. Chisholm, 1999 and Marais, 2001).

This de/centralization mantra, with its global ramifications, has had particular implications for teacher unions:

*On the one hand, countries are centralizing certain educational services, setting national goals, agendas, curricula, standards and evaluations. This leads to a loss of professional autonomy and opens the possibility of governments exercising more control over democratic unions. On the other hand, administrative decentralization, together with the privatization and quasi-privatisation of supply, are fragmenting constituencies and thus inhibit the possibilities of building large and powerful organizations. (Torres, 2000:3)*

The de/centralization discourse was central to the development of SASA, with teacher unions locating themselves on different sides of the debate. NAPTOSA adopted an essentially pro-decentralisation stance, which became manifested in its submissions on particular clauses of the Schools' Act, for example:

*That governing bodies should have the right to appoint and employ educators and other staff for short periods provided it is done out of the school's own budget (cf. section 7.6.2 for more details).*

SADTU's position, on the other hand, indicated a strong pro-free education discourse, reinforced with an equally powerful anti-neo-liberal economic policy sentiment. For example, in the Union's response to the Review Committee Report, SADTU criticized the Committee's school funding proposal for representing a "*retreat from the ANC's pre-election position of "free and compulsory education", and call[ed] for the first 10 years of schooling to be free of user charges*" (cf. section 6.6.1). The Union also supported the critique of the User-fee model that had been proposed by the DoE for its favouring of a

middle-class constituency and not been responsive to the majority of South Africans who were poor (cf. section 6.6.2).

As such, there was a strong correspondence between teacher unions' agendas and those of the two broad camps of opinion that existed in the minds of the South African public.

### ***c) The state's agenda***

The main argument presented here is that the state's policy agenda was located fundamentally within the context of a developmental state, seeking to transform society without in any way creating serious ruptures that would threaten economic growth and socio-political stability in South Africa's emerging democracy. In this context of a government desirous of political stability and economic growth, it is not surprising that the policy making process of a key piece of education legislation, the SASA, became characterized by compromise and consensus-seeking. A related argument is that the state's agenda was not totally independent of the agendas of other policy actors, such as teacher unions.

The 'education' state has been defined as encompassing the national Department of Education, provincial education departments, district education authorities and school management, wherein the role of the principal as institutional leader has been highlighted (see section 2.2.1). In this study, the state's political agenda was apparent in the work of three key organs of state, namely, the Ministry of Education, the Department of Education and Parliament. Although the Ministry of Education and the Department of Education are associated with separate functions, namely political and administrative responsibilities, respectively, their roles in the development of education policy are closely related. Bureaucratic administration is not a politically neutral exercise. As Fuller (1991: 113) claims, "*political elites within the ...state often do penetrate the school's boundaries through administrative practices*". In the development of SASA, the political will of the state did not only reside in the Ministry of Education, it was also channeled through the administrative arm of the state, namely the Department of Education. Therefore, there is a thin line between the political and administrative arms of the state.

The Ministry of Education was largely responsible for laying the political groundwork that was necessary for the Department of Education to proceed with the formulation of the South African Schools' Act. The first significant political action taken by the Ministry of Education was the appointment of the Review Committee in 1995. The Committee had been appointed by the Minister; its composition was representative of a broad spectrum of political viewpoints and its main task was the achievement of maximum consensus (see section 5.3.1). The role of the Ministry was underscored by Thami Mseleku, who was an Advisor to Minister Bengu at the time:

*...my role was critically to ensure that whatever came out of the [Review Committee] proposals would be owned by particularly the democratic movement; I was playing more of a political role at the time*  
(Interview with Thami Mseleku).

In elaborating this position, Mseleku emphasized that the constitutional principles on education, the ANC Yellow Book and White Paper 1 (cf. sections 4.3.1 and 5.2.1) were all used as benchmarks to guide the Ministry and Department's thinking and subsequent decisions. One of the Directors in the Department of Education echoed these sentiments:

*There was no way in which we could avoid or ignore the constitutional arrangements or the principles that were outlined in the constitution*  
(Interview with Chris Madiba)

Within the DoE itself, policymaking was shaped both by government policymakers and legal practitioners. The upshot of their close cooperation was to weave together the transformation goals of education policy and the legal and constitutional imperatives imposed by the political negotiations at CODESA. In this way, the state was able to determine the parameters of its policy making power, which its functionaries in the DoE would exercise. This approach fed into the state's overall inclination for compromise and mediation of diverse interests, which had become imprinted in the national psyche of the South African citizenry through the progressive and reconciliatory symbolism enshrined

in the country's democratic constitution, the Truth and Reconciliation Commission, the Human Rights Commission and other entities. There were therefore strong political and constitutional dimensions that underpinned the agendas of state institutions in the policy development process of SASA.

Above all else, the legislative dimension of the education policy making process ensured that the state's agenda of compromise and consensus-seeking prevailed. The South African education state's mediating role was also reflected in the role and functions of the structures of Parliament. These were the Parliamentary Portfolio Committee for Education and the National Assembly. As detailed in Chapter Five, Parliamentary Portfolio committees have as their main function the "*passage of legislation through Parliament by facilitating discussion, holding public hearings when necessary and deciding on any amendments to bills before they pass into law*" (Nzimande & Mathieson, 2003: 23). Significantly, Parliament had agreed in 1994 that the RDP, as well as the Interim Constitution, would form the policy model to guide government legislation. As such, Members of Parliament (MPs) in all portfolio committees were required to use the model as a guide in the legislative process (Pandor, 2001).

In the case of SASA, although teacher unions and other interest groups made good use of the opportunities for participation, the political parties represented on the portfolio committee were the final arbiters of amendments to the Bill. A further process of arbitration and mediation by political parties occurred when the Bill was presented before Cabinet in the National Assembly for debate. As noted in earlier chapters, the Schools Bill was debated twice by Cabinet before it was passed into legislation; in the process undoing much of the earlier influence of teacher unions on both sides of the political spectrum. The Schools' Act was, therefore, subjected to fine political scrutiny by political parties represented in the Government of National Unity before it became law.

Central to the state's agenda of compromise and consensus-seeking was the belief that it would be important to retain the support of the middle-class, including an emerging Black middle-class, for the viability of the public education system. The latter position was closely linked to the government's embracing of neoliberal economic policies (cf.

9.2.2.2). In particular, the decisions by the ANC-led government to allow schools to charge admission fees and to allow those schools that could afford it to employ additional teachers, which meant mainly White schools, was an acknowledgement of the role of the middle-class in supporting the public education system. The ANC-led government had therefore accepted that policy for a new schooling system in South Africa would be shaped by market forces which constituted the underlying principles and values of the proposals regarding school fees and admission policies made by the Model C lobby (cf. section 7.6). There were, therefore, equally compelling economic and ideological considerations that came to underpin the state's agenda.

The state's agenda, although not identical to, corresponded to certain aspects of the agendas of teachers' unions. To some extent, teacher unions were able to influence the development of SASA because their positions were not substantially different from those of the government; where they differed fundamentally, it was inevitable that contestation would mark the process. One of the teacher union leaders in Gauteng seemed to agree with this viewpoint:

*I must be honest and say that we were closer to the authorities and their perspective - their perspective and ours matched - and so the tension wasn't between ourselves and the ministry, the tension actually was between groupings that had different philosophies, for example, those who wanted teachers to be the dominant force within the governing body (Interview with Dave Balt).*

The government's neoliberal economic policy that prevailed at the time, for instance, favoured the interests of the influential White teacher union affiliates of NAPTOSA, who were concerned that the privileged status of their schools be left intact. At the same time, the ANC-led government stood firm on certain areas of policy in keeping with its agenda of the democratic transformation of the education system. These included policy decisions at the end of the SASA process to ensure that language and religion not be used as exclusionary measures in school admission policies, the abolition of corporal punishment in schools and the termination of the prefect system in favour of student

representation on SGBs. These inclusions in the final version of SASA was seen as a victory for the agenda of SADTU and the democratic movement as a whole. The state's agenda therefore was not divorced from the agendas of teacher unions and influential sectors in civil society, but in reality reflected these competing agendas within society. This blending of state and civil society agendas was aptly captured by Maclure (1976, cited in Dale, 1989):

*At every level, the public and the private, the political and the professional should interact to reflect a relationship which does justice to the splendidly confused, complex but organic connexion between education and society (Dale, 1989: 94).*

Or as Bonal (2000) suggests it is important to understand both the impact of the agendas of civil society groups on the state's educational agenda and the impact of state policy on the political survival and intervention strategies of social groups (cf. section 2.2.2). This reflects the possibility of a dialectical relationship between state and society. As Oldfield (2001: 50) argues, "*it is a question of catalyzing the resources and energies of civil society and the private sector in the interests and according to the goals of the state's principles for reconstruction and development*". As intimated in section 2.2.4, the South African state that had started to emerge post-1994 was driven by a strong developmental tendency, which recognized the importance of the 'autonomy' of the state from social forces so that it can construct long-term economic policies without succumbing to narrow private interests (Mkwandire, 2001). This became apparent in some of the utterances made by Department of Education officials, for example:

*We were not going to limit ourselves to looking at the short term, but we had to take a long term view ... (and this would in part answer then the perception that the South African Schools Act favoured the privileged). But what newspapers didn't see or did not seem to appreciate is that you needed to be developmental in approach to underscore the direction the education system was going. You therefore [have to] set in place processes to reach the horizon or to reach that beacon. What the*

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*Act then did was to say it is not only in the legal framework, but it is in fact a forward looking piece of legislation* (Interview with Thami Mseleku, ex-Director-General, DoE ).

There was therefore some appreciation within the DoE that policymaking was not to be easily settled and that transformation of the school system would be a phased process, dependant on political and economic conditionalities. In the words of Oldfield:

*We have to recognize that there are external factors that are bound up in the complexities of globalization. In addition, there are internal factors woven both from the legacies of apartheid that need continual radical transformation and from the diversity of new relationships, identities and issues that spring from this post-apartheid period* (Oldfield, 2001: 51).

As such, the South African state post-1994 gave emphasis to the notion of a developmental state that sought to achieve transformation and growth simultaneously, and to implement policies designed at achieving diverse goals – growth, equity and democratization. This was evident in the thinking of the ruling ANC and its allies, who sought a consensus between those “*who see a strong state as necessary to get the balance right between public interests and the capitalist market and those for whom a strong public sector combines with embedded traditions in the liberation movement of participatory democracy to become part of a far more ambitious transformational agenda*” (Southall, 2006: xxviii-xxix) (cf. section 2.2.4 for details). This view stressed the capacity of the state to reconcile conflicting interests and to pursue its goals democratically. In the development of SASA, therefore, the state's economic growth agenda coincided with NAPTOSA's position on neoliberal school funding and decentralization policies, while it simultaneously recognized SADTU's positions on democratization of school governing bodies and the caution needed to ensure that language and religion not be used for exclusionary purposes. Teachers and their unions' influence on the development of SASA were therefore part of a broader process of state legitimization underpinned by both global and local demands.

#### 9.4.1.2 Ideological contestation

Although not overtly an arena of contestation as was the case in the 1980s and early 1990s, the professionalism/unionism debate played itself out in processes of organizational development and teacher union fragmentation since 1994. This has impacted teacher unions' engagement in the policy process. In particular, the continued fragmentation of the teachers' union movement in South Africa has impacted the degree of influence teacher unions have had in the development of SASA and education policy generally. Teacher union fragmentation, it is argued, lies in the historically divergent attitudes to the ideologies of professionalism and unionism, and to the different traditions of policy intervention strategies that NAPTOSA and SADTU have been associated with (cf. sections 4.2, 6.2 and 7.2). Central to the degree of impact that the two formations have had on the policy making of SASA, was the ability and adroitness to adapt to the changed political and educational landscape in the 1990s. This involved a re-examination of traditionally-held views on unionism and professionalism, which sowed the seeds for a trend towards 'professional unionism' (a notion attributed to Kerchner and Mitchell, 1988) in determining the nature of teacher union-state relations in recent times. As such, teacher unions have gradually accepted the idea of the complementarity of the two ideologies and have started to forge a new ideological approach based on professional unionism. Teacher unions in South Africa, however, had been constrained by the professionalism-unionism dichotomy in the early 1990s, a feature that was still evident during the development of SASA.

For SADTU then, the challenge was to develop an identity that blended traditional unionism with a more professional approach in developing an appropriate policy intervention strategy as a result of the changed nature of teacher union-state relations post-1994. Given the Union's strong unionist background, its initial focus was on labour-related issues, such as salaries and better conditions of service. By 1995, SADTU became quite concerned over its narrow unionist and political focus. As a result, the Union resolved to pay more attention to building policy capacity within the organization to meet the numerous policy challenges of the day. There was also pressure from its allies within

the ANC, especially those in the Ministry and Department of Education, for SADTU to be more proactive in this area. As such, SADTU's development mirrored the history of teacher unions elsewhere on the African continent, where there was a tendency to focus more on economic and labour issues rather than broader policy (see sections 2.5 and 6.5).

NAPTOSA's policy intervention strategy, on the other hand, was shaped by a broader concern to modify its organisational identity in response to the new, emerging democratic ethos in South Africa without forgoing its traditional organizational roots. In particular, with the processes of union fragmentation and loss of membership to its rival, SADTU, together with a less than congenial relationship with the new ruling party, the federation had to review its tactics to prevent its marginalisation in the policy domain. This translated into an organizational identity that stressed its professional contribution to the policy challenges faced by government, while simultaneously developing a more robust and militant organizational face.

#### 9.4.1.3 The importance of voice

Teacher unions generally attach much significance to the skills of their representatives in meetings and negotiations with government officials and policy makers, as well as to their abilities in the articulation of policy positions in written submissions. NAPTOSA's affiliates had sufficient experience in this regard in their interactions with pre-1994 governments, while SADTU was fast learning the importance of such skills. Their experiences in the policy making process of SASA were reminiscent of those of the National Union of Teachers (NUT) in England:

*The methods that the NUT employs to influence policy are various. They include direct dealing with departmental officials, deputations to ministers, planted parliamentary questions and membership of official working parties. At any one time it is likely to be represented on nearly a hundred bodies, including various unofficial groups as well as more formal official ones. By this means it may exercise considerable influence on policy questions, sometimes obtrusively but, more often*

*than not, in an unobtrusive way. It works through an extensive network of contacts, bringing pressure to bear on those with power or influence to get its views on a wide range of matters accepted. For example, there are a number of ex-teachers in the House of Commons, especially in the Labour Party. Moreover, the NUT actually sponsors several MPs...For the most part, the process is less visible and, as a consequence, open to a variety of possible interpretations (Lodge & Blackstone: 217-8)*

Although such participation has not guaranteed that the views of NAPTOSA and SADTU would influence the final shaping of SASA, it did ensure that their voices were heard. Many of the activities that teacher unions engaged in may be described as 'reactive' rather than 'proactive' modes of policy involvement, such as responding to invitations to make submissions or accepting appointments on policy committees. They are, nevertheless, regarded by teacher unions as critical avenues of policy engagement in spite of the perception by some union officials that serving on the Review Committee compromised their organizational positions because of its consensus-seeking agenda. Although participation in various forms does not guarantee influencing the outcomes of policy, teacher unions consider it important to have access to policy making mechanisms that give them a 'voice', so that at the very least, they are able to communicate policy positions, which in many ways intersect with the views and positions of partisan organizations in society.

It is worth noting that participation founded on the basis of representative democracy does not guarantee effective participation, even of the representatives themselves. Moreover, the most influential participants are not necessarily those closest to the echelons of power, but those who are well-prepared, articulate, combative, and "with the most to lose". These are the voices that get heard. There is also a big difference between access and influence – being represented on policy committees and having a voice does not necessarily translate into the influencing and shaping of policy outcomes. "*Only certain influences and agendas are recognized as legitimate, only certain voices are heard at any point in time*" (Ball: 1994: 16); thereby underlining the political nature of policymaking. As noted earlier, the experience of SADTU's representative on the Review

Committee was that majority interests had given way to accommodation of minority, privileged concerns (cf. section 5.3.3.2). This was not only as a result of the government's agenda of compromise and consensus-seeking, the ability and skill of representatives of minority constituencies also played a part. The Chairperson of the Review Committee recalled that the committee "*was on its guard about not giving too much weight*" to the better organized and well-articulated written and oral inputs of the established teachers' organizations. However, as the process unfolded, particularly during and after the Section 247 consultations, it became evident that the better articulated policy proposals (both oral and written) from the likes of NAPTOSA and FEDSAS were having an impact. This was reflected in the changes made to the second draft of the South African Schools' Bill. (cf. section 5.3.2.1) As such, effective representation and superior ability to articulate and register opinions do matter.

It does seem, however, that teacher unions will continue to place emphasis on having a voice external to formal government-established policy forums in order to pursue their own policy agendas and link them to the broader concerns of other social formations. The cultivation of alliances with like-minded civil society organizations and engaging in public protests constitute important tools of policy influence (cf. section 9.4.2.2). This is because participation in formal structures of policy making where teacher representatives sit around the table with state and other civil society interest groups implies a process of deliberation and negotiation (see section 2.7.2). In Pateman's description, teachers at best can lay claims to 'partial participation', that is, where participants can influence decisions but do not have the power to make them, and at worst, become victims of "pseudo-participation", wherein teachers might end-up merely 'rubber-stamping' decisions already taken because policy options are pre-decided because of financial, constitutional and political factors; in this scenario, an illusion of participation results (Pateman, 1970). As a result, contesting parties struggle to influence the outcomes of policy making, in various contexts, including the public domain, where the media plays a critical role in serving as the voice for the disaffected and disenchanting (Bowe et al,1992).

#### 9.4.1.4 The contested reality of policy influence endeavours

In spite of the opportunities to influence policy making, below the surface a more complex picture of teachers' participation revealed itself in the development of SASA. Teachers and their unions are often confronted by various constraints and challenges to participation. For example, teacher unions face the threat of cooptation by the state, resulting in an erosion of their autonomy and grassroots teachers are often marginalized from policy making. Teachers' concerns (or agendas) do not always coincide with those of the public or government. When this happens, there is contestation for ownership and control of policy making often leading to strained teacher-state relations. In this study, this contestation manifested itself in two powerful ways, namely in the form of partisan and non-partisan alliances and the tension arising from the ideological dichotomy between professionalism and unionism. As such, the ability of teachers and interest groups to influence policy is intrinsically constrained because of the nature of struggle and contestation implicit in policy making (Prunty, 1985, Ball, 1994). However, in an environment of fundamental transformation contestation becomes even more highly charged. This was the context within which the development of SASA occurred. Teachers' influence in the development of SASA was thus ultimately a product of the balance of forces competing in the policy arena. Policy is therefore "*contested and changed, always in a 'state of becoming'*" (Ball, 1994: 16).

Moreover, the super-competition represented by various interests in education can have negative consequences for stakeholders. Opposing and diverse interests within the educational sector reduce the collective actors' capacity to influence policymaking. However the same nature of educational demands makes the state's own legitimation in education policy making difficult:

*That is, although the actors' ability to influence the educational agenda is limited (although it is not the same for all actors) their expectations and their surveillance of educational policy influence the state's policy responses. Actors may not obtain a regular benefit from educational*

*policy but do limit the scope of the possible and 'thinkable' in decision making (Bonal, 2000: 213).*

Although SADTU's ability to influence the policy agenda of SASA was constrained by its alliance with the ruling party in government, and by its lack of policy capacity, the Union's articulation of pro-free education policies served as a reminder to government that its priorities lay with the interests of the historically disadvantaged Black majority. Similarly, NAPTOSA and its affiliates reminded the government not to sweep aside the interests of especially its White constituency in the building of a new education dispensation. In spite of not having the benefit of an historical alliance with the ruling ANC, NAPTOSA and its affiliates displayed sufficient resourcefulness to challenge for a stake in policy making, which included lobbying of key politicians, networking with government policy makers, protest action and legal challenges. In the view of one union official, it is in the nature of the politics of policymaking that certain interests are more vociferous than others:

*It's always easier to organise when you're objecting and opposing something than when you're supporting it. So the fact that NAPTOSA and others were much more vocal than those who might have been supporting what they understood as the direction of the Schools Act, I think it's understandable. If it had been something that was really going to hurt SADTU then I'm sure they would have responded very strongly too (Interview with Duncan Hindle).*

As such, teachers' actions can cause the state, within specific political contexts, to change its policies (Gewirtz and Ozga, cited in Ranson, 1995: 433-4).

However, the relative influence of teachers and their unions in policy making needs to be put in perspective. It is when the consultative process is drawn out across various policy making phases, as was the case with the Schools Act, namely, the Policy Generation Phase, and the Legislative Process, which comprised two sub-phases: The Section 247 Consultations and The Parliamentary Process Phase (cf. section 5.3), that interest groups,

especially those that have the most to lose, use the opportunities to influence policy making to the best of their abilities. This is reflected in the diversity of policy intervention strategies adopted by the White teacher union affiliates of NAPTOSA and their allies, comprising mainly parent governing body associations and opposition political parties, which they utilized whenever the opportunities arose. The disproportionate influence of White minority constituencies in the development of SASA led to the ANC government's re-appraisal of policy consultation and participation processes by stakeholders, and was one of the main reasons why the term of office of the Education Minister Sibusiso Bengu's successor, Kader Asmal, from 1999-2004, was characterized by a significant erosion of stakeholders' participation in policy making. This view was captured by SADTU Vice-President for Education in 2002:

*In the early days of our new democracy, policy formulation involved intense consultation with key stakeholders. As the new government began to grapple with global needs and the challenge of transformation, the environment of consultation changed. Stakeholder participation, once the pride of our new democracy, has now become limited to brief information sessions with stakeholders expected to endorse new policy... (cited in NALEDI, 2006: 11).*

Finally, as intimated throughout the thesis, a key factor in the development of SASA that mediated the degree of influence teachers would have was the broader context of negotiations and compromise. Given this swing towards a politics of accommodation, it is contended that historically-privileged minority interest groups found spaces in civil society and state structures within which they could maneuver and thus impact policy outcomes. In the views of the MEC for Education, Gauteng province, at the time:

*.... a wise government remains sensitive to create opportunities for listening carefully to the concerns of its citizens because a wise government would recognize the shifts in public concerns depending on the particular crisis, especially in between elections (Interview, Mary Metcalfe, 2002).*

The politics of accommodation and sensitivity, in brief, constituted the macro-context that allowed the White affiliates of NAPTOSA and their allies (the Model C lobby) to influence the development of SASA way beyond their weight in political terms. In the process, the interests of the majority of teachers (and their communities) – primarily members of SADTU, but also Black teachers affiliated to NAPTOSA – were marginalized.

#### 9.4.1.5 The 'politics' of influencing policy making

Although teachers' participation in policy making has the potential to influence the final shape and content of policies, they are often not able to because of the politics and power relations underpinning policy making. In particular, competing agendas of different policy actors and the role of the education state can mediate the degree of teachers' influence.

In this study, two broad competing agendas have been found to be at the centre of the making of SASA, namely the reconstruction and development agenda of the ANC Education Alliance and the elitist, neo-liberal agenda of the Model C lobby. These agendas were mediated by powerful discourses that had permeated developing countries as they sought to extricate themselves from histories bound by colonial and other sources of subjugation. Primary among these in the development of SASA were the discourses around neoliberal globalization and education de/centralization. Teacher unions and civil society organizations' own agendas coalesced around the above agendas, and were also shaped by the same discourses of globalization and de/centralization. At the same time, teacher unions pursued agendas that privileged their own private interests, such as SADTU's attempts to secure equal representation of teachers with parents on SGBs. This ensured that unions, such as SADTU did not succumb to total cooptation by the state, given the nature of its partisan relationship with the ruling ANC.

Mediating all of the above agendas, however, was the state's own political and constitutional agendas which manifested themselves in policies of compromise and

accommodation of diverse interests. The state's policy agenda was located fundamentally within the context of a developmental state, seeking to transform society without in any way creating serious ruptures that would threaten economic growth and socio-political stability in South Africa's emerging democracy. In this context, it was not surprising that the policy making process of a key piece of education legislation, the SASA, became characterized by compromise and consensus-seeking. Central to the state's agenda of compromise and consensus-seeking was the belief that it would be important to retain the support of the middle-class, including an emerging Black middle-class, for the viability of the public education system. The latter position was closely linked to the government's embracing of neoliberal economic policies. Teachers and their unions' influence in the development of SASA were, therefore, part of a broader process of state legitimization in the face of both global and local demands, which ultimately shaped their impact on the development of the Schools' Act, which were not always as they would have liked it to be.

While the study has highlighted the importance of having an effective 'voice' in policy fora in order to influence policy outcomes, it has also underlined the usefulness of teachers' alliances with political parties and civil-society organizations in influencing policy processes. The study has revealed that the influence of minority interest groups in policy making benefits from a broader political context premised on negotiations and compromise. This does not in anyway reduce the intensity of contestation intrinsic to policy making. In fact, a climate of negotiations implies a longer, drawn out policy contestation process, one which seeks to be responsive to the needs of diverse constituencies

#### *9.4.2 Policy learning*

The most important outcome of participation in policy making that emerges from the study is the notion of 'policy learning'. Participation by its very nature, especially in an emerging democratic context, implies exposure to the values and interests of others. This implies a process of listening, argumentation, introspection, advocacy, alliance-building, resistance, compromise, and even capitulation. All of these activities comprised the

experiences of teachers' participation in the development of SASA. Underpinning these activities of deliberation, contestation and strategic planning in policy work, was the *constant of learning*.

Pateman (1970:73) emphasised the learning dimension associated with the notion of participation:

*...the most striking fact that emerges from the empirical evidence is that participation is apparently so effective in its psychological impact on individuals even in the smallest possible doses; it appears that even the mere feeling that participation is possible, even situations of pseudo-participation, have beneficial effects on confidence, job satisfaction, etc.*

Teachers in this study expressed similar feelings of self-worth and enhancement of their professional self-image as a result of participation in policy making (see section 9.4.3.3 later in this chapter and section 8.7). The educative benefits of participation have been underlined not only by Pateman, but by recent proponents of the learning potential in the practice of deliberative democracy (see sections 2.7.2 and 2.7.3). As Fung (2000:17) stresses “[c]itizens themselves may become wiser and more understanding and accepting of different views and preferences after encountering them in discourse...even when some participants disagree with group deliberations, they may be more easily reconciled to the outcomes because the others have justified the bases of their positions in good faith”. This was especially the case with teacher union representatives who served on the Review Committee and in meetings with the department and ministry of education (cf. section 5.3.3.2).

In this study, there have been policy lessons for teacher unions, individual teachers and other policy actors such as government policymakers. For teacher unions, the notion of participation has underlined the value of policy capacity and expertise in building an organizational identity responsive to a dynamic policy arena. Other lessons have included the use of policy tactics, such as the strategic use of lobbying and cultivation of political alliances. Individual teachers have pointed to the importance of having access to policy

information as an integral part of their professional development. There have been lessons for policy makers too, especially with regard to the policy process itself. This section reviews some of the most important aspects of policy learning, paying particular attention to organizational learning, individual learning and institutional and social learning.

#### 9.4.2.1 Organisational learning

The learning experiences of the two main teachers' unions, NAPTOSA and SADTU, varied considerably in the development of SASA and were closely related to their different organizational histories. The lessons were also linked to the political context of the period, specifically South Africa's transition to democracy. Indeed, the development of the Schools Act of 1996 was a cornerstone of the newly elected government's programme of democratic transformation.

While democratic policy making processes were new to South Africa, it was especially so for the affiliates of NAPTOSA, who had struggled to come to grips with the notion of the "broadening out of the policy process", as expressed by one of its officials. Under apartheid, teacher organizations were the only recognised stakeholder when it came to education policy making. In the era of democracy, the voices of many more stakeholders were recognized, such as NGOs, student bodies, religious bodies and so on. NAPTOSA and its affiliates found it difficult to comprehend the role of these various other stakeholders in education policy making given that their competency, in most cases, was not directly related to education. This was one area that SADTU did not struggle with as the progressive teacher unions that merged to form SADTU in 1991 had first hand experience of inclusive policy-related activities in the 1980s as part of their involvement in the struggle for liberation (cf. sections 4.2 and 6.2). NAPTOSA's experience of inclusivity in policymaking resonates with the view that participation in policy-related and other public activities should expose one to democratic practices to facilitate the self-development and empowerment of citizens (Amin, 1994).

Another lesson for NAPTOSA related to the political dimension of policy making. One of the reasons for the fragmentation of the teachers' movement in South Africa was differences over party political alignment (cf. sections 4.2.1 and 4.7). NAPTOSA's policy was that a professional teachers' organization should not have an open alliance with political parties. This caution against identifying too closely with political parties is not uncommon as Lodge & Blackstone (1985) found in the case of England. In the course of the development of SASA, as a tactical maneuver, NAPTOSA established relations with opposition political parties and the ANC in an attempt to influence policy debates in Parliament. The federation, as a result, learned the value of political lobbying and the use of policy tactics. This was closely related to its overall policy intervention strategy, in which lobbying and networking with key players in the development of SASA were central. The most influential policy actors, such as the Chairperson of the Review Committee, Peter Hunter, the Chairperson of the Parliamentary Portfolio Committee for Education, Blade Nzimande and senior policymakers from the DoE were targeted. SADTU on the other hand was unashamedly allied to the ANC and regarded party political alignment as central to its overall operations (cf. sections 6.2 and 6.3). At the same time, SADTU realized that having partisan allies in government, both within political and education structures, did not automatically translate into a favourable position in the shaping of policy. By the end of the policy development process of SASA, SADTU recognised the importance of lobbying and protest action irrespective of which political party was in power. This was part of a growing realization of the labour movement in South Africa that policy disagreements with political allies in government were integral to policy development. Overall, therefore, NAPTOSA and SADTU's learning experiences with regard to partisan alliances and party political alignment were quite mixed. The comments of Jones (1985: 241) in this regard are worth noting: "*A too-consistent pattern of militancy, political alignment and educational controversy seems from the perspective of professional unity to jeopardize the union's highest ambitions*".

NAPTOSA also began to embrace the unionism rhetoric once it had become apparent that the ANC government would recognize trade unionism. In reappraising its organizational identity, the federation attempted to strike a balance between professionalism and unionism as it grappled with the changed socio-political realities of the day. In England,

the National Union of Teachers had faced similar challenges in the early 1980s when it sought “*to develop a new strategy that in its basics revives and consolidates its traditional outlook, and yet also faces problems that require responses more associated with trade union than professional forms of struggle*” (Jones, 1985: 234) As a result, NAPTOSA, in spite of maintaining a political distance from the ANC, was able to convince education policy makers of its worth in the policy domain.

A fundamental lesson for SADTU was that as a teachers' union with some claims to professionalism it needed to raise its level of policy preparation, develop its capacity and expertise and ultimately, become more resourceful and imaginative in challenging for a stake in policy making. In this regard, there was a growing realization that traditional unionism was not the best preparation for effective participation in policy development. Certainly, organizing and planning union strikes were useful when it came to labour-related issues, such as when negotiating for higher salaries. However, influencing broader education policy development processes required different strategies. In particular, analytical and technical policy skills were required to be able to engage with draft education policy and legislative documents such as White Papers, Bills and Acts. Moreover, there was a need for legal advice to interpret Bills and Acts that were couched in legal language. Although legal expertise could be commissioned, which is what SADTU did, it is worth remembering that a number of NAPTOSA's affiliates had in-house legal expertise with sound understanding of educational law and its processes. As a result, NAPTOSA was able to respond to policy analysis and make its submissions to government far more effectively. This is all the more significant given the short timeframes usually provided within which submissions had to be made. A singular lesson for SADTU, therefore, was the enhancing of its professional and technical capacities, particularly in the policy domain and the realization that policy making was as much a technical and social process as it was a political one.

Another important lesson that was highlighted by one of the NAPTOSA affiliates, the TO, was related to the issues of legitimacy and trust.

*One of the lessons that we learned very early in the process (and is still applicable today) is the fact that to get someone to listen to you, you must actually prove yourself first. The question of legitimacy, the people must regard you as a legitimate representative of a certain group of people, that you reflect their views correctly and objectively, that you build up a relationship of trust with the other person to say that what I say today I will say tomorrow and I will say next week (Interview with Chris Klopper).*

Therefore, being honest and open about one's policy position was regarded as important. This was a lesson that affiliates of NAPTOSA had long experienced through their participation in policy processes under previous regimes.

Whereas some of the policy lessons for NAPTOSA's affiliates were a result of their longer history, some of the lessons for SADTU were for the exact opposite reason, namely, its status as a newly-established union with little experience of policy making. One of the key lessons for SADTU was that policy intervention strategies, such as lobbying, mobilization of allies and having an effective presence as opposed to mere representation on policy committees and forums, were all ongoing activities in the politics of policy work. The Union therefore regretted its complacency during the section 247 consultations while the White Model C lobby and rival teacher unions were active. Perhaps, it is a question of making timely interventions with the 'broader public good' in mind. As expressed by Hodgson & Spours (2004:15), "*the issue is knowing when and how to act in the best interests of learners, teachers and wider society*", being able to find the "political space" to decide when it is appropriate to engage in the policy making process for achieving maximum impact.

#### 9.4.2.2 Individual, institutional and social learning

Participation and learning can also be very satisfying to teachers as part of their professional roles. As Gutman (1987) suggests, the primary reward of teachers' work both within and outside the classroom is not high salaries or social status, but the

pleasures of performance and social service. In this context, teachers in this study, without exception, identified:

- the importance of effective communication of policy information and the acquisition of policy knowledge, as a priority; at the very least, teachers should have access to policy documents and information; and
- draft policy documents should be made available to teachers at school for their comments prior to finalization.

The availability of policy information and knowledge to facilitate teachers' access to policy making was also seen as critical to their status as professionals. The provision of policy information to the grassroots teacher could also help address the extreme isolation from policy making that most teachers experience as policy making is seen largely as the domain of senior government and union officials (see sections 8.3.3 & 8.3.4).

In this study, although individual teachers' lessons with regard to policy making varied according to the type and context of their school environments, there were common experiences that cut across school contexts. For the teacher at the farm school, it had become apparent that policy making at the national level appeared far removed from the daily experiences and challenges of teachers located in such contexts (cf. 8.3.2). Significantly, there was a feeling of being neglected not only by education authorities but by the teacher union as well. This underlines the need for education authorities and teacher unions to cooperate as much as possible to facilitate the participation of teachers at farm schools in policy making to address their extreme isolation from the mainstream of education policy developments. The 'dual marginalization' effect was particularly acute for these teachers.

Teachers at the Black township school felt there was a tendency for the Department of Education to engage with school management or senior union officials in policy making, which implied that the only recourse that the grassroots teacher had was to rely on their

unions for policy information. The situation has changed considerably since 1996 as teachers with access to computers and the internet can access policy documents and information on important educational issues on the websites of the education departments, both national and provincial, and of their unions. As such, new technology (e.g. e-mail and internet) can potentially empower ordinary citizens to take a more prominent part in public decision-making than ever before and put the possibility of direct participation back on the political agenda (McClean, 1986). One wonders though whether teachers at school level have the time and are sufficiently motivated to take a genuine interest in policy making when they are confronted with the daily grind of teaching. This was found to be the case especially in the White Afrikaans ex-Model C school (cf. section 8.5.4 *Summary of Case Study 3*).

Some of the lessons for teachers were common across school contexts. One of these related to the role of the school management, especially the principal. There was a strong feeling that if the principal adopted an inclusive approach to engaging with new policies, teachers would be more involved (see, for example, sections 8.4.3 and 8.5.3 on *Participation in policy making*). Similarly there were common lessons for individual teachers on the question of school-governing bodies (SGBs). There was a feeling that SGBs discuss mainly issues related to the governance and management of the school and very little on broader policy issues (cf. sections 8.4.3 and 8.6.3 on *The SGB as an avenue for teachers' participation*). Underlying all these experiences, was the reality that the various institutions and organizations, such as SGBs and unions that were intended to facilitate teachers' participation in policy making had actually failed them. As such, an overarching lesson relating to grassroots teachers in the study was the need to ensure that such institutions worked in the interests of teachers and not school management, union leadership or other interests.

Besides the lessons for teachers and teacher unions, there have been lessons for policymakers, government and policy experts. There was a feeling that much more could have been done by the government to deepen the levels of stakeholders' participation:

*I think government needs to wherever possible consult in a deeper way than it's hitherto generally been doing. A lot of SADTU colleagues have been arguing that the representative structures have their strengths, but they also have their limits. And I think addressing the limits of those structures should be taken into account. Perhaps there should be involvement in policy processes from the drafting stage - in fact even from the conceptualisation stage, through to refining and then adoption. And in that sense there may be a greater sense of buy-in. Government should actually take the initiative in developing a framework for co-operation and partnership. If government believes in constructive partnerships then it needs to create the basis for that to happen (Interview with Haroon Mahomed).*

The emphasis here on deeper consultation and involvement of key stakeholders has been reinforced by Reimers and McGinn (1997: 60) who argue that the knowledge and sets of understanding of parents and teachers are as important as the research knowledge of experts in shaping policies. Failure to allow time for the development of new skills and understandings needed for key stakeholders to be able to participate in policy change, can lead to frustration and resistance to change. This was apparent in the debate over the composition of SGBs, when SADTU argued for equal representation with parents. Their position was shot down by their own alliance partners, within the ANC, SACP and COSATU alliance, leading to strong opposition to government's proposal (cf. section 6.6.3). The idea of social learning has come to be closely associated with the notion of participation in education policy development and education change processes during the policy development of SASA. Ironically, in the years following SASA's development, government took the view that too much consultation had led to 'policy paralysis', resulting in long drawn-out policy making processes that hampered the state's ability to deliver on its educational services. This led to a period of less consultation and underlined once again the strong fist of the state's legislative power in the policy making process.

An important political and social lesson emerging from the policy development process of SASA was the importance of policy actors' commitment to a shared system of values

and principles. In the context of South Africa's transition to democracy in the 1990s, this broader framework of shared ideals was the new democratic constitution, which manifested itself in the policy domain in the form of the Reconstruction and Development Programme (RDP), and, in the education sector, in the form of the White Paper on Education and Training (March, 1995). The framework of shared ideals and principles as embodied in the new constitution, in particular, was central to ensuring that the development of SASA would ultimately be achieved, in spite of deep-seated conflicts and differences based on race, culture and ideology. Indeed studies in African countries have found that for effective policy development to take place, it is critical that policy formulation is seen as a social learning process, with the following key aspects:

- consensus and widespread understanding are major goals;
- reasons for changes need to be clear to all; and
- those sacrificing immediate benefits understand resulting societal benefits (DAE, 1996 & Evans, 1994).

Even if all these goals were not achieved to the satisfaction of all policy actors in the development of SASA, the intention was evident in the processes of the Review Committee and the Section 247 public meetings (cf. Chapter Five).

Moreover, learning to accept the guiding principles of a newly crafted democratic constitution as a basis for developing policy was in itself a lesson for teacher unions and other actors. This is reminiscent of Ranson's (1995) notion of a 'learning society', wherein continuous learning is placed at the centre of education development and policy making, especially in the context of building democratic institutions and practices:

*The appropriate values for public policy and its analysis are those of democracy and citizenship for the learning society. The transformations of the time require a renewed valuing of and commitment to learning: as the boundaries between languages and cultures begin to dissolve, as new skills and knowledge are expected within the world of work and, most significantly, as a new generation,*

*rejecting passivity in favour of more active participation, requires to be encouraged to exercise such qualities of discourse in the public domain. A learning society, therefore, needs to celebrate the qualities of being open to new ideas, listening to as well as expressing perspectives, reflecting on and inquiring into solutions to new dilemmas, cooperating in the practice of change and critically reviewing it. There is a need for the creation of a learning society as the constitutive condition of a new moral and political order. It is only when the values and processes of learning are placed at the centre of the polity that the conditions can be established for all individuals to develop their capacities, and that institutions can respond openly and imaginatively to a period of change* (Ranson, 1995: 443-4) (Own emphasis)

Similarly it is argued that 'learning' is critical for creating consensus for educational reform: "Change in practices will only happen if individuals learn new ways and if they can support each other in doing it. This requires that the new ways make sense to them and that this new knowledge is integrated with their prior sets of understandings and experience" (Reimers & McGinn, 1997: 41-42). It is in this context that stakeholders focus on particular issues relating to their interests, conflicts with other stakeholders arise, and coalitions entered into with others. Stakeholders change with the context and change the context because they learn through their participation (Reimers & McGinn, 1997: 60).

Although using education policy debates in the UK as the basis for his reflections, Ranson could have been thinking of South Africa as the latter underwent a period of major political and educational transformation post-1994. Indeed, his reflections could apply to many countries in the throes of political and social change. In many African countries, education policy making as "social learning" has been advocated as critical to successful policy making (Evans, 1994), while others have advocated the importance of 'democratic consciousness' in building democracy (for example, Amin, 1994). Certainly, the experiences of teachers in this study (see above; also Chapter Eight) illustrated a new

commitment to learning about policy development as central to public debate and discourse. Teachers from the White Model C schools, in empathizing with the historical oppression of their Black colleagues (see section 8.5.3), were already proving to be products of a learning society 'as the boundaries between languages and cultures [began] to dissolve'. Moreover, teachers at all four schools interviewed represented 'a new generation, rejecting passivity in favour of more active participation' as they reflected on the predominance of union officials' participation in the development of SASA. In spite of such organic moments of conscientisation, educational reform/new policies "*press teachers to alter the ways they interact with their supervisors, to take on responsibilities not previously demanded of them, and to rethink their relationships with the school and community – in essence, to reinvent themselves professionally*" (Osei & Brock, 2006:454). This notion of 'professional reinvention' can apply equally to teachers as implementers of policy (the context of Osei & Brock's article) as it can to teachers' participation in the policymaking process. As Osei & Brock (2006:454, citing Chapman et al, 2002) maintain "*teachers will need more thorough and ongoing training in the skills required of them in their new roles*". This realization strengthens the case of advocates of participatory democracy who view its educative or learning potential, that is, the development of individuals' mental capacities and skills in democratic procedures, as critical for self-empowerment (Pateman, 1970:42).

#### 9.4.2.3 Participation as an exercise in social learning

One of the main benefits from participating in policy making that has emerged from the study is the phenomenon of policy learning. The study suggests that the theoretical construct of *policy learning*, historically-grounded, offers a powerful lens for understanding the nature of teachers' participation in policy making particularly in the context of a society in transition (also see section 10.2). Teachers, teacher unions and government have derived important lessons from participation in the development of SASA. These lessons have contributed to a better appreciation of policy making, specifically its process and challenges for policy actors seeking to influence its direction and outcomes. Teacher unions have benefited particularly from an organizational development perspective. Individual teachers have recognized that engaging with broader

policy issues is integral to their status as professionals and that they should at the very least have easy access to policy information. At a political level, policy actors' commitment to a shared system of values and principles as embodied in the new government's democratic constitution has emerged as a singular lesson not only for South Africa, but with potential implications for societies undergoing transition and transformation.

As such, Hartwell's assertion that the "*primary challenge of an education policy commission is to provide a comprehensive, participative exercise in social learning*", is borne out not only by the Review Committee Process (cf. Chapter Five), but also during the subsequent phases of SASA's development. If teachers, teacher unions and other civil society actors regard policy making not purely as an opportunity for advancing sectoral interests but also as an educational process, then at least one important aspect of the legacy of participatory (direct) democracy has remained. This study suggests that the educational legacy of participatory democracy should constitute an important complement to policy processes that are fundamentally shaped by the widespread practice of representative democracy that continues to take hold across Africa and the developing world.

## **9.5 Conclusion**

This chapter has attempted to pull together the main analytical components of the thesis using the research aim, objectives and various research questions as points of departure. It focused, among other aspects, on the notion of 'teachers' participation in policy making' that emerged from the study. Fundamentally, teachers' participation in the development of SASA maybe described as 'participation by teacher union representatives', although rank and file members of unions were involved in certain stages of SASA's development. 'Teachers participation' was characterized by involvement in various 'policy spaces' created by the state, such as the Review Committee of 1995 (cf. Chapter Five) and the section 247 public meetings, as well as by the creative agency of teacher unions and civil society organizations, which took the form of oppositional politics and protests. These included 'walkouts' and marches. Teachers' participation in the development of SASA,

while typical of 'participation' in modern representative democracies, was also unique given their particular history of involvement in policy making and the context of South Africa's transition to democracy. In this regard, teachers' participation in policymaking has revealed a strong political character, influenced by racial, cultural and ideological forces rooted in history. It also reflected the level of policy skills and expertise that obtained in teacher unions at the time of SASA's development, that is, the prevalence of strong policy expertise within teacher unions with a strong adherence to 'professionalism' and weak policy expertise within teacher unions associated with 'unionism'.

Teachers, especially teacher union representatives, have engaged in various forms of participation in the development of SASA and utilized various policy intervention strategies. The study reveals that the organizational basis of teachers' participation contained both strengths and weaknesses. A key finding in this regard is that teacher unions' organizational strength depends on close working relationships with organs of civil society and constructive rather than adversarial relations with organs of the state, particularly the Ministry of Education, Department of Education and legislative bodies. It is also important that teacher unions guard against compromising their policy positions during deliberations with state emissaries, as this reinforces perceptions of cooptation by the state.

Teachers' participation in the development of SASA has been mediated by various agendas and discourses. At the heart of the policy debates relating to SASA were the agendas of the ANC Education Alliance and the White Model C lobby, two historically defined camps struggling for maximum benefits in the design of a post-apartheid schooling system for South Africa. While teacher unions' agendas reflected the classic dilemma produced by tensions between their 'public' versus 'private' interests, the state's agenda of compromise and consensus-seeking proved to be the overriding mediating factor. The various agendas were underpinned by specific discourses. These included the state's discourse for maximum consensus based on the principles of reconciliation and building a united nation, and civil society discourses to which teacher unions became aligned, notably a concern for the protection of minority language and cultural rights and a pro-free education discourse aligned to a strong anti-neoliberal economic policy

framework. There was also an underlying discourse that emphasized education decentralization policies as a recipe for building a quality education system which was adopted by the education state and supported by middle-class interests and White teacher unions affiliated to NAPTOSA.

Finally, while teachers' participation in the development of SASA did not guarantee influencing policy outcomes, 'policy learning' was a significant outcome for teachers and other policy actors. With regard to policy influence, the old maxim that interest groups with the most to lose in the formulation of new policies are ultimately the most vociferous and most influential in the process was borne out. The study has reinforced the belief that direct participation in policy making has a positive effect on policy actors that may not be immediately appreciated, and that for policy formulation to be effective, it should be regarded as a process of social learning. For teacher unions in particular, participation in the development of SASA has encouraged a reappraisal of their policy intervention strategies and their traditional ideological comfort zones. In terms of the latter, this has encouraged a move towards 'professional unionism' in unions' approach to education policy making, with the potential for enhancing their capacity to influence policy outcomes in the future.

## CHAPTER TEN

### CONCEPTUAL AND METHODOLOGICAL PROPOSITIONS

#### 10.1 Introduction

In this, the final pages of the thesis, some policy implications of the study are highlighted, with emphasis on teacher development vis-à-vis the policy process. The section also highlights the main methodological and conceptual insights of the study, specifically, the case for a historically-biased approach to education policy research and a proposed conceptual framework for researching teachers' participation in policy making.

#### 10.2 Policy implications

The most important policy implication of the study relates to the area of teacher development, especially the development of teachers to engage more meaningfully in policy making, that is, from the outset of the policy process when policy options are being generated and during the subsequent policy making phases to the point of final legislation. This requires commitment, creative thinking, allocation of resources and patience on the part of all major policy actors. In particular, government and teacher unions need to collectively address the challenge of communicating policy information to teachers, not only at the point of implementation but throughout the policy making process. Moreover, the policy approach should be flexible and receptive to policy inputs from teachers throughout the process with less emphasis placed on deadlines for policy submissions. Innovative ways to harness the practical knowledge and experience of teachers need to be explored.

This is critical for ordinary teachers to claim ownership of policies instead of perceiving policies as something that 'gets done to them'. This was a key concern that teachers had expressed in the study (cf. Chapter Eight). As one of the teachers had motivated, "*It doesn't matter if it's curriculum or governing bodies. We must have a say because we are working with the children every day*" (see section 8.5.3). Teachers' unions and education departments should therefore take joint responsibility for harnessing the knowledge and

experience of teachers in policy making as part of a broader initiative that contributes to their overall development as education professionals.

At a structured level, policy analysis and planning needs to be incorporated in teacher education programmes to address teachers' lack of policy knowledge<sup>141</sup>. One way of doing this is to include education policy courses in teacher training programmes. This could address the need for alternatives to unions as the main vehicles for teachers to impact policy. There is also a need for school management staff, especially principals, to be trained in "Policy Leadership". In particular, principals need to see themselves as 'policy facilitators', who ensure that teachers get access to policy information and are encouraged to make inputs based on their working experiences. School leadership and management staff need to create an environment in schools that support teacher learning in various ways, for example, by securing technology that can facilitate access to policy documents and policy information in quick and easy ways or by encouraging and promoting teacher participation in policy workshops and seminars.

Finally, there is a need for greater cooperation among policy actors and education stakeholders. Within schools, for example, principals and teachers need to see themselves as part of a team, each with different skills and expertise to contribute to the education enterprise. Likewise within SGBs, teachers and parents need to act in support of each other and not against each other. Parents have been marginalised from active participation in the affairs of some SGBs because they are regarded as being poorly educated and without skills (cf. sections 8.4.2 and 8.6.2). Both teachers and principals need to move away from this parochial mindset wherein parents who lack formal educational qualifications and experiences are prevented from engaging with critical issues concerning their children's' education.

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<sup>141</sup> Although Policy Analysis modules are part of teacher education programmes at the post-graduate level, this is rarely the case in under-graduate programmes. Many teachers in South Africa go through their entire teaching careers only having obtained an under-graduate qualification, a teaching degree or in many cases, only a diploma.

### 10.3 The Case for a Historically-Biased Approach to Education Policy Research

The study's research approach was premised largely on recognising the importance of history in shedding light on teachers' participation in policy making. By adopting the 'historical gaze', it was possible to acquire a nuanced understanding of the nature of teachers' participation, the mediating factors and the outcomes of their participation in the policy formulation process. In so doing, the study reclaims history as a method of social enquiry in policy analysis and in contrast to existing studies with its largely a-historical policy implementation bias (cf. section 2.5), refocuses the empirical analysis on the policy development process and dynamics.

The long-term historical gaze was useful in understanding the ongoing, continuous nature of policy making. Finality is rarely achieved in policy making, even after the passing of legislation. This is especially applicable to the South African Schools Act of 1996, as amendments and policy changes continue to be made to this day. This historical-methodological stance also provided the basis for an important theoretical insight in understanding the relative or limited influence of teachers on policy development, where teacher unions make compromises because of the view that they will "fight another day" (cf. sections 3.1 and 6.6.3).

Moreover, by adopting the historical gaze in educational change processes, as policy making is in essence about educational change, it is possible to identify "*the relationships between the socio-educational present and the socio-educational past*" (Gale, 2001, citing Kincheloe, 1991). In this study, through careful attention to 'policy generation/initiation', the first phase in the policy cycle (cf. Chapter Five), it was possible to extract the historical continuities (and discontinuities) that impacted the policy making process of SASA in subsequent phases of the policy cycle. The issue of school governance, for example, was traced to the mid-1980s when the notion of Parent-Teacher-Student Associations (PTSAs) evolved – the debates around school governance in the 1990s (cf. Chapter 4) and at the time of SASA's development reverberated with these earlier conceptions of PTSAs, but also became fused with notions of 'decentralisation' and 'autonomy' that flowed from the 'neoliberal globalization'

discourse of the 1990s. The character and complexity of teachers' participation in the development of SASA, therefore, was best understood by giving attention to the legacies underscored by a longer-term historical focus *and* their inter-connections with the various phases of the policy processes (the contemporary analysis). The political, ideological and economic refrains associated with teachers' participation in the contemporary historical conjuncture are thus associated with the echoes of a more distant history.

The study therefore recognizes the importance of the notion of "historical specificity", that is the integration of 'old' and 'new' history. As Mills (1959; cf. Chapter Three) had stated:

*"Sometimes there are quite new things in the world, which is to say that 'history' does and 'history' does not 'repeat itself'; it depends on the social structure and upon the period whose history we are concerned".*

As such, understanding the dynamics of teachers' participation in the development of SASA was illuminated by having both a longer-term and shorter-term historical perspective. On the one hand, the nature and content of teacher unions' influence in the policy making process was shaped by their experiences under the previous apartheid regime (the "old" history), one in which professional associations were favoured over militant teacher unions. As a result, organisations belonging to the former grouping in South Africa were better equipped to engage with the analysis of policy, whereas teacher unions with a predominantly 'traditional unionist' background were seriously lacking in policy expertise (See Chapters Four, Six and Seven). On the other hand, the more recent experience of South Africa's transition to democracy in the early 1990s (the "new" history) started a process of privileging SADTU as an ally of the democratic movement, with NAPTOSA being initially marginalized by the ANC-led Government of National Unity post-1994. Nevertheless, NAPTOSA, especially its White affiliates, was able to challenge for a stake in the policy contestations that emerged during the transition, given the context of political compromise and negotiations that characterized policy making in this period. Therefore, it was a blending of 'old' history with 'emerging' history that

constituted the 'historical specificity' of teachers' participation in the development of SASA.

Central to the study's methodology was the combining of history and case study methods. The relevance of this combined pedagogical approach was to highlight the centrality of history to teachers' participation in policy making in South Africa. The study recognised that case studies rely on many of the same techniques as historical methods, namely the use of primary documents, secondary documents, interviews and cultural and physical artifacts (Yin, 1989: 19-20). There was therefore a strong empirical basis for combining history and case study methods, which ensured that the historical dimension in the data that was collected remained at the heart of the research design (cf. section 3.2).

Besides foregrounding the importance of history in policy studies, the combination of history and case study methods has highlighted one of the most vexed questions in qualitative research methodology, namely the issue of generalisability (Golby, 1994 and Stake, 1995). The conception of 'generalisability' as articulated through these two methods suggests a closeness which encourages their combination as a methodological tool (cf. section 3.6). Case studies are concerned with the tracking of issues and pursuing their patterns of complexity (Stake, 1995). This was the intention in profiling the respective teacher unions (cf. Chapters 6 and 7) and the four schools (cf. Chapter 8) in their historical contexts and illuminating key issues with regard to teachers' participation in the development of SASA. For example, it was possible to highlight the issue of teachers' exclusion from education policy within schools with particular management styles – where traditional, authoritarian and entrenched management/staff relations appear to have generated different responses from teachers in Black and White schools, respectively (cf. Chapter 8 for details). This is consistent with the historian's perspective on particularity, in which emphasis is not just on the individual quality of facts and events, but on the linkages and relations with each other (Golby, 1994). The concern in this study, therefore, was not with making generalisable propositions about causal relationships but with understanding the patterning of relationships in its specific historical and social configurations (Arnove, 1999: 14).

The notion of 'policy learning', for example, emerges as a positive construct in the study with implications for the ongoing development and growth of teachers and their unions (cf. section 9.4.3). The nature of policy learning that emerged during the formulation of SASA was shaped by particular histories of the two major teachers' formations in South Africa, namely, NAPTOSA and SADTU. It was also shaped by the broader context of democratic transition and the social urgency for building policy capacity and skills among the historically disadvantaged mainly Black African teachers in the early 1990s. The study therefore emphasized the possibility of concepts and ideas, such as 'policy learning', being gainfully used to reflect on the phenomenon of teachers' participation in policymaking in similar contexts elsewhere in the world.

The research approach was also guided by a particular conception of education policy research. This view recognizes that while different stages can constitute the policy process, they are not necessarily distinct from one another, and may be inter-related as part of a cyclical process. In this view, contestation over control and ownership of policy has an infinite quality based on the balance of power shaped by the nature of teacher-state relations at a given historical moment. Policy battles may be won or lost, but the underlying contestation for control of the policy process is ongoing. Moreover, as this policy perspective emphasized actors' goals, strategies and struggles, it was particularly helpful in unpacking stakeholder or interest group participation in policy processes (that is, teacher unions, parents etc.). This proved especially useful in probing the development of SASA wherein competing agendas of the ANC-led Education Alliance and the Model C lobby featured strongly.

From an analytical perspective, the framework discussed in Chapter Three (See section 3.7 and Figure 5) has helped to identify key constructs and ideas in the study and could be used by other researchers in undertaking similar studies regarding teachers' participation in policymaking. Finally, the choice of methodology for the study had its limitations (cf. section 3.9). Problems relating to interviewing the 'elite', generalisability, theory generation and measuring influence help to highlight methodological challenges in education policy research. This 'exposure' of the study's limitations is critical to an understanding of research as an ongoing process wherein answers might be found or new

questions asked. It is in this context that the framework for researching teachers' participation in policy making is proposed.

#### **10.4 Towards a conceptual framework for researching teachers' participation in policy making**

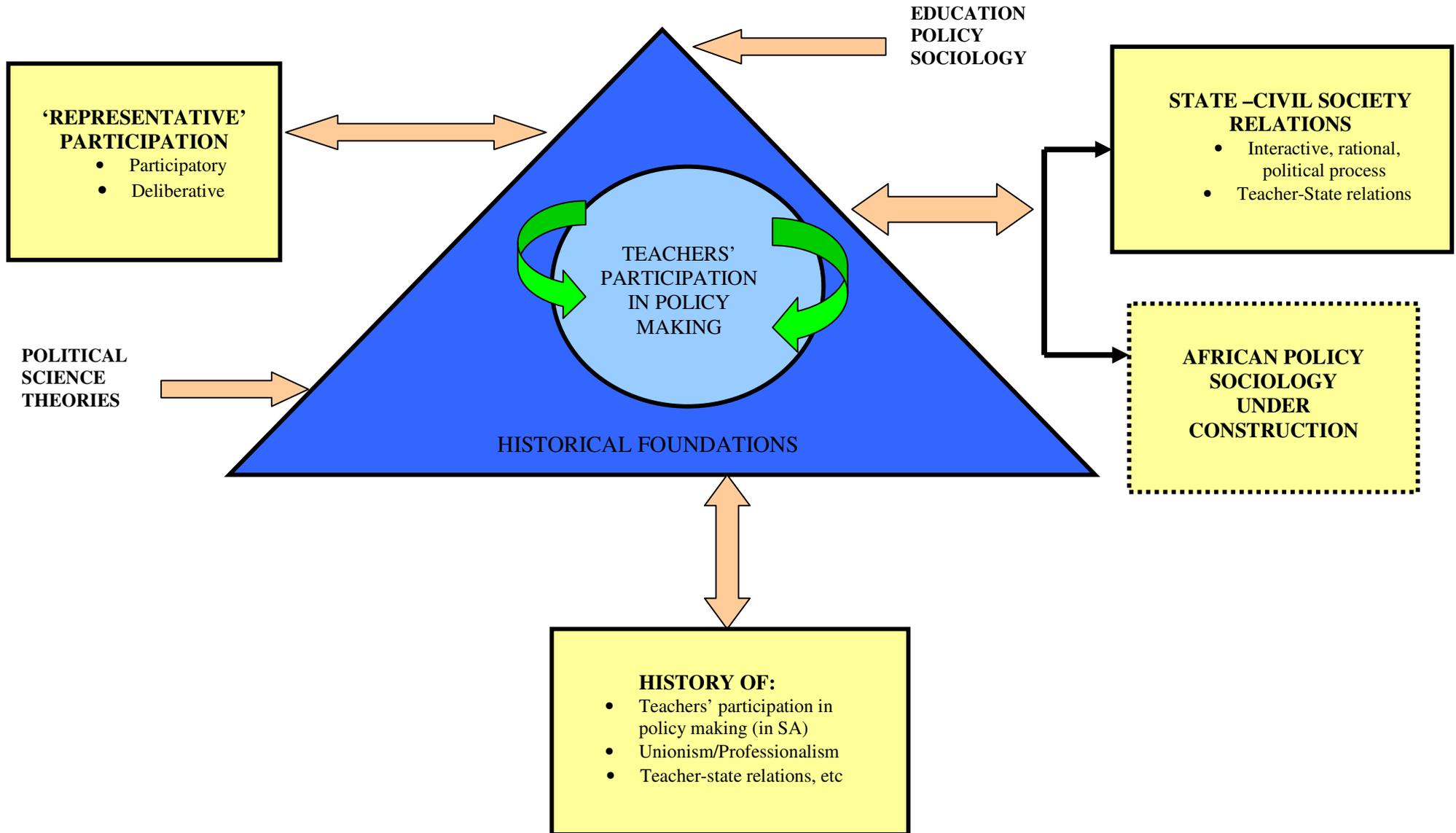
The motivation for offering a conceptual framework for research into teachers' participation in policy making springs from the empirical experience of the study. In particular, the study was motivated by the challenges of access to policy makers, teacher union officials and teachers, and the reality that not much research had been conducted into teachers' participation in policy making as opposed to their involvement in policy implementation (cf. Chapters 2 and 3). The scarcity of research in this area is particularly acute with regard to policy making on the African continent (cf. Chapter 2). With this in mind, the study suggests that an eclectic approach, drawing on the disciplines of history, political science and education policy, can provide the necessary tools for an examination of teacher's participation in policy making (see Figure 10). Fusion of these different theoretical perspectives is significant because the South African Schools' Act (SASA) of 1996 represented a key moment in the history of educational reform in SA and constituted a major initiative in the government's programme of democratic transition in the education sector.

Firstly, drawing on the notion of historical specificity (see section 10.2 above), this study suggests that a focus on the past is important to understand the historical trajectory of teacher unions' participation in policy formulation and how it found expression in South Africa's transition to democracy. This approach facilitates an analysis of whether particular features/phenomena of teacher's participation had persisted over time or whether they have changed. For example, teacher unions' embrace of unionism and professionalism in the policy domain has undergone considerable change in the last decade. There is now a greater acceptance and use of strategies associated with both ideologies by teacher unions in their relations with the state (cf. Chapters 6 & 7). Moreover, several historical legacies were shown to characterize teachers' experiences of policy making in the schools' case studies. These included teacher-union rivalry and a culture of non-involvement in broader policy issues, the latter attributed to a fear of

Teachers' participation in policy making: The case of the South African Schools Act

victimization and teachers' perception of enjoying a privileged status under the apartheid regime, among other factors (cf. section 8.7).

**FIGURE 10: TOWARDS A CONCEPTUAL FRAMEWORK OF TEACHERS' PARTICIPATION IN POLICY MAKING**



Secondly, political science theories of democracy, specifically those relating to representative democracy, have underlined the limitations of participation by union officials, whereas arguments for direct and deliberative democracy stress the importance of participation in policy making by grassroots teachers. In this regard, the study makes a strong case for engendering the participation of grassroots teachers in policy making. In broad terms, little attention had been attached to theorising notions of participation in relation to different variants of democracy and to understand what the implications for policy practice were in South Africa in the early 1990s. This study attempted to contribute to reducing the deficit in that regard with specific reference to teachers' participation in policy making. Overall, by focusing attention on the notion of participation (cf. 9.2), the study attempted to contribute to the literature and knowledge on participation in policy processes, with specific reference to teachers and the 'formulation' of policy. This dimension of the proposed framework, therefore, suggests that the notion of participation in policy making cannot be divorced from the context of democratization that characterized South Africa's transition.

Thirdly, education policy as a field of study has provided the analytical lens for an understanding of policy making as essentially contestatory (or political-where diverse interests compete); at the same time it has drawn attention to the privileging of a rational and expert-driven approach to policy making by the state as a way of stamping its authority on the policy making process. The study has stressed the importance of the inherent political nature of state-civil society relations in understanding the dynamics of policy making, but it has also highlighted the unique character of teacher union-state relations by focusing on teachers' ambiguous and political relationship with the state, underpinned by ideological allegiance and flexibility. The role of the state in mediating teachers' participation in policy making looms large (cf. section 9.4.2.1). Arising from an analysis of this body of literature, two important gaps in the research have been identified (cf. Figure 10). The first relates to the lack of research on teachers, teacher unions and their engagement in

policy processes. Specifically, very little research is available on the internal workings of teacher unions in the development of policy; and, at a broader level, there is an absence of what might be termed 'African policy sociology', following the work of Ball (1990) and Gale (2001) (cf. Figure 10). Regarding the latter, there appears to be a need to harness and undertake research on teacher unions experience of policy making in Africa – research that takes account of colonial legacies, the impact of structural adjustment programmes and debates on the nature of the emerging state in Africa (developmental or otherwise) (see section 2.5).

As such, the study draws on a diverse theoretical framework, founded on strong historical grounds, as well as policy sociology and political science perspectives. It is this comprehensive theoretical frame that has helped to facilitate a deeper understanding of teachers' participation in policy making. It is further proposed that a similar analytical framework might be applied to teachers' participation in education policy development in other political transitional contexts, especially with regard to the role of teacher unions. For example, NAPTOSA made optimal use of the space afforded by a transparent and democratic political context during SASA's development to advance White minority educational interests (cf. section 7.6.1.2). It achieved this by linking its concern for redress and equity to the continued existence of privileged White schools within a state-sponsored funding formula. The state's accommodation of White minority interests within SASA, especially on the questions of school financing and ownership, was facilitated by the prevalence of a 'rights-based' discourse, which had emerged during the constitutional negotiations for a democratic South Africa, and the government's neoliberal economic policies (see chapters Five and Seven).

Teacher unions that are not politically allied to ruling parties in emerging democracies might also find the political space to maneuver because of the new, incoming government's desire to demonstrate transparency and inclusivity to both local and international interest groups. Similarly, the transitional context, from authoritarian to democratic regime, seemed to hold promise for teachers, especially for White teachers who believed that they were now forced to get more directly involved in policy making as they no longer enjoyed the privilege of state protectionism of the past. On the other hand, both principals and teachers across the racial spectrum stressed the

uncertainty and confusion of the transitional context in 1996 that had accompanied the policy making process of SASA as a significant factor in their isolation from the policy making process (cf. Chapter 8). Therefore, a transitional political context can present both opportunities and constraints to teachers' participation in policy making. This could have relevance for teachers' participation in other political contexts where democratic transitions are envisaged.

In conclusion, besides contributing to the body of knowledge on interdisciplinary research, this study makes the following key contributions. Firstly, it presents teacher unions and policy makers with a more comprehensive perspective to consider when formulating policy; secondly, it contributes a novel perspective for examining the relationship between education, civil society and the state in South Africa and countries undergoing transition worldwide; thirdly, it provides substance for comparative discussions on teachers' participation in policy formulation globally; fourthly, it reclaims history as a method of social enquiry in policy analysis; and, fifthly it refocuses the empirical analysis on policy formulation dynamics within the broader context of the policy process.

## **APPENDIX 1**

### **Coding Index**

The following method is used for referencing purposes of interview material cited in the text predominantly in Chapter Eight. This refers specifically to teachers, principals and school governing body officials in order to honour the undertaking not to divulge their names:

Reference samples used in text:

1. Interview, Teacher 1 School 1
2. Interview, Teacher 1 School 3
3. Interview: Principal School 1
4. Interview: Governing Body official School 3

## APPENDIX 2

### EXAMPLES OF INTERVIEW INSTRUMENTS

#### **Instrument 1: Teachers**

*Domains to be addressed:*

The key concerns in the set of questions are to:

- Determine teachers' involvement in policy formulation, especially with regard to the South African Schools Act (SASA), with emphasis on the key issues raised by teachers, the forms and quality of teachers' participation and the significance of their participation;
- Determine any problems or difficulties encountered by teachers that impacted on the nature and quality of their participation; and
- Ascertain the democratic nature of the policy process relating to SASA.

*Introduction:* Introduce research study and the teacher to give a brief description of her history as a teacher, why she joined the profession, etc.

1. Describe your involvement in education policy making, especially policies formulated at the national and provincial levels. Describe your involvement in the policy process of SASA? Were you aware of others who were involved (e.g. principal)? What kind of activities were you aware of?

(Data anticipated: teachers' involvement in policy formulation generally and with regard to SASA, either as individuals, or through teachers' organisational structures (e.g. attendance at staff meetings, union branch meetings/feedback sessions, seminars, and workshops/conferences); school input by principal or SGB; also probe reasons for non-involvement).

2. Should teachers' be involved in policy processes? Why? Which policies should teachers give priority to?

(Data: Teachers' views on which policies they consider important to warrant their involvement)

3. What were the key issues raised by you (or teachers at your school) in relation to SASA? Were you aware of issues raised by teachers elsewhere in the country?

(Data anticipated: issues relating to the funding, governance and organisation of schools).

4. What do you understand by the idea of "participation" in the policy process? Describe some of the different forms of teachers' participation (e.g. accessing information, consultation, feedback, joint planning activities, etc.).

(Data anticipated: attending meetings, seminars and workshops, serving on policy committees, protest action, other forms of policy advocacy (petitions, lobbying, submissions as part of SGB/PTSA), information via the media, other)

5. Do you think that your inputs were accorded due recognition by your organisations and/or the relevant government authorities? Why?

(Data anticipated: quality of teachers' participation; quality of take-up of grassroots teachers' concerns by organizations/structures, feedback from officials, issues of power relations, etc.)

6. What were the main difficulties and challenges that you experienced or were aware of with regards to participation in the SASA process? How were these overcome?

(Data anticipated: too busy, lack of information, communication difficulties with organisational structures, such as teachers' bodies or PTSAs, language problems; tension or conflict between teachers belonging to different teachers' unions, between teachers and other stakeholders, teachers and education departments)

7. Did teachers' participation in the policy process of SASA make any difference? Did it influence the content of the policy? Did it impact in any way on your work as a teacher? Did you learn anything through your involvement?

(Data anticipated: importance of teachers' participation in influencing policy outcomes and impacting on their daily practice; acquisition of new skills, better understanding of policy processes, lessons about importance of participation as teachers/citizen, democratic participation, etc.)

8. Did structures such as the school governing body facilitate teachers' participation? What other structures were available for teachers to be involved? Do such structures serve a useful purpose in so far as teachers are concerned?

(Data anticipated: the effectiveness of forums such as PTSAs/SGBs and education and training councils in deepening democratic practices)

9. Some commentators have described public participation in SASA as the "most democratic" in years? Do you agree? Are you happy with your views been represented by your organisational representatives or would you prefer to be more directly involved? Did you feel isolated from the broader processes at the provincial and national levels?)

(Data anticipated: teachers' experiences and participation as part of a democratic policymaking process, issues of participatory and representative democracy etc.)

10. What would you like to see improved with regard to your participation in future policy processes? Any other comment.

(Data anticipated: teachers' views on improving the quality of their participation, their organisational practices, the roles of representative stakeholders' bodies, education depts.)

## **Instrument 2: Teachers' Union Officials**

The key concerns in the set of questions are: (1) to determine teachers' participation in the policy making of SASA, with emphasis on the key issues raised by teachers and their organizations, the nature and quality of teachers' participation and its significance; (2) to determine any challenges and difficulties encountered by teachers' organizations in the policy process; and (3) to ascertain the nature of teachers' participation in the context of SA's transition to democracy.

The following questions will serve as an interview guide:

1. To what extent did your union participate in the policy formulation of SASA?

Data anticipated: involvement in Hunter Committee, White Paper processes, Parliamentary processes; involvement of rank and file members.

2. What were the key issues raised by your union? To what extent did these issues shape the final policy text?

Data anticipated: issues relating to organization, governance and funding of schools

3. Describe some of the forms of participation that your organization was involved in. Which modes of participation were most effective in influencing the direction and content of SASA?

Data anticipated: serving on policy committees; meetings with education departments; protest action, other forms of policy advocacy (petitions, lobbying, submissions, use of media agencies, other).

4. What impact did your organization's contributions have in the policy making of SASA? How did your organization and its members benefit from their participation?

Data anticipated: impact on content of SASA; acquisition of new skills, better understanding of education policy processes; introspection-communication issues, etc.

5. What were some of the biggest challenges and difficulties faced by your union? How were these overcome?

Data anticipated: constraints on the quality of teachers' participation, e.g. level of appropriate skills; insufficient time to canvass views of constituency; political challenges, e.g. issues of conflict or disagreement with the department/other parties; influence and power of government, consultants; other factors influencing teachers' participation?

6. Would you regard the policy process of SASA as democratic? Why? Were there any obstacles to the democratization of the policy process?

7. What were some of the democratic features of teachers' participation in the policy process? (For example, were teachers represented by their representatives all the time, or were there instances of more widespread teacher participation at schools or through their organizational structures?)

8. What do you think could have been done to deepen the democratic nature of the policy process of the Act?

9. What would you like to see improved with regard to your organisation's participation in future policy processes?

10. (Optional) What were strengths and weaknesses of the process relating to SASA? Related topics: Was there adequate support from government in ensuring effective participation by teachers and other stakeholders? Would teachers' participation take different forms in future policy processes? Were teachers able to advance their sectoral interests? Did teachers often compromise their policy positions in the face of counter-arguments? Give examples.

11. Any other comment.

APPENDIX 3: PART 1

APPENDIX 3 : PART 1

Interview with: Duncan Hindle  
SADTU

SADTU TRANSCRIPT 3

Date: Wednesday, 5 June 2002

Interview with Mr Duncan Hindle, ex-President of SADTU,  
Wednesday 5 June 2002.

Q L: Duncan the first question I'd like to ask you is a kind of a broad general question: How did SADTU conceptualise its notion of participation in policy development processes, especially during the years '94, '95, '96 period?

\*  
Good quote  
(8) (9)  
↓  
(9) (6)  
↓  
(7)

DH: Look I'm saying there was a huge amount going on at that time, not just the development of this particular piece of legislation, various other pieces going through, developments around labour matters etc. which, you know, the union was strongly focussed on, so I think our sense was to try and engage as far as possible, but I think we have to recognise that we expected the union to really be fully engaged in all the issues. And we were relatively limited - we were many of us new to policy processes etc, so although we tried to, you know, get full involvement in all aspects, in most cases what it came down to is really just focussing on one or two key issues, that's fundamental issues in each piece of policy or legislation and really trying to focus on those perhaps and in particular battle around those. We really just didn't have the ability to engage with the full scope of the policy processes I think. So I would suggest that was probably our understanding of policy.

Context of "hyper-activity":  
- various policies  
- labour issues

New to policy / capacity limitation

4.2

Look, to a certain extent I suppose there was a huge optimism, we'd just elected a democratic government, it was our government, we were relatively confident with the kind of legislation that was coming out or certain processes(?) and in the interests of certainly the membership of the union, so I think it wasn't based on an expectation or suspicion of government at that stage and that's why we were able to not get involved fully in every aspect of it.

Confidence in "our" government  
- no need to get involved in every aspect.

L: Okay.

Q And to what extent would you say that SADTU was involved in the policy formulation of the South African Schools Act itself?

(14) (23)  
↓  
2.1 (8)  
2.2  
↓  
(8)

DH: Look, I would like to claim a strong influence of the unions, but given the final shape of the Schools Act I don't think we can say that the unions necessarily improved it in the way that they might have liked. We were involved at a formal level, certainly, with, for example, a representative on the Review Committee, so in that sense we participated formally and we were involved I think in the union's debates and issues. But of course there was also an informal process around that where there were for example a number of conferences, workshops, on the tour - one in Durban I recall offhand - where a number of ideas were tested and the union participated (not

Limited impact of unions on SASA  
External + Internal  
Formal 'p':  
- Review Committee  
Informal 'p':  
- conferences/wshops  
- meetings with PPC + Study Group

8 as a Steering Committee member, but as a full union) and there were also particularly once we got closer to the legislation stage with regard to the White Paper, a fair number of informal processes, meetings with the <sup>govt / schools / union</sup> Parliament for example, trying to, you know, insert certain ideas and certain approaches at a later stage. So I think it's on both of those levels that we did participate.

2.3 The extent of it? As I say I think you know, we must measure in terms of the final product and I can't say the union has achieved all its preferences in that final legislation.

L: And if you were to think about some of the key issues that SADTU had raised from its side in relation to either the organisation or the governance aspect or the funding aspect of the Bill, what are some of the issues that come to mind?

DH: Look, (organizationally?) ironically there wasn't a huge issue. "Ironically" perhaps I say because now, today more and more it's an issue that we are looking at even closer(?), you know, we... it's easier(?) than the governance as well(?).

3.1 The funding issue didn't really become a paramount aspect although clearly it does underpin a huge amount of what's in there. There was obviously an early debate around the notion of school fees and how this related to the concept of free education, but to be honest I think there was a fairly early consensus around that issue, a recognition that although school fees were not preferable or desirable, the realities on the ground, you know, constrained us and therefore we moved on, I think, fairly rapidly from what probably should have been more of a central issue in that whole debate and it didn't really come about.

2.3 Our focus I think tended to be more on the governance aspect. There was one particular debate around the composition of the school governing body. The draft legislation I think in the White Paper even spoke about the need for parents to be in the majority and it was a sort of fine debate, but I remember the union certainly put forward a strong line to say there can be a majority in a governing body but it doesn't mean it has to be over 50%. And we argued rather for more of a balance between teachers, parents and students that would not give any one subset sort of dominance in the governing body. That debate was not won in the end and it was agreed in the legislation that parents would in fact constitute more than 50% of the governing body. So the union lost out on that one I think and ja...

3.1 The other area, and perhaps this is where the link with fees came in although it wasn't seen as a fees issue but an employment issue more, and that was around the employment of additional teachers. The unions were very concerned about the effects it would have and also possibly confirmed today in the sense that I think the divisions between schools that we find

Organisation of Schools  
- non-issue

Funding - early  
Consensus

Governance:  
- majoritarian principle;  
major issue, which  
SADTU lost.

Employment of  
additional teachers  
- other major issue

essentially are those that employ additional teachers and those that don't. The union tried to put a couple of amendments in because again we said we can't necessarily preclude the process altogether, but we wanted to regulate it at least. And one of the things that we did put in was that the conditions of service of those teachers should not be any worse than state employed teachers. So that was at least a bottom line.

- more on Additional teachers



But then we also tried to put a cap(?) on the total number of additional teachers that could be employed to really try and prevent a huge widening of the gap. Now ironically that got picked up and lifted into the legislation. It is there as a possibility. The Minister may determine, you know, some capping(?) mechanisms to prevent an uncontrolled additional employment of teachers. Now that's never been invoked up until now and I don't know that it will be. But that was the real focus for the union was around that issue and although it looked as though there was some inclusion in the final legislation, as I say, the fact that it was put there as a may(?) provision which then didn't get activated, perhaps has taken away some of the value of that.

But those probably were the real focuses that we had. It draws from an equity emphasis, I mean that's where the union was coming from.

SADTU position - base on Equity principle

Q.

L: And would you say that there was agreement on the side of SADTU and the other teachers organisations that were involved in discussions with the government on these issues, or were there different positions that were being adopted?



DH: No, I think at that stage the gap between... at that stage because it was only the two teacher unions - ourselves and NAPTOSA (SAOU hadn't split away) - so there were only two teacher unions left. NAPTOSA had certainly taken a resistance path on the matter, at that stage certainly one might say the leadership of NAPTOSA and the sort of influential part of NAPTOSA was certainly closely aligned to the former Model C schools etc. and they were in fact strongly in favour of the additional employment of teachers and really didn't have any preference for the practical limitations on that at all. So no I think on that issue certainly there were quite wide divisions. On the senior(?) school fee issue as well, I think NAPTOSA were quite comfortable with it, so at that stage certainly there was not a strong inter-relationship between the two, no.

Differences with NAPTOSA:  
 - Model C q.  
 - additional teachers  
 - school fees.

Q x

L: If you have to think about any lessons that SADTU as an organisation learned from their involvement in this process relating to SAA(?) were there any lessons that SADTU as an organisation drew from their involvement, that perhaps they were able to reflect on and that influenced organisational development thereafter and how they went about involving themselves in policy matters?

DH: Yes, it's hard to say in a sense, that I would leave the union fairly soon after the legislation was produced, so it's

Quote - Good Para.

4.1

difficult. But possibly a couple of things come up. One is I suppose about how the unions conduct its engagement with government. You see it looked very tempting, enticing to be appointed to the Review Committee, but to a certain extent the Review Committee was set up very much as a listening agency.

5.1

it was meant to solicit the views of a wide range of public as it were. There was a huge section 247 consultations that went around the country - thousands of submissions and inputs that were made. And therefore the Review Committee was not necessarily meant to reflect its own preferences and views, but in a way to try and get a broad sense of public consensus and review. And therefore one has to ask the question whether it was strategic even to be on that Review Committee, whether in fact the voice of the union was not marginalised by being there

part of negotiational  
pub. settlement

Broader consultative process

9

in that we were unable to essentially make comments from our side because we were part of the process. But by being part of the process, as I say, the members of the Review Committee certainly would not have been understood to have been there in order to advance a SADTU position. We were there really to help the Review team consolidate a line that could be called a public consensus in some way. So I think that at least was an issue that the union probably would have learnt out of the process.

9

You know, for the rest perhaps it was also the first time that we had extracted, as it were, the key issues out of the legislation and focussed on that and I think that was probably an important lesson. Also that, you know, it really is impossible particularly in an early stage of government development like that there was a huge amount of policy being developed, it's not possible to engage with all of this in the same way obviously that, you know, government was also busy allocating time and effort to it. So, you know, the idea perhaps of sticking to strategic points within that policy and focussing on those would I think also have been an early lesson that the union might have learnt, you know.

- identifying & focussing on key issues  
- difference in capacity & resource with govt. ; p/h officials ; resources that was govt. but someone in a particular area

6

But as I say, it was a difficult period and almost the sense was, you know, well you've got someone working on that area, we don't have to worry about it because we've all got our own areas and concerns. So it was probably as much to do with the capacity of the union at that stage and the fact that it was early days, most of us were there not as full-time officials, just as part-time, you know, volunteers as it were. And as I say, really couldn't throw at it the sort of time and resources that government did, you know.

6

I think over time the union certainly responded now by specifically increasing their research and the policy infrastructure that they are better able I think now to deal with, ja.

- recognition of capacity deficit.

Q

L: You've mentioned capacity - capacity has been one of the serious constraints at the time. What would you say were some of the other challenges and difficulties that the union faced in participating in the policy development of the South African Schools Act and during that period?

6 DH: Look, I mean, capacity on a couple of different levels. One was the individual's capacity that, ja, we were all new to this policy terrain and, ja, therefore just, you know, in terms of our own learning, you know, we had to do some very quick stuff - so it was on that one.

It was also the fact that all of us, as I say, all had other jobs as it were, this wasn't our full-time work that we were doing, so there was clearly a limitation on how much we could do.

7 There were financial constraints in the union. It was early days also, we were still doing battle with government around issues of stop orders and recognitions and that sort of thing so some difficulties there, also in being able to facilitate the necessary consultative processes within the union, to formalise positions. So in a sense it was facts about those constraints and power.

4.1 It was also as I say driven by a huge sense of optimism that we had a democratic ANC government and, you know, we didn't want to treat it the same certainly as we would have treated a pre-94 government. And, you know, therefore some of these things were almost assumed to be, "It's alright, we've got government working on this kind of thing."

4.1 Yes also at that time of course there were significant labour difficulties going on and as a newly formed union that was clearly a very primary focus that we had and it was important that we kept our eye on that one as well.

6.1.1 So in a sense it was a lot of things to do, very few people, very few resources and people who were new to the field anyway. So a combination of those.

2.1 L: And in terms of communicating with the rank and file membership of the unions, keeping them aboard, communications with branches on the various issues and so on, were there any challenges with regard to that?

6 DH: Enormous challenges and that was part also of the capacity constraints, you know, just again financial in part, but just logistical, organisational. You know, the union was still in a fairly precarious state then, we had very few officials, certainly at provincial or local levels who were full-time, so really you were running an organisation - a big organisation - but largely on sort of voluntary commitment, you know, that kind of spirit. So in a sense I would certainly say that those who made use of the opportunities within the union to have their say on these matters (certainly the union did I think try to facilitate as far as possible those consultations and discussions, you know, down in the union), but I have no doubt that many, many members didn't even get to see or hear about these debates at all, I mean that was the state of play I think at the time. So it would have been far more okay if I think of national and probably provincial level discussions - lower than that, I doubt it, ja.

Difficulties/challenges

- individual capacity
- quick learning curve
- new to policy area

- part-time office bears

- financial constraint
- 'battles' with gov
- union consultat processes

- labour difficulties
- newly formed union

Q & A QUOTE

Communicating with rank & file

- linked to capacity
- financial, organisational constraints
- very few full-time officials at provincial & local levels

- many members not isolated from debates
- national & to some extent, provincial level: okay.

**APPENDIX 3**  
**PART II: DATA CATEGORIES FOR CONTENT ANALYSIS (AN EXAMPLE)**

CATEGORY	INDICATORS
SADTU's conception of 'participation'	<ul style="list-style-type: none"> <li>• Mediating factors: context of 'hyper policy activity'; SADTU new to policy terrain; confidence in "our" government.</li> </ul>
Involvement and impact of SADTU on SASA	<ul style="list-style-type: none"> <li>• Limited impact on final outcome</li> <li>• Formal 'P': Review Committee</li> <li>• Informal 'P': conferences; meetings with allies</li> <li>• Submissions: oral/written</li> </ul>
Key issues	<ul style="list-style-type: none"> <li>• Funding</li> <li>• Governance: majoritarian principle</li> <li>• Employment of additional teachers</li> </ul>
Differences with NAPTOSA	<ul style="list-style-type: none"> <li>• Model C question</li> <li>• Hiring additional teachers</li> <li>• School fees</li> </ul>
Lessons learned	<ul style="list-style-type: none"> <li>• Unions' relations with government</li> <li>• Nature of involvement in government-appointed committees</li> <li>• Identifying key issues</li> <li>• Capacity deficit issues</li> </ul>
Difficulties/challenges	<ul style="list-style-type: none"> <li>• Capacity constraints</li> </ul>

	<ul style="list-style-type: none"> <li>• Financial constraints</li> <li>• Unsophisticated approach to school funding</li> <li>• Union consultative processes</li> <li>• Labour relations</li> <li>• Communication with rank and file</li> </ul>
Mediating factors	<ul style="list-style-type: none"> <li>• Role of consultants</li> <li>• Relationship with government</li> <li>• Influence of model C lobby</li> <li>• Political context of the transition</li> <li>• Limited state resources</li> </ul>
Democratisation of policy development	<ul style="list-style-type: none"> <li>• Parliamentary process/Review Committee (state-initiated)</li> <li>• Privileging of particular groups (contestation)</li> <li>• Within SADTU: representative democracy</li> </ul>
Role of the Parliamentary Portfolio Committee	<ul style="list-style-type: none"> <li>• Accommodating many voices</li> <li>• SADTU's advantage: access to corridors of power</li> </ul>
General	<ul style="list-style-type: none"> <li>• Influence of political alliances on leadership/membership relations</li> <li>• Need for a centralised forum (NETF)</li> <li>• Union frustrations; thus expanding boundaries of existing structures</li> <li>• Reliance on representatives</li> <li>• Recognising legitimate democratic</li> </ul>

	<p>structures</p> <ul style="list-style-type: none"><li>• Cooperative relations regarding policy development</li></ul>
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## **APPENDIX 4**

### **CODING SCHEDULE**

- Historical contextualisation (1)
- Dynamics of South Africa's transition (5): political (5.1) and economic (5.2) conditions
- Forms/types of teachers' participation (Agency focus) (2)
- Internal participation (2.1) and External participation (2.2)
- Impact on policy outcomes (Agency focus) (2.3)
- Key issues taken up (3): SADTU (3.1); NAPTOSA/SAOU (3.2); SAOU (3.3); Other (3.4)
- Power relations (4): Teachers and the state (4.1); teachers and other interest groups (4.2); different teacher organizations/union fragmentation (4.3)
- Ideology: unionism, professionalism (4.1.1 & 4.3.1)
- Policy work:
  - Policy capacity, knowledge and skills (6)
  - Policy learning/organizational development (7)
  - Policy intervention strategies (8): by unions (8.1); by government (8.2)
- Limits (9) and opportunities (10) to participation

**APPENDIX 5**  
**CATEGORISATION SCHEDULE**

<i>CATEGORY</i>	<i>PRECEPTS</i>
<i>Historical contextualisation</i>	<i>Political</i> <i>Ideological</i> <i>Policy involvement: general;</i> <i>organization, governance &amp; funding</i>
<i>Comparative context (could include all other categories)</i>	<i>This category was added much later when I realized that some of the documentary evidence from teacher unions contained references to alliances with teacher unions from other countries.</i>
<i>Political dynamics of South Africa's transition</i>	<i>Democracy-building</i> <i>Consensus-seeking</i> <i>Minority vs Majority concerns</i>
<i>Economic dynamics of South Africa's transition</i>	<i>Fiscal realities</i> <i>Neo-liberal influences</i>
<i>Forms/types of teachers' participation (cf. 8.1 &amp; 8.2)</i>	<i>Oral and written submissions</i> <i>Policy forums/committees</i> <i>Workshops/Conferences</i> <i>“Oppositional participation”</i> <i>“Alliance participation”</i>

<p><i>Internal Participation</i></p>	<p><i>Grassroots teachers</i>  <i>Organisational structures</i>  <i>Organisational activities</i>  <i>Communication strategies</i>  <i>Developing policy positions</i>  <i>Constraints &amp; obstacles</i></p>
<p><i>External participation</i></p>	<p><i>Alliance structures</i>  <i>Government Structures (Review Committee, PPC)</i>  <i>'Oppositional' structures</i></p>
<p><i>Key issues taken up</i></p>	<p><i>School Organisation</i>  <i>Governance</i>  <i>Funding</i>  <i>Inter-connecting themes (access, equity, affordability, contestation)</i></p>
<p><i>Union-government relations</i></p>	<p><i>Ideological (socialist; unionism, professionalism)</i>  <i>Political</i>  <i>Economic</i>  <i>Approach/Attitude</i>  <i>Conflicts (national vs private)</i>  <i>Education transformation</i></p>

<p><i>Union-civil society Alliances</i></p>	<p><i>Allies</i>  <i>Opposition groups</i>  <i>Strategies</i>  <i>Approach (consolidation of policy position)</i>  <i>Mediating factors ("big picture", leadership/membership tension)</i></p>
<p><i>Union-union relations</i></p>	<p><i>Differences (Contestation)</i>  <i>Agreement (Cooperation)</i>  <i>Rivalry/Fragmentation</i>  <i>International fraternal organisations</i></p>
<p><i>Policy work: capacity</i></p>	<p><i>Organisational resources (human and material)</i>  <i>Individual expertise</i>  <i>Organisational expertise</i>  <i>Commissioning expertise</i>  <i>Focus area (labour; professional)</i></p>
<p><i>Policy work: intervention strategies</i></p>	<p><i>Oral/written submissions</i>  <i>Lobbying</i>  <i>Alliances</i>  <i>Use of research</i>  <i>Greater visibility (e.g. in PPC)</i>  <i>Wooing the opposition</i>  <i>Issue targeting</i></p>

<p><i>Policy work: learning</i></p>	<p><i>Individual learning</i>  <i>Organisational learning</i>  <i>Policy knowledge/understanding</i>  <i>Organizational capacity and policy work</i>  <i>(membership strength, financial autonomy etc.)</i></p>
<p><i>Limits to participation</i></p>	<p><i>Economic factors</i>  <i>Political</i>  <i>Existing government structures</i>  <i>Policy content (overload, technicism)</i>  <i>Organisational factors</i>  <i>Organisational prioritizing</i>  <i>Organisational style/identity</i></p>
<p><i>Opportunities for participation</i></p>	<p><i>Public processes</i>  <i>Participants</i>  <i>Enhancing factors</i>  <i>Limiting factors</i></p>
<p><i>Policy impact</i></p>	<p><i>Per issue/clause</i>  <i>Per participant category</i></p>

## APPENDIX 6

### DOCUMENT CODING EXAMPLE

#### Coding Item - Key issues addressed

- School Organisation
- Governance
- Funding
- Inter-connecting themes (access, equity, affordability, contestation)

#### **Governance**

Congress resolution on composition of Governing Bodies & on powers and functions, namely, employment of teachers (SADTU NEWS Vol. (3) 3, 1995, p.11; Vol. 4 (2), 1995, p. 5 – Education Policy Conference Resolution).

#### **Funding**

Education Policy Conference Resolution regarding school fees/principle of free and compulsory schooling (SADTU NEWS Vol. (4) 2, 1995, p. 5).

#### **Organisation**

Education White Paper II: Notes that Model C schools as they are currently conceived will be phased out (SADTU NEWS Vol. (4) 1, 1996, p.3). In Mpumalanga, SADTU's campaign against Model C schools apparently led to a provincial cut in their subsidies (p.8). On May 24 1996, the employee parties and the state in the provincial ELRC identified 201 excess posts in Model C schools. SADTU signed an agreement to remove these posts to public schools (Vol 1(3) July 1996, p.4)

#### *Analytical Note*

*This was before the Government decided on retaining Model C schools, where after SADTU's campaign probably faltered and eventually terminated as the ANC and government decided not to phase out these schools. As such, a situation of policy implementation activism while policy was still being debated and finalized at the national level (also see Matlole interview).*

(SADTU NEWS Vol. (4) 1, 1996, p.11: Reiterates position on school fees, composition of School Governing Bodies and appointment of teachers in response to White Paper II)

Besides identifying issues of funding, composition of School Governing Bodies, and corporal punishment, as contentious, SADTU expressed concern about the expropriation of land and property, especially that accumulated by Model C schools. Matlole argued: "Their land and property should be removed without compensation. Model Cs were given the state's land during apartheid. But this was paid for with taxpayers money – the state had no right to give it away in the first place!" (SADTU NEWS Vol. 1 (3), July 1996, p.1). *(Another example of a concern with redress and equity.)*

## APPENDIX 7

### LIST OF SCHOOLS AND STAKEHOLDERS CONSULTED IN PROVINCES BY MEMBERS OF THE REVIEW COMMITTEE, 1995

#### APPENDIX 7

##### Organisations and Institutions Consulted

##### Schools visited:

Sitintile High School, KaNyamazane, Eastern Transvaal Province  
Middelburg Primary School, Eastern Transvaal Province  
Beesteplaas Agricultural High School, Eastern Transvaal Province  
Injabula Farm School, Eastern Transvaal Province  
Thulani School, KwaMhlanga, Eastern Transvaal Province  
Pietersburg English Medium Primary School (PEMPS), Northern Province  
Lehlasedi Farm School, Northern Province  
Hoërskool Louis Trichardt, Northern Province  
Mudwaswadi Secondary School, Northern Province  
Silemane Secondary School, Makonde, Northern Province  
Bosele Special School, Northern Province  
Ramotshinyadi School, Northern Province  
Myeshi Primary School, Northern Province  
Platinum and the DET, North West Province  
Lichtenburg Hoër Skool, North West Province  
Stella Laerskool, North West Province  
Vryburg Hoërskool, North West Province  
Kismet Combined School, North West Province  
Ex HOR school, North West Province  
A township Secondary School, North West Province  
Tiger Kloof Private School, North West Province  
Bothidello Combined School, Rustenburg, North West Province  
Boikagong High School, Rustenburg, North West Province  
Letsibogo Primary School, Rustenburg, North West Province  
Treasure Trove Farm School, Bakerville, North West Province  
Jabulile Secondary School, Orange Farm, Gauteng Province  
Lenasia Model Primary School, Lenasia, Gauteng Province  
Lenasia Muslim Private School, Lenasia, Private, Gauteng Province  
Kliptown Primary School, Gauteng Province  
Roseneath Primary School, Gauteng Province  
Roedean Private School, Gauteng Province  
C R Swart High School, Gauteng Province  
Cradock High School, Cradock, Eastern Cape Province  
Matthew Goniwe Secondary School, Cradock, Eastern Cape Province  
Glen Stuart Farm School, Cradock, Eastern Cape Province  
Primary School in Soweto-On-Sea, Port Elizabeth, Eastern Cape Province  
Pearson High School, Port Elizabeth, Eastern Cape Province  
Shortlands Farm School, Grahamstown, Eastern Cape Province  
Vukuhambe School, Eastern Cape Province  
Wongulethu School, Eastern Cape Province  
Alphen Secondary School, Eastern Cape Province

Ebenezer Majombozi Secondary School, Eastern Cape Province  
School for street children run by Ms Jane Bradshaw and Mr Kenneth Pitso, Eastern Cape Province  
Libodo Village School, Eastern Cape Province  
Mt Nicholas School, Eastern Cape Province  
Davies Junior Secondary School, Butterworth, Eastern Cape Province  
Msobomvu Senior Secondary School, Butterworth, Eastern Cape Province  
Gobinanba Junior Secondary School, Eastern Cape Province  
Joyi Senior Secondary School, Baziya, Eastern Cape Province  
Ntsizwa Senior Secondary School, Mt Ayliffe, Eastern Cape Province  
Butterworth High School, Butterworth, Eastern Cape Province  
Manthatisi High School, QwaQwa, Free State Province  
Seotlong Agricultural and Hotel School, Phuthaditjhaba, QwaQwa, Free State Province  
Thiobolho School for the Deaf and Blind, Phuthaditjhaba, QwaQwa, Free State Province  
Dr Blok Secondary School, Free State Province  
Community School, ThabaNchu, Free State Province  
Farm school under the jurisdiction of the NG Church, Bloemvallei, Free State Province  
Farm school in the Bloemfontein district, Free State Province  
St Joseph's Christian Brothers College, Free State Province  
Daluxolo Primary School, Free State Province  
Tswelang Special School, Bloemfontein, Free State Province  
Dr Viljoen High School, Free State Province  
Dankbaar Christelike Volkseie Onderwys School (CVO School), Free State Province  
Ronwe Primary School, Paarl, Western Cape Province  
Drosdy Technical High School, Worcester, Western Cape Province  
De la Bat School for the Deaf, Worcester, Western Cape Province  
Elda's Community School, Milnerton, Western Cape Province  
Khutele Industrial School, Western Cape Province  
Windsor High School, Cape Town, Western Cape Province  
Robinvale Secondary School, Atlantis, Western Cape Province  
Rylands Primary School, Cape Town, Western Cape Province  
Lulhalaza Secondary School, Khayelitsha, Western Cape Province  
Northern Cape Technical High School, Kimberley, Northern Cape Province  
Boitumeling Specialised School, Kimberley, Northern Cape Province  
St Boniface Finishing School, Kimberley, Northern Cape Province  
Emong Mmogo Comprehensive School, Kimberley, Northern Cape Province  
Douglas Combined School, Douglas, Northern Cape Province  
Tau Diarora Primary School, Jan Kempdorp, Northern Cape Province  
Voorspoed Primary School, Magogong, Northern Cape Province  
Northern Cape Agricultural School, Jan Kempdorp, Northern Cape Province  
Barkley West Secondary School, Barkley West, Northern Cape Province  
Mogomotse High School, Warrenton, Northern Cape Province  
Carlton van Heerden Secondary School, Upington, Northern Cape Province  
Curriekamp Primary School, Keimoes, Northern Cape Province  
Upington High School, Upington, Northern Cape Province  
Boplaas Primary School, Olifantshoek, Northern Cape Province  
Paballelo High School, Upington, Northern Cape Province  
Theron High School, Britstown, Northern Cape Province

Orion High School, De Aar, Northern Cape Province  
Norvalspont Public School, Norvalspont Northern Cape Province  
Bulte Fontein Primary School, Bulte Fontein, Northern Cape Province  
Yardly Farm School, Colesberg, Northern Cape Province  
Umthombo Wo Lwazi School, Colesberg, Northern Cape Province  
Open Air School for the Physically Handicapped, Glenwood, KwaZulu-Natal Province  
Nkayishana Combined Farm/Factory School, at SAPPI Mill), Crammond, KwaZulu-Natal Province  
Wykeham Collegiate Girls' School, Pietermaritzburg, KwaZulu-Natal Province  
Gugulesizwe High School, Umzinto, KwaZulu-Natal Province  
Glenwood High School, Durban, KwaZulu-Natal Province  
Vulindlebe School for the Deaf, Umlazi, KwaZulu-Natal Province  
Shembe Combined Primary School, Inanda, KwaZulu-Natal Province  
A J Mwelase High School, Lamontville, KwaZulu-Natal Province  
Georgenau Farm School, KwaZulu-Natal Province  
Dlangezwa High School, KwaZulu-Natal Province  
Prince Myayiza High School, Nongoma, KwaZulu-Natal Province  
Richards Bay Secondary School, KwaZulu-Natal Province  
Thandukwazi Combined Primary School, KwaMashu, KwaZulu-Natal Province

#### Stakeholders Consulted During Provincial Visits

Mr D D Mabuza, MEC: Education, Eastern Transvaal; Ms F Sithole, Head of the Education Department; Dr M Mahlangu, Acting Chief Director, Development and Provisioning, former Transvaal Education Department; Mr S Sukati, Acting Director, Eastern Transvaal Education Department and Mr P Mthimunye, Acting Chief Director, Eastern Transvaal Education Department

The governing bodies of schools in the Eastern Transvaal Province: a former KaNgwane community school, a former KwaNdbele community school, a Model C English primary school, a special agricultural high school, a farm school

The Mpakeni District Education Coordinating Committee, Eastern Transvaal Province

A Students' Representative Council (SRC) of a school in the Eastern Transvaal Province

A delegation from the Interdenominational Committee for Education and Training (IKOO), Eastern Transvaal Province

Dr Aaron Motsoaledi, MEC for Education, Northern Province

Dr J Malatji, Director-General of the Provincial Administration and Acting Superintendent-General of Education, Northern Province

✦ South African Democratic Teachers Union (SADTU), Northern Province

✦ National Professional Teachers' Organisation of South Africa (NAPTOSA), Northern Province

✦ Association of Professional Teachers (APT), Northern Province

✦ Transvaal United African Teachers' Association (TUATA), Northern Province

✦ Teachers Federal Council (TFC), Northern Province

Congress of South African Students (COSAS), Northern Province

Azanian Students' Movement (AZASM), Northern Province

Pan African Students' Organisation (PASO), Northern Province

Organised Business, Pietersburg, Northern Province

Traditional leaders, Northern Province: R R Sumbana, S C Mhinga, B D Tabotswana, M Ntsanwisi, M M Marishane, L S Mogoboya, T J Ramovha, M G Nethengwe, Zion Christian Church (ZCC), Northern Province

Mr G Grobler, member of the District Committee of the Transvaal Agricultural Union, Northern Province

Mr H H Mateme of the Parliamentary Standing Committee on Education, Northern Province

Mr D Motubatse, Culture of Learning Project, Northern Province

Governing bodies and/or staff and students at schools in the Northern Province: a Special School for the Blind and Deaf, a Farm School on a citrus estate, an ex-Lebowa Community School, an ex-Gazankulu Community School, Model C Afrikaans-medium Secondary School, an ex-Venda Community School, a Private School

Mass meeting at a school used by an ex-Bophuthatswana government school and an ex-DET school that are platooning in the North West Province

Area Manager and a superintendent of the ex-DET in Lichtenburg, North West Province

The principal, an ex-TED superintendent and a member of the School Committee of the Lichtenburg High School, North West Province

Dr A Motsoaledi, MEC for Education and senior officials, North West Province

The MEC for Transport, North West Province

The Mayor of Vryburg, North West Province

Ex-TED Officials: Dr K Paine, Dr W Boshoff and Dr M Teichler, Gauteng Province

Gauteng Education Department officials: J Maseko, W Motara, D Maboi, T Chaane, E Motala, M Poswa, N Moilola, B Wessels, A Moonsammy, T Waspe and L Botha, Gauteng Province

Transvaal English Medium Parents Association, Gauteng Province

Association of Governing Bodies, Gauteng Province

Association of Professional Teachers, Gauteng Province

Suid-Afrikaanse Onderwysersvereniging (SAOV), Gauteng Province

Interkerklike Kommissie, Gauteng Province

Afrikaanse Ouervereniging, Gauteng Province

Ms N Balindlela, MEC for Education, Head of Department and senior officials of the Eastern Cape Education Department, Eastern Cape Province

Delegation of representatives of Private Catholic Schools, Eastern Cape Province

Delegation of representatives of Non-Catholic Private Schools, Eastern Cape Province

Delegation of representatives of the Association of State-aided Schools, Eastern Cape Province

Delegation of Cradock School Principals, Cradock, Eastern Cape Province

Queenstown Education Forum, Queenstown, Eastern Cape Province

Representatives of the organised teaching profession, Eastern Cape Province

Members of the Education Desk of the ANC in the Eastern Cape Province

The Eastern Cape Teachers' Association (ECTA) affiliated with NAPTOSA, which includes organisations in the Eastern Cape Province: Cape Association of Teachers' Unions (CATU), Cape Teachers' Professional Association (CTPA), Suid-Afrikaanse Onderwysersunie (SAOU), South African Teachers' Association (SATA)

Representatives of South African Democratic Teachers' Union (SADTU), Eastern Cape Province

Representatives of the All Saints College, Eastern Cape Province

- Senior officials of the Education Department, Eastern Cape Province
- ✓ X Representatives from the parent community/teachers/students of schools in the Eastern Cape Province: Vukuhambe School, the Alphen Secondary School, the Majombozi Secondary School, the Wongulethu School
- Ms Jane Bradshaw and Mr Kenneth Pitso of the Daily Bread Charitable Trust, Eastern Cape Province
- Mr Majova, Regional Director, North Eastern Region, Eastern Cape Province
- Mr Ntonzeni, Regional Director, Southern Region, Eastern Cape Province
- Rt. Rev. David Russell, Anglican Bishop of Grahamstown, Eastern Cape Province
- Rhodes University Maths Project, Grahamstown, Eastern Cape Province
- Albany Farm Schools Working Group, Eastern Cape Province
- Mr S T Belot, MEC: Education and senior officials of the Free State Education Department
- Management Team of the Dr Blok Secondary School, Free State Province
- ✓ X Teaching staff of the Dr Blok Secondary School, Free State Province
- Inspector for Education in whose territory the Bloemvallei farm school is situated, Free State Province
- ✓ X ThabaNchu Principals Forum, Free State Province
- Mr R S Phele, Regional Coordinator, QwaQwa, Free State Province and Eastern Cape Province
- ✓ X Mr H G Buitendag, Principal, Seotlong Agricultural High School, QwaQwa, Free State Province
- ✓ X Mr P Cook, Principal, Thiobolho School for Deaf and Blind, Phuthatdijhaba, Free State Province
- ✓ X Representatives from the organised teaching profession, the parent organisation and Superintendents Auxiliary Services from the Free State Education Department: Mr J M Losabe (Bloemfontein West), Mr M E Mokhephe (Bloemfontein West), Mr S E Masemkane (Bloemfontein North), Mr T L Thibele (Bloemfontein North), Mr J H Steyn (Bloemfontein South), Mr J J Spies (Association for State-aided Schools), Mr J J Kritzinger (Association for State-aided Schools), Dr A A Stulting (Association for State-aided Schools), Mr H P Smit, Oranje Vrystaatse Onderwysersvereniging (OVSOV), Professor N T van Loggerenberg (OVSOV)
- ✓ X Representatives of South African Democratic Teachers' Union (SADTU) — NATIONAL
- Representative of the Dankbaar Christelike Volkseie Onderwys (CVO) School, Free State Province
- Members of the Management Body of the Sentraal High School in Bloemfontein: Prof C A J van Rensburg (Technikon, OVS), Professor W J Botha (University of the Orange Free State), Mr H P Smit (Headmaster), Mr R F Crowther (Free State Education Department), Mr J J D Havenga (Daan Havenga and partners Auditing firm), Mr J le Roux (Chairman of the Parent Association), Professor A A Stulting (Chairman of the Governing Body, Chairman of the Associations for State-aided Schools (ASAS) and Vice-Chairman of the South African Association for State-aided Schools (SAFSAS)
- Board of Governors of the St Joseph's Christian Brothers College, Free State Province
- ✓ X Staff of the St Joseph's Christian Brothers College, Free State Province
- ✓ X Representatives of the PTSA of the Daluxolo Primary School, Free State Province
- ✓ X Staff of the Daluxolo Primary School, Free State Province
- ✓ X Representative from SADTU, Free State Province
- Representative from PASO, Free State Province

- Representative from COSAS, Free State Province
- Representatives of the PTSA of the Moemedi Secondary School, Free State Province
- A senior official of the Education Department, Free State Province
- Representatives and staff of the Governing Body of the Dr Viljoen High School in the Free State Province: Mr M Grobler, Principal, R F J Bergh and Mr W Strydom, Deputy-principals, Rev W J van Eeden, Chairman of the Governing Body and Head of the Children's Home, Deputy Director-General, Professor Khoale, Mr J D Botha and Mr R F Crowther, Free State Education Department
- Ms M E Olckers, MEC, Education and Culture, Western Cape Province and senior officials: Dr F L Knoetze, Acting Head of Education, Mr B Gilbert, Acting Executive Director, Mr A W Muller, Head of Education ex-HOR, Mr C Beukes, Chief Director, Miss M Ngcelwane, Regional Acting Head of Staff, Dr O M Firmani, Director of Communication Service
- Delegation of Independent Schools, Western Cape: Mrs J Weight, Mr M Gray, Mrs P Duff, Mr P Oertel, Mr R Cox, Mr A Lindeque, Mr R Cawood, Mr M Hoare, Mr Y Mandes, Mr D Ginsberg, Mr R Stein
- Delegation of Church Schools, Western Cape: Mrs J G Pietersen, Mr E Nober, Mr P A Myburg, Rev C du Toit, Mr A Cloete, Mr C C van der Merwe, Rev J H Kronenberg, Mrs M Gardner, Mr C Marais, Mr R H Theunissen, Mr H Slaas, Rev J Joseph,
- People of the Ronwe Primary School, Paarl: Mr C Moses (Principal), Mr J Douman (Inspector), Mr L April, (Chairperson) and Mr S Johannes (Member) of governing body
- People of the Khutele Industrial School, Paarl: Mrs Elda Nahlentle, Principal, School Committee Chairperson and two parents
- People of the Curriekamp Primary School, Keimoes: Mr H Olivier (Principal), Rev Kulsen (Chairperson), Mr P Davies (Member) of the governing body
- Senior officials of the Department of Education in the Northern Cape: Dr Dlamini, newly appointed Head of Education, Mr Tex Moroladi, former Acting Head of Education, Dr Mohape Malaka, Mr David Visagie, Mr Hurter, Mr Sandile Beuzana
- Dr V E T Zulu, MEC for Education, and members of the Interim Provincial Strategic Planning and Management Committee (IPSPMC), Mr Vic Pillay, Mr A Olmesdahl, Mr W Dorkin, Dr H Vermeulen, Dr S Shabala and Mr B Martin
- Principal and Manager of Farm/Factory School at SAPPI Mill, Crammond, KwaZulu-Natal
- Circuit Offices in Umbombo, KwaZulu-Natal Province
- Principal, Chairperson of Board, Bursar and members of SRC Wykeham Collegiate, KwaZulu-Natal
- Principal and Chairperson of the School Committee of Gugulesizwe High School, KwaZulu-Natal
- Principal, Deputy Principals and members of the Board of Management of Glenwood High School, KwaZulu-Natal
- Principal of Vulindlebe School, KwaZulu-Natal
- Member of the Natal Deaf Association, KwaZulu-Natal
- Principal, Vice Principal, members of the Board of Management and members of the School Committee of the Shembe Memorial Combined Primary School, KwaZulu-Natal
- Members of the Interim Provincial Strategic Planning and Management Committee (IPSMC), KwaZulu-Natal
- Principal, Deputy Principal and members of the governing body of the Open Air School for the Physically Handicapped, Glenwood, Durban, KwaZulu-Natal

- ▷ Principal, Deputy Principal and members of the governing body of the Open Air School for the Physically Handicapped, Glenwood, Durban, KwaZulu-Natal
  - ▷ Mr Mazibuko, Principal, Members of the Management Committee, Students and Teachers of the A J Mwelase High School, Lamontville, KwaZulu-Natal
  - ▷ Principal, Acting Farm Manager, School Inspector and a teacher of the Georgenau Farm School, KwaZulu-Natal
  - ▷ Principal and School Manager of the Human Resources of Factory, Nkayishana Combined School, KwaZulu-Natal
  - ▷ Principal and Chairman of School Committee, Gugulesizwe High School, KwaZulu-Natal
  - ▷ Mrs D Sithole, teacher, Mr V B Nhlumayo, School Inspector, Dr W S Mpfana, Subject Advisor, Mr S M Zuma, School Principal, Ms A T Zwane, Principal, from the Port Shepstone Area, KwaZulu-Natal
  - ▷ Mr N Yeni, Principal and Mr Mthiyane, Deputy Principal, Dlangezwa High School, KwaZulu-Natal
  - ▷ Sister Mary-Anne, Principal, Sister Amara, Miss Dube, Natal Deaf Association, Mr A N Nzimande, Vulindlebe School for the Deaf, Umlazi, KwaZulu-Natal
  - ▷ Mr Dlomo, Ndwedwe Circuit Inspector, KwaZulu-Natal
  - ▷ Principal, Vice Principal and 4 Members of School Committee, Shembe Memorial Combined Primary School, Inanda, Durban, KwaZulu-Natal
  - ▷ Umbombo Principals and School Committee Members, KwaZulu-Natal
  - ▷ Nongoma Circuit Principals, KwaZulu-Natal
  - ▷ Principal, Deputy Principal, Chairman, Parents Committee and, two Head Prefects, Richardsbay Secondary, KwaZulu-Natal
  - ▷ Principals of Community Schools in the Port Shepstone area, KwaZulu-Natal
- P Mahlelu, Network Against Child Labour (NACL),  
B Maserumule, Farmworker Research and Resource Project (FRRP),  
P Masia, Director, Rural Education Forum (REF),  
J Mokungwe, Education Officer, South African Agriculture and Plantation Allied Workers Union (SAAPAWU), an affiliate of the Congress of South African Trade Unions (COSATU),

## APPENDIX 8

### DOE'S SECTION 247 NEGOTIATING POSITION DOCUMENT

3) 

APPENDIX 8

Please File  
1/3/20

DEPARTMENT OF EDUCATION

**PROPOSED ALTERATIONS TO THE RIGHTS, POWERS AND FUNCTIONS  
OF PUBLIC SCHOOL GOVERNING BODIES**

**The purpose of this document**

1. The purpose of this document is to:

(1) Give formal notice to all public school governing bodies that it is the intention of the national government to alter their rights, powers and functions by means of an Act of Parliament presently known as the draft South African Schools Bill, 1996, a copy of which is appended to this document.

(2) Inform all public school governing bodies of the system of school organisation, governance and funding which the national government contemplates enacting in the Act of Parliament currently known as the draft South African Schools Bill, 1996; and

(3) Open the negotiation between the national government and public school governing bodies envisaged in section 247 of the Constitution of the Republic of South Africa (Act 200 of 1993), which is also referred to in this document as "the Interim Constitution".

**Section 247 of the Interim Constitution**

2. Section 247 of the Interim Constitution includes "Special provisions regarding existing educational institutions". Its relevant subsections read as follows:

**247. (1)** The national government and the provincial governments as provided for in this Constitution shall not alter the rights, powers and functions of the governing bodies, management councils or similar authorities of departmental, community-managed or state-aided primary or secondary schools under laws existing prior to the commencement of this Constitution unless an agreement resulting from bona fide negotiation has been reached with such bodies and reasonable notice of any proposed alteration has been given.

(3) Should agreement not be reached in terms of subsection (1)... the national government and the provincial governments shall, subject to the other provisions of this Constitution, not be precluded from altering the rights, powers and functions of the governing bodies, management councils or similar authorities of departmental, community-managed or state-aided primary or secondary schools... provided that interested persons and bodies

- shall be entitled to challenge the validity of any such alteration in terms of this Constitution...."

### \* Interpretation

3. For the purpose of this document,

(1) The term "public school" means any school, other than a private school, established under any law governing school education in the Republic of South Africa, and includes any school referred to in section 247 of the Interim Constitution;

(2) The term "governing body" includes the governing body, management council or similar authority of every public school, and includes every such body referred to in section 247 of the Interim Constitution.

### Background

*The development of national schools policy and legislation*

4. First education white paper. The Government of National Unity is committed to overcome South Africa's inheritance of a racially and ethnically divided school system, with its extreme inequalities in educational provision. The Ministry of Education spelled out the basis of the government's policy on school organisation, governance and funding in its first white paper, *Education in a Democratic South Africa: First Steps to Develop a New System*, which was approved by the Cabinet in February 1995 after extensive public consultation.

5. Review Committee. The Minister of Education appointed a Review Committee, chaired by Professor Peter Hunter, to recommend in detail how a unified, non-racial national school system could be brought about, on the basis of the guiding principles set out in the first white paper. The Review Committee reported to the Minister on 31 August 1995.

x 6. Legal panel. The Minister appointed a legal panel to advise him on the legal and legislative implications of the report.

x 7. Second education white paper. A draft white paper was published in November 1995 by the Ministry of Education, which was based very largely on the recommendations of the Review Committee and incorporated the advice of the legal panel. After weighing the public response to the draft, the Ministry of Education revised it for submission to Cabinet. The new policy document, *The Organisation, Governance and Funding of Schools: Education White Paper 2* was approved by Cabinet in February 1996 and published in the *Government Gazette* (General Notice 130 of 1996). A drafting group comprising the Minister's legal panel and officials of the Department of Education then prepared the draft South African Schools Bill, 1996 which puts the new government policy into legislative form.

Drafting Panel

8. School Finance Task Team. Education White Paper 2 included an extensive discussion of school funding policy, but policy decisions were deferred pending the completion of an investigation by a School Finance Task Team comprising representatives of the Departments of Education, Finance and State Expenditure, the Financial and Fiscal Commission, and local and international consultants. The findings of the Task Team have been taken into account in the draft South African Schools Bill, 1996, and have been published in the Government Gazette, together with the draft Bill, for public comment.

NB.

9. Draft South African Schools Bill. The draft South African Schools Bill, 1996 puts into legislative form the national policy on school organisation, governance and funding which was approved by Cabinet in Education White Paper 2. In common with all members of the public, school governing bodies are of course welcome to send written comments to the Department of Education on any aspect of the draft Bill before the published deadline. After revision, the Minister of Education will submit the Bill to Cabinet for approval before it is tabled in Parliament. Additional revisions arising from the section 247 negotiations will be presented in the form of amendments when the Bill is under consideration by the Portfolio Committee on Education.

Written com +  
revisions based on section 247 negotiated

*Negotiations in the Education Labour Relations Council*

10. Provisions of the draft Bill relating to the employment of educators are subject to negotiation in the Education Labour Relations Council. →

Part of conservative lobby's actions →

*Education legislation before the Constitutional Court*

11. At the time the present document was prepared, the Constitutional Court had reserved judgement on the National Education Policy Bill, 1995 and some provisions of the Gauteng School Education Act, 1995. These matters had been referred to the Court on petition by members of minority parties in the National Assembly and in the Gauteng Legislature, respectively, who challenged the constitutionality of aspects of the measures in question.

12. The Minister of Education will abide by the judgement of the Constitutional Court with respect to the National Education Policy Bill, 1995. He has offered an undertaking to Cabinet to take into account any implications of either judgement which affect the draft South African Schools Bill, 1996.

*The new Constitution*

X 13. The South African Schools Bill, 1996 is framed in terms of the Interim Constitution. At the time of writing the new Constitution was still under consideration in the Constitutional Assembly.



### Status of the proposed South African Schools Act, 1996

*- i.f.o. national vs provincial jurisprudence*

14. The government intends to enact the South African Schools Bill, 1996, during the current Parliamentary session. The question arises: "If the South African School Bill, 1996 is enacted, what status will it have in relation to schools legislation which is in force in the nine provinces?" The Interim Constitution prescribes what the legal situation would be in cases where both a national law and a provincial law deal with the same matter.

15. In terms of the Interim Constitution, the national Parliament and every provincial legislature is competent to pass laws on school education. A provincial law may apply only within that province, whereas a national law may apply throughout the country. Such laws, national and provincial, will co-exist and a court shall regard them as consistent with one another, unless, and only to the extent that, they are definitely or "by necessary implication" inconsistent with one another.

16. In such a case the question arises as to which law, or part of a law, shall prevail in the province in question. The Interim Constitution states that the provincial law shall prevail over the national law in that province, except if the national law "applies uniformly in all parts of the Republic", and insofar as the national law satisfies one or more of the criteria which are especially provided in section 126. The relevant parts of section 126 are as follows:

126. A law passed by a provincial legislature in terms of this Constitution shall prevail over an Act of Parliament which deals with a matter [in which both have legislative competence] except in so far as -

- (a) the Act of Parliament deals with a matter which cannot be regulated effectively by provincial legislation;
- (b) the Act of Parliament deals with a matter that, to be performed effectively requires to be regulated or co-ordinated by uniform norms or standards that apply generally throughout the Republic;
- (c) the Act of Parliament is necessary to set minimum standards across the nation for the rendering of public services...."

*\**

17. The South African Schools Bill, 1996 when enacted, will provide for a uniform system of school organisation, governance and funding of schools, and establish norms and minimum standards in these matters which will apply uniformly across the country. It is therefore intended to prevail over any provincial law or part of any provincial law, which may be inconsistent with it, in terms of section 126(3) of the Interim Constitution.

*\* Drafting involved of HEC's & HODs*

18. The development of the new policy, as well as the preparation of the draft Bill, have been undertaken in close consultation with the provincial Members of Executive Councils responsible for education, and the provincial heads of education departments especially through the Council of Education

Ministers and the Heads of Education Departments Committee. When the South African Schools Bill, 1996 has been enacted by Parliament, the Ministry of Education will, where necessary, encourage provincial Members of the Executive Council (MECs) responsible for education to amend their provincial schools legislation to ensure consistency with the national Act.

### ➤ Main aspects of the draft South African Schools Bill, 1996

#### *Introduction*

19. This section of the document summarises important aspects of the draft Bill which relate to the rights, powers and functions of public school governing bodies. It is not a complete summary of the contents of the draft Bill. The Ministry of Education advises members of public school governing bodies to read this section together with the draft Bill in order to achieve a full understanding of the government's intentions. While the Ministry of Education has aimed for scrupulous accuracy in summarising provisions of the draft Bill in this document, it is bound to state that the language of the draft Bill itself must prevail in any dispute over the meaning of any part of the draft Bill or this memorandum.

#### *Policy basis*

20. The basis of the government's new policy for school organisation, governance and funding was summarised in Education White Paper 2 as follows:

The new structure of school organisation should create the conditions for developing a coherent, integrated, flexible national system which advances redress, the equitable use of public resources, an improvement in educational quality across the system, democratic governance and school-based decision-making within provincial guidelines. The new structure must be brought about through a well-managed process of negotiated change, based on the understanding that each public school should embody a partnership between the provincial education authorities and a local community." (p. 10)

21. In respect to the matters under negotiation, the Ministry of Education emphasises three points. Firstly, when the draft South African Schools Bill, 1996 is enacted, this country will for the first time in its history have a national non-racial system of public schools, all of which are governed by representative democratically elected governing bodies. Secondly, the new measure will add significantly to the rights, powers and functions which the overwhelming majority of public school governing bodies currently possess. Thirdly, the concept of a public school as a partnership between a local school community and the provincial education department is given expression throughout the draft Bill.

22. The term "partnership" has not been used in the language of the Bill itself, because it has specific legal connotations which are not relevant to schools. Nevertheless, the idea that the provincial education authorities and each school community will be required to work together to identify the common interests and joint purpose of public schooling in each community, within the over-arching framework of provincial and national laws and the Constitution, is central to the scheme of the draft Bill. In the view of the Ministry of Education, this concept is essential to the reconstruction and development of public education in this country.

→ *School organisation: public schools and independent schools*

- ✓ | 23. The draft Bill re-organises the national school system in two broad categories of schools: public schools and independent schools.

24. The *public schools* category, as described in paragraph 3 above, will include all schools which are currently known as community schools, farm schools, state schools, and state-aided schools (including state-aided specialised schools, church schools, Model C schools, mine schools and others). The characteristics inherited from the apartheid era will become progressively less important as the character of the new-style public schools becomes defined through the new system of governance and funding. The immovable property of formerly state-aided (Model C) schools will be repossessed by the State, subject to the Constitution and due process of law (see paragraph 45 below)

25. The only distinction among public schools recognised in the draft Bill is between *ordinary public schools* and *special public schools*. MECs may establish and maintain special public schools to provide education for learners with special education needs, but are required to provide education for such learners at ordinary public schools where reasonably practicable

26. The *independent schools* will comprise all schools currently registered as private or independent schools

- 27. The present document deals only with public schools

*Legal personality*

28. The draft Bill provides that each public school shall be a juristic person. In law, a juristic person, that is a legal person, is an entity which is by law allowed to acquire its own rights and incur its own duties and obligations. These are acquired or incurred for the body as a whole, and not the individual members

- ✓ → *Employment of educators at public schools*

29. All educators appointed to public schools will be employed by the provincial education department, according to Schedule 2 of the draft Bill.

- The draft Bill also provides that the provincial authorities may create posts at a public school which are additional to the establishment, but such posts shall be filled only on condition that the school pays the full cost to the department. (These and other employment matters are subject to negotiation in the Education Labour Relations Council.)

→ *Establishment of public school governing bodies*

- 30. The draft Bill provides that the governance of a public school shall be vested in its governing body. "Governance", which is the responsibility of the governing body, is distinguished from "professional administration" which is vested in the head of the provincial education department and may be delegated by the head to the principal of the school.
- ✓ 31. Each public school governing body shall comprise elected members of the constituencies making up the school community: parents of learners at the school, educators at the school, staff at the school who are not educators, the school principal, learners at the school (in the case of secondary schools) elected by the Students Representative Council, and members of the community co-opted by the governing body. The draft Bill provides that parents shall comprise the majority of members of the governing body.
- ✓ 32. The draft Bill requires each secondary school to have a Students' Representative Council, elected in terms of procedures published by the MEC for education.
- 33. The governing body of an ordinary public school which provides education for learners with special education needs is required to co-opt one or more persons with expertise in these matters, and establish a committee to advise the governing body on the provision of education to learners with special education needs.
- 34. The governing body of a special public school shall have the same composition as other public school governing bodies, but is required to include an official with expertise in special education needs. The governing body may also co-opt a representative of a sponsoring body, a parents' organisation, an organisation representing disabled people, or a member from the disabled community. In certain circumstances the MEC may waive the requirement for a secondary school to have a Students Representative Council.

→ *Powers and functions of public school governing bodies*

- x ( 35. All governing bodies will have the duty to promote the best interests of the school and perform its functions in a responsible and accountable manner. In addition, the draft Bill provides a list of 18 powers and functions which public school governing bodies may exercise, subject to the provisions of the Act and the Constitution.

36. The MEC for education shall decide which powers and functions on the list may be performed by public schools in the province, and which powers and functions a governing body may apply for. An application by a governing body to exercise a power or function may only be refused if the provincial head of education is satisfied that the governing body concerned does not have the capacity to perform effectively. A provincial head of education may withdraw a power or function from a governing body in case of failure or inability on the part of the governing body.

37. However, each MEC is obliged to establish a programme of capacity building for governing bodies, to empower them to exercise their responsibilities effectively, and to promote the active participation and accountability of governing body members.

38. The list of governing body responsibilities which may be conferred in terms of the draft Bill includes the powers to:

- ✓ develop the mission, goals and objectives of the school;
- ✓ determine the admission policy of the school, with the concurrence of the MEC.
- ✓ determine the language policy of the school subject to the appropriate national and provincial policy;
- ✓ determine the policy for religious observance of the school;
- ✓ determine the school's extra-mural curriculum, and the school curriculum in terms of provincial policy and subject to the South African Qualifications Act 1995; and
- ✓ recommend the appointment of educators and non-educators to the provincial authorities, subject to the appropriate labour laws.

39. Although governing bodies may have the power to determine the admission policy with the agreement of the MEC, in chapter 2 of the Bill, applicants for admission to public schools are given protection from unfair discrimination and principals are given the responsibility to decide on individual admission applications subject to certain conditions and the right of an applicant to appeal to the MEC.

40. Governing bodies may have the power to determine the school's language policy, subject to national and provincial policies, but the learner's constitutional right to be taught in the language of his or her choice, where this is reasonably practicable, is also upheld in chapter 2 of the draft Bill.

41. Schedule 2 of the draft Bill, which deals with the employment of educators, provides that the provincial authorities shall accept the recommendation of a governing body to appoint an educator except if the candidate does not have the required qualifications, or has been found guilty of misconduct, or if there is evidence that the recommendation was based on improper influence. An educator appointed, on the recommendation of the governing body, to a post which is additional to the school's establishment, must be paid for in full by the governing body. He or she will be employed by

the province but appointed on contract. (These matters are subject to negotiation in the Education Labour Relations Council.)

42. In addition to the educational matters listed above, governing bodies may also be granted such financial responsibilities as to:

- ✓ determine and oversee the school budget;
- ✓ establish and administer a school fund;
- ✓ determine, charge and oversee the collection of any school fees payable by parents of learners at the school;
- ✓ raise voluntary contributions;
- ✓ purchase text books, educational materials and equipment;
- maintain the grounds and buildings of the school.

X → 43. The proposals for school funding in the draft Bill are subject to further consultation between the national Department of Education and the financial departments of government. However, it is agreed that no child can be denied its right to basic education on the grounds of a parent's inability to pay school fees. A governing body may decide to charge school fees only if it has prepared a budget and a parents' meeting has accepted it. A decision to charge fees, based on a majority vote at a parents' meeting, must include arrangements to ensure that parents who are without the means to pay are exempted from payment. A governing body must decide on equitable procedures to exempt such parents. The Minister of Education and the provincial MEC for Education may set guidelines to assist governing bodies to exercise this responsibility. No parent who is exempt from payment of fees shall be obliged to pay.

44. Governing bodies which existed before the new South African Schools Act: 1996 comes into effect, will continue to function until the date when the election of all governing bodies in a province has been completed. This date will be set by the Minister of Education, after consultation with the MEC.

→ *Ownership and expropriation of property*

45. One of the "transitional provisions" in the draft Bill requires an MEC to expropriate the immovable property of former Model C schools, subject to the Constitution and other provisions in the draft Bill relating to expropriation. The Ministry of Education is advised that the government will not be liable to pay compensation for such assets which had been state property in the past and which will continue to be used for educational purposes.

46. Another section of the draft Bill gives the MEC the power, if it is in the public interest, to expropriate land and real rights in or over land for any purpose related to school education in a province. The owner of such land and real rights shall be entitled to compensation in terms of the Constitution, the Expropriation Act, 1975, and the provisions of the draft Bill. The draft Bill provides that, if the parties cannot reach agreement on compensation, either

- party may refer the matter to a Court or they may agree to refer it to an arbitrator, whose determination shall be binding.

#### **The negotiation process**

47. The Ministry of Education welcomes the participation of all public school governing bodies in the process of negotiation required in terms of section 247 of the Constitution.

##### *Written comments*

48. Public school governing bodies are invited to give their views in writing on the Ministry of Education's proposals on public school governance, as provided in the draft South African Schools Bill, 1996 (which is enclosed). This document has summarised many important aspects of the draft Bill, but governing bodies are requested to consult the terms of the draft Bill itself. The terms of the negotiation required by section 247 of the Constitution relate to the national government's proposed alterations to the rights, powers and functions of public school governing bodies. However, governing bodies are welcome to comment on any aspect of the draft Bill.

49. Written comments, signed by the chairperson of the governing body, and indicating the full name, postal address and province of the school, should reach the Department of Education by Friday, May 31, 1996. Please send them to the following address:

*Department of Education  
Section 247  
PB X895  
Pretoria  
0001*

50. Governing bodies are invited to write their comments in any of the official languages.

51. Any governing body is free to choose not to write to the Department of Education.

##### *Requests for discussions on the Ministry's proposals*

52. Any governing body which wishes to meet representatives of the Ministry of Education to discuss the Ministry's proposals is welcome to make such a request. A governing body may indicate that it wishes to be represented in the discussion by an association of which it is a member.

53. Requests to participate in a meeting with representatives of the Ministry of Education should be sent to the address given in paragraph

 **49 by 31 May 1996. Governing bodies may use any official language in communicating such a request.**

54. The Department of Education will arrange meetings for this purpose at centres in each province, and will publish the dates, times and venues of such meetings in the *Government Gazette* and the media. Such meetings will be open to the public.

55. All written and oral submissions by governing bodies will be carefully considered by the Ministry of Education with a view to making improvements to the draft Bill.

*Progress of the draft South African Schools Bill, 1996*

56. The Ministry of Education intends to seek passage of the South African Schools Bill before the end of the 1996 Parliamentary session. To do so, it must observe the deadlines for legislation.

X 57. The Minister intends to publish the draft South African Schools-Bill, 1996 in the *Government Gazette* in early April 1996, in order to permit the general public to make their views known on the Bill. The closing date for submissions by the general public is 30 April 1996. The draft Bill will then be revised and submitted by the Minister of Education to Cabinet, whose approval is required before a Bill can be tabled in Parliament. The Minister intends to have the Bill tabled in Parliament before the end of June 1996.

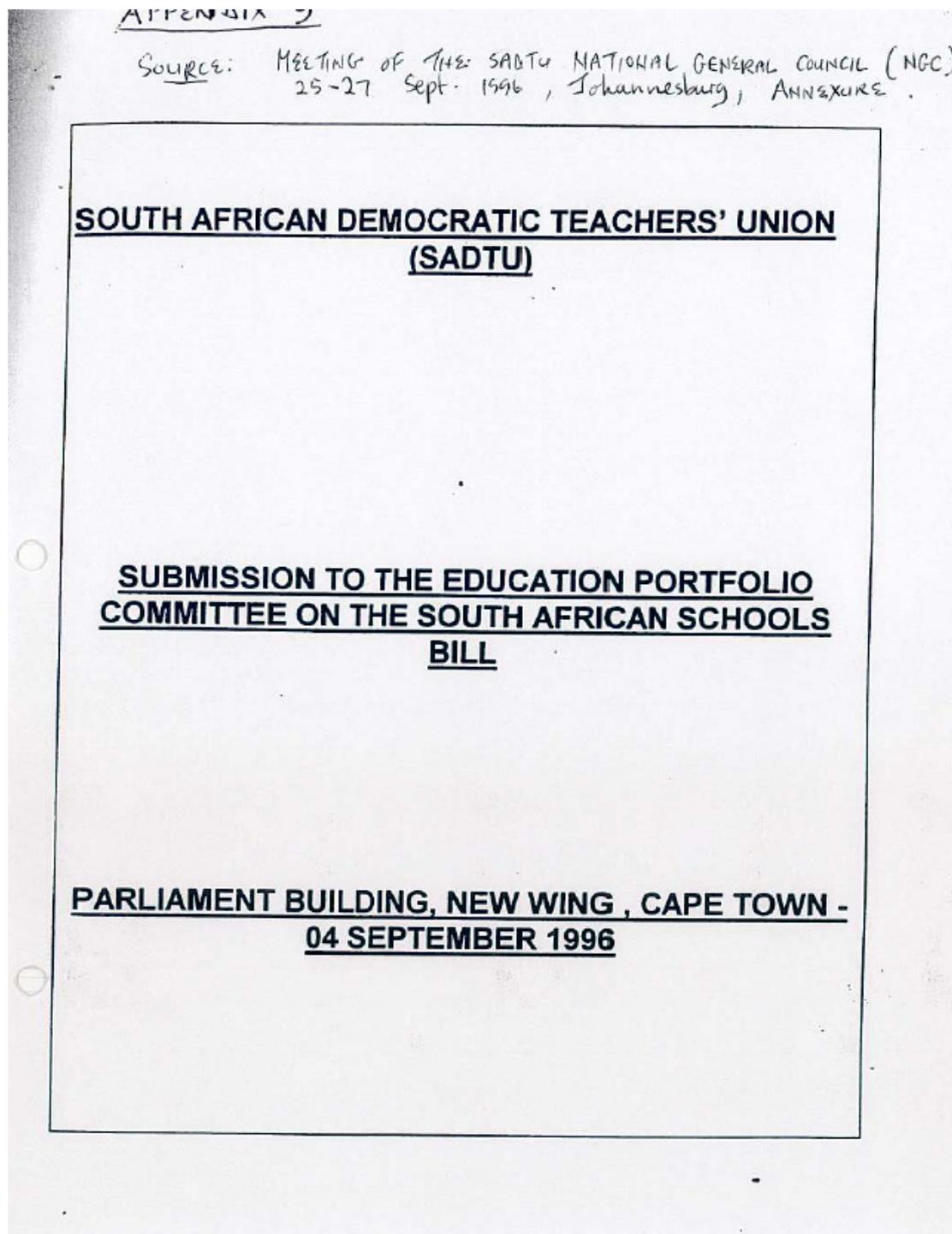
N.B. X  
el Draft  
X 58. Amendments arising out of the Ministry of Education's section 247 negotiation process with governing bodies will be tabled when the South African Schools Bill is under consideration in the Portfolio Committee on Education in Parliament

X 59. At that stage the Ministry of Education will consider that its constitutional obligation to undertake *bona fide* negotiations with public school governing bodies has been fulfilled.

Pretoria  
27 March 1996

**APPENDIX 9**

**SADTU SUBMISSION TO THE PARLIAMENTARY PORTFOLIO  
COMMITTEE, 4 SEPTEMBER 1996**



SADTU welcomes the opportunity to make a submission on the South African Schools Bill-hereafter referred to as the bill. SADTU is appreciative of attempts made by the Minister of Education, Prof. Bengu, to transform our education system through this bill and a number of other pieces of legislation.

To contextualise the bill, it is important to look at its genesis. In 1995 the Minister appointed a Committee, under the chairpersonship of Prof. Hunter, to look into issues such as school governance, organisation and funding. SADTU as an important stakeholder, was represented on the Committee by its Vice President Reg. Brijraj. Far reaching recommendations were released in August 1995. Some of the major recommendations were included in the White Paper on School Organisation, Governance and Funding - otherwise known as the White Paper Two. These policies were then translated into the South African Schools Bill. The bill is to be passed in the final parliamentary session for 1996.

In the sub-sections below, SADTU raises some of its concerns with the bill.

### **COMPULSORY EDUCATION**

For the first time in this country, there is compulsory education for all children between the ages of six and fifteen. However this section represents a significant departure from previously stated positions of the ANC. The bill provides for legal measures to be taken against parents in the event that they do not ensure that children of school going age are in school. Further there is no legal deterrent in the bill against those individuals who might cause children not to attend school. It should also be illegal for employers to employ children during school hours.

Another weakness of the bill is that unlike earlier versions there is no mention of an attendance officer and his/her functions.

### **Recommendations**

The following clauses should be added:

- a) Any person who employs a child of school going age during normal school hours shall be guilty of an offense and punishable by a fine of R10 000.00 and/or imprisonment of up to 6 months .

(South Africa's laws must be brought into line with the UNICEF conventions which were recently signed by government. The new Labour Relations Act - (LRA), Section Four of the Children's Act and the Employment Standards Act must also reflect these new stipulations.)

- b) The Head of Department shall set in place measures to ensure compulsory school attendance.

### **COMPULSORY ATTENDANCE**

The bill stipulates that there will be compulsory education until the age of 15 or the 9th grade of school, whichever comes first.

COSATU's position on the Employment Standards Bill is that no child under the age of 16 should be allowed the work. Children under this age may be extremely vulnerable to exploitation by unscrupulous employers. However, the problem is indicated herein because many children who take the work option, rather than continuing with schooling, would be compelled to wait for an entire year before commencing work at the age of 16.

In compliance with the Employment Standards Bill the State must take the responsibility for those GETF graduates who might not be absorbed into the labour market.

### **Recommendation**

The relevant clause in the bill should be changed in that there should be compulsory education across Level 2 at the Further Education and Training level.

### **ADMISSION POLICIES**

In the Hunter report and the Education White Paper 2, admission policies were to be determined and controlled by the Provincial Education Departments. This has now changed with local governing bodies being entrusted with such a responsibility. This is problematic. Leaving school governing bodies to determine admission leaves open the possibility for reactionary groupings within communities to find ways to exclude pupils.

#### **Recommendation**

An admission policy framework for all public schools should be drawn up by the provinces. The policy should ensure that no child should be discriminated against in terms of race, gender, cultural background, language proficiency, academic ability, a governing body's perception of assessment of a parent's ability to pay fees and non-payment of a deposit for registration.

### **LANGUAGE POLICIES**

The constitutional provision for language rights as contained in the Bill of Rights is reiterated in the bill. Governing bodies can now determine language policies. SADTU has severe reservations about this section. Language issues are on the cutting edge of education debates and have already been used as a means to exclude pupils.

#### **Recommendation**

Regulations around language policy be included in the admission policy framework and should ensure that language is not used to discriminate against pupils.

### **COMPOSITION OF GOVERNING BODIES**

SADTU's position is that there should be equal representation of teachers, parents and in the case of secondary schools, students on the governing bodies. The role of parents can never be over-emphasised. These three groupings are all of equal importance in terms of the running of schools. Parents are not necessarily more important than other stakeholders and

their influence (majority representation and majority vote) will not necessarily be in the best interest of the school.

Recommendation :

That parents should have a relative rather than an absolute majority on school governing bodies.

**STUDENT REPRESENTATIVE COUNCILS (SRCs) AND PREFECT SYSTEM**

The institution of democratically elected SRC's was one of the major demands of the mass democratic movement during the 1980s. The legislation pertaining to SRC's in secondary schools is a major victory for the democratic forces. But one of the problems is the bill is the choice to allow the prefect system to continue as a parallel structure. A prefect system is inherently undemocratic as it is chosen by the teachers and the principal. In SADTU's opinion it is an anachronism in this new system. Over and above this fact, these parallel student structures may cause confusion. There could be possible conflict and competition over functions. Some conservative schools may use the prefect system to undermine and ignore the democratically elected student representatives.

**Recommendation**

All references to prefect system should be deleted. Also, the bill should specify the status, functions and powers of SRC's.

**PRIVATE LAND OWNERS**

The bill allows for private land owners who own land on which certain public schools are situated to be appointed on the governing bodies. SADTU is opposed to this. Because of their powerful position, these incumbents may exercise undue influence on the decisions taken by governing body.

**SCHOOL FUNDING**

This is the major problem area for SADTU. According to the bill, governing bodies will be able to set and charge fees if a majority of the

parents in the school accept the principle. Governing bodies will have the power to sue parents who do not pay and they will be able to decide on the amount to be charged. These fees will supplement the basic amount provided for by the government.

The funding model is known as the 'User Fee' model and was developed by two international consultants, namely Christopher Colclough and Louis Crouch. The consultants argued that the "Equity Model", developed by the earlier Hunter Committee and supported by progressive forces, would have a disastrous effect on education. The consultants claimed that a decline in funding for previously privileged schools would encourage middle class parents to pull their children out of the public school system and into the independent school sector. They argued that among those departing would be important decision makers whose influence in favour of sustained public spending and support for public education would diminish. To prevent this exodus of middle class pupils, the consultants proposed raising resources to maintain school quality over and above what would be affordable if only state allocations were used.

SADTU believes however that this "User Fee" model will tend to perpetuate inequalities in education. Poor communities who desperately need quality resources will find themselves in a situation where they can only afford basic resources, while rich communities, who benefited from apartheid, will continue to have access to superior education. The inequalities of the past will thus be entrenched.

Further, SADTU believes that there is no guarantee that middle class parents will stay in the public school system. Parents may feel that they are not receiving "value for money". Money spent on schools fees will be used not only to support children who are paying for their tuition, but also to cover "free riders" i.e. children whose parents cannot pay. Many parents may then decide that they would obtain better "value for money" if they place their children in the independent sector where everyone pays. The problem then is that once middle class parents start to remove their children from the public sector, quality education will become more and more difficult to maintain. The public sector system will eventually provide only a basic education. This is a huge problem in terms of productivity and the majority of pupils may end up being underqualified for the labour market, and will eventually swell the ranks of the unemployed.

### **Recommendation**

The union believes that parents should contribute money to their children's schools, but these contributions should be voluntary. Also, money should be used to supplement the state education provided and should not be used to provide the essentials. The curriculum needs of the school should be fully attended to by the state thus ensuring quality education for all. SADTU thus supports the principle of the equitable schools based formula - option two of the Review Committee. This model places emphasis on redress fund and a school index of needs.

### **SUBSIDIES FOR PRIVATE SCHOOLS**

It has been SADTU's strong belief that private education should be funded by private means. Our reasoning is that there are limited funds for education and these must be spent on public schools. The Union however has clarified its position on a blanket subsidies ban. In the light of recent events in Gauteng, SADTU believes there are certain private schools that are worthy of a state subsidy. These would be non-profit schools that are providing quality education for pupils in under-privileged communities. It has been brought to the Union's attention that the implications of subsidy cuts in these schools could force them to close down. SADTU believes that these select schools should be given state funding.

### **Recommendation**

A subsidy model allowing for the subsidisation of independent schools rendering quality education to under privileged communities should be determined.

### **RENDERING SERVICES FOR LACK OF PAYMENT OF FEES**

This clause in the bill allows for governing bodies to call on parents to render services to the school if they are unable to pay school fees. SADTU totally rejects this position. Slave labour from poor parents is not acceptable. It is very important that parents are encouraged to contribute to school in terms of building, painting, offering their bookkeeping skills etc. But parents who cannot pay should not be singled out for these duties.

### **PAID TIME OFF FOR PTSA AND PTA MEMBERS**

In initial discussions around the bill a position was put forward that members of school governing bodies should be paid or, at the very least, paid leave should be organised. This proposal has been rejected. The problem this creates is that poorer parents with less flexible working situations will now participate less on the governing bodies. This will mean that richer parents will have more say. Parents should not be paid for serving on governing bodies since this could lead to them standing for election for the wrong reasons. Paid time off for workers should be organised so they can have the freedom to attend meetings without fear of victimisation.

### **EXPROPRIATION OF SCHOOL LAND AND PROPERTY**

Most of the schools that have accumulated property are "Model C" schools. The land and property acquired by these schools should be expropriated without compensation. "Model C" schools were given the state's land during the apartheid era. This was paid for with taxpayers money and the state has no right in the first place to give it away.

### **CONCLUSION**

SADTU has been waiting for a long while for this bill and the changes it will bring to public schooling. If the above amendments are effected, a more uniform system of education will be created. Genuine equity and redress will be implemented throughout the system ensuring quality education for all. This has been the ANC's long term educational promise. Let this promise be fulfilled!

## APPENDIX 10

### AFFILIATES OF NAPTOSA AT ITS LAUNCH IN 1991

#### APPENDIX 10

### NATIONAL PROFESSIONAL TEACHERS ORGANISATION OF SOUTH AFRICA (NAPTOSA)

#### AGREEMENT OF FOUNDING

We, the teachers' associations present here today as represented by the undersigned delegates, do hereby solemnly and sincerely declare that we are unanimous in our resolve to form a National Teachers' Organisation whose principles and objects are defined in the Constitution and to which we all subscribe and therefore agree to the formation of the National Professional Teachers Organisation of South Africa on this the 24th day of August 1991.

Association of Supportive Educators (ASE)

Natal African Teachers Union (NATU)

Natalse Onderwysersunie (NOU)

Natal Teachers Society (NTS)

Orange Free State African Teachers Association (OFSATA)

Oranje Vrystaatse Onderwysersvereniging (OVSOV)

Suid-Afrikaanse Onderwysersunie (SAOU)

South African Teachers Association (SATA)

Suid-Afrikaanse Vereniging vir Tegniese en Beroepsonderwys (SAVTBO)

Transvaalse Onderwysersvereniging (TO)

Transvaal Teachers Association (TTA)

Transvaal United African Teachers Association (TUATA)

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2. Peter Hunter (Chairperson, Committee to Review the Organisation, Governance and Funding of Schools), Johannesburg, 22 March 2000.
3. Reg Brijraj (Member, Committee to Review the Organisation, Governance and Funding of Schools; Vice-President, South African Democratic Teachers' Union), Centurion, Pretoria, 14 February 2000 and 13 December 2004.
4. Eliam Biyela (Member, Committee to Review the Organisation, Governance and Funding of Schools; Professional Secretary, National Teachers Union), Pretoria, 11 February 2002.
5. Jacobus Koos Steyn (Member, Committee to Review the Organisation, Governance and Funding of Schools; Director, Transvaalse Onderwysersvereniging), Pretoria, 11 June 2002.
6. Blade Nzimande (Chairperson, Parliamentary Portfolio Committee for Education), Johannesburg, 24 February 2003.
7. Sue Mathieson (Researcher, Parliamentary Portfolio Committee for Education), telephone interview, 10 September 2002.
8. Duncan Hindle (ex-President, South African Democratic Teachers' Union), Pretoria, 5 June 2002 and 14 December 2004.

9. Glen Abrahams (Vice-President for Education, South African Democratic Teachers' Union), Johannesburg, 15 April 2003.
10. Aubrey Matlole (Former Education Officer, South African Democratic Teachers' Union), Pretoria, 24 October 2002.
11. Johan Beckman (Member, Transvaalse Onderwysersvereniging and National Professional Teachers Organisation of South Africa), University of Pretoria, 8 December 2004.
12. Willem Boshoff (Director, Labour Relations, National Professional Teachers Organisation of South Africa), in discussion with the author, Pretoria, 2 March 2000.
13. Huw Davies (Former Executive Director, National Professional Teachers Organisation of South Africa), Pretoria, 20 July 2000 and 28 April 2004.
14. Leepile Taunyane (ex-President NAPTOSA and Transvaal African Teachers Union), Johannesburg, 12 March 2003.
15. Trevor Coombe (Former Deputy Director-General, Systems and Planning, Department of National Education), Pretoria, 8 May 2000.
16. Thami Mseleku, (Former Political Advisor, Minister of Education), Pretoria, 6 May 2002 and 14 July 2003.
17. Chris Madiba (Chief Director, Department of National Education), Pretoria, 12 November 2002.
18. Eben Boshoff (Senior Counsel, Department of National Education), Pretoria, 16 March 2000.
19. Dave Balt (President, National Union of Educators and National Professional Teachers Organisation of South Africa), Johannesburg, 12 June 2002.
20. Cecil Scorgie (Vice-President, National Union of Educators), Johannesburg, 26 April 2002.

21. Luis Crouch (Consultant, Department of National Education, South Africa), Brooklyn, Pretoria, 10 July 2002.
22. Salim Vally (Policy Analyst, Education Policy Unit, University of the Witwatersrand), Johannesburg, 8 August 2002.
23. Dan Legoethe (Former Chairperson of SADTU Zoja-Zem Branch, Soweto), Soweto, 6 June 2002.
24. Chris Klopper (Official, Transvaalse Onderwysersvereniging), Pretoria, 18 July 2002.
25. Don 'O Dougherty (Former Secretary, Gauteng Education and Training Forum, Johannesburg, 8 August 2002.
26. John Maluleke (Former Assistant Secretary, SADTU Gauteng Province), Centurion, Pretoria, 18 November 2002.
27. Haroon Mahomed (Former Chairperson, SADTU Gauteng Province), Johannesburg, 20 May 2002.
28. Mary Metcalfe (Former Member of the Executive Council, Education, Gauteng Province), Johannesburg, 28 August 2002.
29. Paul Musker (Former Consultant, Gauteng Department of Education), Johannesburg, 20 November 2002.

The following interviews were conducted in confidentiality and the names of interviewees are withheld by mutual agreement:

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2. Interview with teachers (x2) at School 1, Bronkhorstspuit, 14 August 2002.
3. Interview with official of SGB at School 1, Bronkhorstspuit, 14 August 2002.
4. Interview with teacher at School 2, Soweto, 18 September 2002.
5. Interview with principal at School 2, Soweto, 18 June 2002.

6. Interview with executive committee member of SGB at School 2, Soweto, 18 September 2002.
7. Interview with principal at School 3, Pretoria, 23 May 2002.
8. Interviews (x2) with teachers at School 3, Pretoria, 5 August 2002.
9. Interview with former executive committee member and current Chairperson of SGB at School 3, Pretoria, 1 August 2002.
10. Discussions with school principal of School 4, Pretoria, 15 May and 14 June 2002.
11. Interviews (x2) with teachers at School 4, Pretoria, 30 May 2002.
12. Interviews (x2) with former executive committee member and current chairperson of SGB at School 4, Pretoria, 31 July 2002.
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