FISCAL AND REGULATORY STATE POLICY FOR PRIVATE SCHOOLS IN SOUTH AFRICA

(A policy options analysis)

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Contents

ABSTRACT

This paper explores possible future policy options for a democratically elected South African government as regards private schools. The paper establishes the context of contemporary and historical state policy for private schools in South Africa in combination with a comparative international perspective, a summary of arguments in the literature for and against private schools, and principles identified by a recent (non-governmental) policy investigation into education in South Africa (NEPI) as encapsulating the demands of the democratic movement concerning education. These principles therefore serve as evaluative criteria for the examination of future fiscal and regulatory policy for private schools in South Africa.

It will be shown that, as compared to many countries, private schools in South Africa are moderately regulated and receive only moderate financial assistance. However, the historical (and current social and political) context of state policy for private schools will be shown to be one of increasing state support since the early 1980s. It will be argued that this increased level of ideological and fiscal support for private schools in the past decade is a consequence of the government's reformist strategy, and its identification with the politics of 'New Right' parties, which dominated Britain and the USA in particular during the 1980s. It will also be demonstrated that changes in state policy have resulted in large-scale growth in the private schooling sector over the past decade.

It is against this background that the lens of democratic principles and fiscal implications will be used to focus on possible future policies for private schooling in South Africa.

Note: The structure of South Africa's education system in 1993.

It is unfortunate that any discussion of South Africa's education system cannot yet ignore the racial element. The reader needs to be familiar with the nomenclature of South Africa's nineteen racially-based education departments in order to interpret much of the discussion in this paper.[1]

The Department of National Education (DNE) is responsible, for 'general' policy, for example, for laying down conditions for teacher employment. The Department of Education and Training (DET) is responsible for African education in South Africa, excluding the six tribally-based Self-Governing Territories, (SGTs) and four "independent" homelands or TBVC countries (Transkei, Bophutatswana, Ciskei, and Venda). Although each of these homelands has its own education department, there is close cooperation between them and the DET. Whites, Coloureds, and Indians are represented in South Africa's tricameral parliament. The House of Assembly (white), House of Representatives (Coloured), and House of Delegates (Indian), all maintain their own education departments. The DET operates seven administrative regions, while the Department of Education and Culture (House of Assembly) oversees four (largely decentralised) provincial education departments (Cape, Orange Free State, Transvaal, and Natal).

[1] A concise summary of South Africa's complicated education system can be found in Peter Buckland and Jane Hofmeyr (1993). "Education Governance in South Africa", Edupol Resource Document Series 1(1).

CHAPTER ONE:

INTRODUCTION

BACKGROUND.

In many countries, including South Africa, private schools co-exist with state education systems. Enrolments at private schools in South Africa are increasing, and (for a variety of reasons discussed in this paper) are likely to increase further in future. Since the issue of private schooling is controversial, it is important, as Muller states, for a South Africa which stands at the threshold of its first democratic elections, to give serious consideration to past and possible future state policies for private schools in this country:

> Private schools, whatever their other benefits, impact on the broader fabric of community in ways that are not necessarily positive, and need therefore to be carefully considered in any overall consideration of schooling policy for a post apartheid society.[2]

To date, there is no one work which looks globally at the private schooling sector in South Africa (including all the major denominational systems, schools registered with each of the Education departments etcetera). There is no published work which focuses on fiscal and regulatory policy for private schools in South Africa. This focus is particularly pertinent at the moment as South Africa moves towards democracy. This paper will attempt to offer a policy options analysis, modelled loosely on the approach used in the NEPI project.[3] As was the case in NEPI, attention will be given to historical and comparative information. The consequences of the policy options will be considered, as in NEPI, largely in terms of values-criteria (with particular reference to the NEPI principles which were identified as representative of the demands of the democratic movement). As Buckland writes:

> Above all we must seek to raise the status of ethical and moral debate so that it holds at least equal status with technical and efficiency 'talk'.[4]

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[2] Muller (1990) "Schools without the State", University of the Witwatersrand, Johannesburg. p77.

[3] The National Education Policy Initiative (NEPI) was undertaken on the initiative of the National Education Coordinating Committee (NECC). This initiative examined various policy options for education in a democratic South Africa.

[4] Peter Buckland "Technicism and de Lange: Reflections on the Process of the HSRC Investigation" in Peter Kallaway (ed) (1991) *Apartheid and Education* Johannesburg, Ravan Press, p384.

PROBLEM STATEMENT

Keneth Strike writes:

> A society that accepts the general proposition that its affairs should be regulated by some conception of justice is...likely to be characterised by considerable debate about both the nature of justice and whether particular social institutions are just.[5]

Internationally, much of the attention given to questions of social justice in education has focused on the issue of private schooling, which is seen by some as a fundamental human right, and by others as perpetuating privilege and inequality.

The state's attitude to private schools is expressed in two inter-related policy spheres i.e. the fiscal and the regulatory. Specifically, the question of state policy for private schools has three parts:

i) **Authorisation**: Should private schools be authorised or abolished by the state?

ii) **Fiscal policy:** Should private schools be subsidised by the state, and if so, in what ways and at what levels?

iii) **Regulatory policy:** How should private schools be regulated? What restrictions (if any) should be placed on private school autonomy?

Underlying this debate is a consideration of the impact of private schools on a future education system. What are the moral and social implications of private schooling, especially with regard to the principles identified by the National Education Policy Initiative (NEPI) as central to the demands of the democratic movement in South Africa?[6] (These principles include non-racism, a unitary system, democracy and redress). (A fifth principle, non-sexism, will not be taken into account. See footnote twelve.)

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[5] Kenneth A. Strike. (1989) *Liberal Justice and the Marxist Critique of Education.* Rouledge, London and New York.

[6] The process by which the five NEPI principles were identified is outlined in NEPI (1993) The Framework Report and Final Report Summaries. Oxford University Press, Cape Town, 50-51.

LIMITATIONS AND CLARIFICATION

The range of private schools is too disparate to allow for thorough discussion of the whole sector. This work will focus only on non-profit primary and secondary private schools. Government policies for semi-privatisation and privatisation of state schools (as in the Model C or "state-aided" schools which primarily serve the white population) therefore do not fall within the boundaries of this paper.

Definitions.

i) Private schools.

Estelle James defines private schools as:

> ...all educational institutions which were privately founded and where some significant proportion of decision-making responsibility remains in private hands, even though government may provide substantial resources and control.[7]

The term 'private' is not entirely satisfactory, as most countries regulate private schools and subsidise them through public funds. Anderson points out that criteria of ownership, administration, and fees are insufficient to distinguish private and public. Anderson argues that it is fallacious to assume distinct and autonomous sectors which neither overlap nor interact. In New Zealand, for example, all Catholic schools are in the public sector but the church owns the property; in Britain, schools may opt out of the publicly administered system, although they are still owned by it.[8] In South Africa too, church schools, for example, are not owned by the state, but are part of the public ("state-aided") sector. House of Assembly public schools may convert to private (Model A) status, and the property is transferred to the ownership of the school board. In cases where the facilities are no longer used for education, they revert to the state.

In this work, private schools will be considered to be those schools which are so defined in South African legislation, and which are referred to in government publications as "private ordinary schools" (i.e. special schools are excluded). Private schools are defined in the *Private Schools Amendment Act* of 1990, which excludes

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[7] E.James (1991) "Public Policies toward Private Education: An International Comparison" *International Journal of Educational Research 15(5), p360.*

[8] Don Anderson, "The Interaction of Public and Private School Systems". (1992) *Australian Journal of Education* 36(3), p.219.

farm schools and church schools. The rather arbitrary nature of this distinction between private and non-private schools is highlighted when it is noted that the *Education Affairs Act (House of Assembly)* No.70 of 1988, specifically included church and farm schools in the definition of private schools, except as concerns registration and payment of subsidies. African education in South Africa is governed by the *Education and Training Act No. 90 of 1979* as amended.[9] A private school is defined in Section 9 of this Act as "a school other than a public school or a state-aided school".[10] Correspondence colleges, schools for prospective ministers of religion, and schools which provide exclusively religious education, or informal education (i.e. if no diploma is available), are excluded from the definition of a private school. Since private schools are usually assisted by the state, the distinction between private schools and state-aided schools is not always conceptually clear, and the definitions of private, state-aided or state schools may differ geographically and historically. The terms "private" and "public" or "government" are often legislative rather than conceptual distinctions.

Other terms, such as 'non-public' and 'independent' or 'non-state' have also been used to describe private schools. Definitions are, of course, ideologically loaded: The term 'independent' (used in the names of two of the private schools associations in South Africa, namely the Independent Schools Council, and the South African Association of Independent Schools) connotes autonomy and freedom, whereas 'private' is considered to suggest exclusivity and privilege. Some writers, however, argue that the term, "independent" is inaccurate, since many private schools are dependent on the state both financially and ideologically.[11]

The term 'private' is used in this paper, because it is the most widely used term internationally and in South Africa for the non-state sector.

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[9] Amendments relevant to private schools are to be found in Act No. 74 of 1984, Act No. 3 of 1986, and Act No. 42 of 1990. The 1984 amendment defined private schools according to the definition given here.

[10] The definition was amended in Act No. 74 of 1984.

[11] One such writer is Geoffrey Walford, quoted in Debra Roker, "The Private Sector of Education in Britain: A Review of past research and recommendations for future work", in *Educational Studies*, (1992) 18(3), p278.

The terms 'state schools', 'public schools' or 'government schools' (widely used in South Africa) are used interchangeably.

ii) Denominational.

The term 'denominational' is used to describe schools run by religious denominations and which provide religious education as their *raison d'etre*. Strictly speaking, denominations are sub-classes of religions, and it would probably be more accurate to speak of religiously-based schools. Internationally and in South Africa, however, many state schools have also considered themselves to be religious (albeit non-denominational). The term 'parochial' is sometimes used as a synonym for 'denominational'.

iii) The NEPI principles.

Since policy options will be analysed with particular reference to the NEPI principles, it is necessary to understand what was meant by each principle in the NEPI reports. The principles are democracy, non-racism, redress, a unitary education system, and non-sexism.[12]

a) **Democracy**: Broadly speaking, there are two main ways in which the concept of democracy is understood, namely the Liberal or Free-market understanding, and the Socialist understanding. The Liberal or Free Market understanding of democracy stresses the individual freedoms which are implied in democracy:

> The first virtue of liberal justice is freedom, the right to be one's own master...Their (Liberals') fundamental concern is that free and rational choices not be arbitrarily constrained by society or government.[13]

The role of the state is regarded in this view primarily as being restricted to the protection of the free-market economy and individual rights, and ensuring equality of opportunity.[14] Since fair competition is a fundamental principle of Liberalism, the

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[12] Although the issue of non-sexism will not be addressed here as its main relevance to private schools would be with regard to single-sex schools. Discussion of the advantages or disadvantages of coeducational vs single-sex schools, which is equally relevant to some state schools is a topic in its own right.

[13] Kenneth A. Strike. *op cit .*, p10.

[14] Michael Ashley (1989) *Ideologies and Schooling in South Africa* S.A.T.A., Cape Town. p29.

Liberal Democratic view is therefore opposed to discrimination on the grounds of criteria such as race, religion, or gender. The promotion of individual autonomy includes democratic participation in decision-making.[15] For Liberals, a major question centres on the permissible limits on individual autonomy, so as to ensure fair competition. Strike refers to this as "a tension between equality and liberty".[16] As regards private schools, this tension has implications for the right of the state to restrict private school autonomy in the name of equality.

A socialist understanding of democracy, on the other hand, emphasises "the effect of social structure on people in the wider society".[17] Thus, greater emphasis is placed on redress for past inequalities created by capitalism, and on central provision of education and welfare services. According to Strike, Marxists would reject the Liberal vision of social justice, and "may affirm such goods as solidarity and community against liberal justice".[18] The concept of human rights is viewed by Marx as "egoistic" i.e. of existing prior to and independently of society:

> Marx appears to object to such rights because they separate men from community and because they therefore express his alienation from life in community.[19]

Strike summarises the Marxist view:

> Egoistic man is man prior to society with rights against society.[20]

In short, Liberalism affirms the rights of the individual, whereas Marxism places the community at the forefront. It is this distinction which underlies debate about the democratic acceptability of private schools.

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[15] Penny Enslin (1986) "In Defence of Liberal Theory of Education". PhD, University of the Witwatersrand. Quoted by Michael Ashley, *ibid.*, p31.

[16] Strike, *op cit.*, p121.

[17] Ashley, *op cit.*, p49.

[18] Strike, *op cit.*, p55.

[19] *ibid.*, p73.

[20] *ibid.*, p74.

The definition of democracy in NEPI is rather vague, and there is little hint of these opposing notions of democracy. According to the NEPI Framework Report:

> First, it (democracy) signifies the desire for a unitary legitimate state and a unitary legitimate education system which reflects and serves popular aspirations...
>
> Second, educational democracy also points to the popular desire for wider participation in educational affairs. [21]

In sum, NEPI's understanding of democracy is essentially in keeping with a Liberal view, although socialist concerns such as the need for redress of past inequities are not ignored.

Non-racism, redress, and a unitary education system: The clearest definitions of these principles in NEPI are to be found in the Report on Curriculum. Although only the curricular implications of each principle are therefore stated, in broader terms, the principles apply to all aspects of the education system.

b) **Non-racism**: As regards curriculum, this was defined in NEPI as:

> ...moving away from the racially-based curriculum and curriculum development practices of apartheid.[22]

c) **A unitary system**: This concept is defined in the NEPI Curriculum Report as follows:

> This entails the establishment of a single curriculum instead of the racially divided policies of apartheid. Implicit in this are principles of equality and equity. Equality implies the same treatment for all; equity implies fairness, which may entail different treatment...These principles also entail developing policies for equalising curriculum resources, including teachers, texts, and equipment.[23]

d) **Redress**: This is defined as:

> Recognising the historically unequal access to the curriculum and curriculum resources that has characterised apartheid, redress entails clearly defined measures for remedying inequalities in disadvantaged schools and for ensuring equity in access to the curriculum and its resources.[24]

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[21] NEPI *The Framework Report* (1993) Oxford University Press, Cape Town, pp14-15.

[22] NEPI, *Curriculum*, Oxford University Press, Cape Town, p3.

[23] *ibid.*

[24] *ibid.*, p4.

METHODOLOGY

I. A survey of international literature. The survey of the international literature reviewed in this paper has two foci:

i. A theoretical/conceptual understanding of the issues involved in the debate about the social benefits and costs of private schooling. It is these issues which inform fiscal and regulatory state policies. (This will form the substance of chapter two).

ii). A comparison of regulatory and fiscal state policies for private schools in other countries. (chapter three).

II. A survey of South African literature. Closer to home, information has been gleaned from published materials (books, Departmental reports, statistical surveys, research studies etcetera) on private schooling in South Africa.

III. Personal contacts (through meetings, correspondence, or telephonic conversations with representatives of the private school associations, and with education department officials).

The review of private schooling in South Africa will focus on these aspects :

i) A brief history of the main subsectors of private schooling in South Africa. (In particular, the denominational systems, which comprise Catholic, Anglican, Jewish, and Muslim schools especially). (chapter four).

ii) Historical and contemporary relations between the state and private schools, especially as expressed in fiscal and regulatory policy for private schools. (chapter five).

iii) Enrolment trends in private schools, which to a large extent, reflect the consequences of state policy for private schools. (chapter six).

POLICY OPTIONS ANALYSIS

The aim of this paper is to consider the possible options available to the state as regards fiscal and regulatory policy towards private schools. In other words, the methodology of this work is informed by the notion of policy analysis, and more

particularly, policy options analysis, a form of research pioneered in South Africa by the National Education Policy Initiative (NEPI).

Policy choice, it is argued in the NEPI Framework report, should be left to significant social groups and political players.[25] **Policy option analysis** refers to "the comparison of strengths and weaknesses of various education options". The aim of policy options analysis is to provide clarification for the policy-maker. According to Max Weber:

> The contribution of sociology to politics is not to affirm ultimate ends, but to help clarify, if possible to "make transparent", the connections between means and ends so that choices can be made in greater awareness of the consistency of the means chosen with the ends intended.[26]

The "ends" which are reflected in NEPI are those of the democratic movement. Therefore, the analysis in NEPI is not politically or ideologically neutral, nor is it simply a clarification of technical options. The options are judged primarily in terms of values criteria. To some degree, these are the Liberal values of justice and fairness, although NEPI also adopts a Social Democratic emphasis on the common good rather than on individual rights.

Examination of policy options for South Africa as regards private schools needs to be informed by certain background information. This includes an overview of the arguments for and against private schools (chapter two); comparative information (chapter three); the context in which policy will be made, including a description of the nature of private schooling in South Africa (chapter four); and historical information regarding state policy for private schools in South Africa, including the status quo (chapter five), and the size of the private schooling sector in the context of government policy (chapter six). Information drawn from these chapters will inform the analysis of policy options concerning private schools in South Africa, which is the subject of chapter seven.

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[25] NEPI *The Framework Report op cit.*, p41.

[26] Trow, Martin, "Researchers, Policy Analysis and Policy Intellectuals" in Torsten Hussen and Maurice Kogan (eds), *Educational Research and Policy, How do they relate?* Pergamon Press. p281.

CHAPTER TWO.

ARE PRIVATE SCHOOLS DESIRABLE?

Introduction.

State policy for private schooling reflects the attitude of the governing party to private schooling. A political viewpoint which regards private schooling as negative will lead to a different set of policies from one which regards private schooling in a positive light. In this chapter, some of the main arguments for and against private schooling will be outlined. The essential tension concerning private schools is between individual autonomy and choice on the one hand, and the desire to achieve equality and to avoid social fragmentation on the other. (In a sense, the debate is therefore about the two understandings of democracy outlined in the previous chapter, viz., the Liberal emphasis on individual human rights, as opposed to the Socialist or Social Democratic emphasis on the communal good).

The issue of private schooling is controversial in many countries because of this tension between schooling as a private and as a public good. As Levin states:

> Public education stands at the nexus of two legitimate rights. The first is the right of a democratic society to assure its reproduction and continuous democratic functioning through providing a common set of values and knowledge. The other involves the right of families to decide the ways in which their children will be molded and the types of influences to which their children will be exposed. To the degree that families have different political, social, and religious beliefs and values, a basic incompatibility may exist between their private concerns and the public functions of schooling.[27]

Schooling is a public or social good for a democratic society because:

> Schools provide students with a common set of values and knowledge to create citizens who can function democratically. Schools contribute to equality for social, economic, and political opportunities among persons drawn from different racial and social class origins. Schools are expected to play a major role in contributing to economic growth and full employment for the nation and its regions. Schooling also is viewed as a major contributor to cultural and scientific progress and to the defense of the nation.[28]

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[27] Henry M. Levin. (1987) "Education as a public and private Good", *Journal of Policy Analysis and Management* 6(4) p629.

[28] Levin, *ibid.*, p630.

If private schools do not fulfill the role mentioned above, then it can be argued that they are inimical to the public good (and this is the essence of the Socialist attack on private schooling).

A South African example of a possible conflict between individual rights and social needs is given by Muller, who argues that the enrolment of black students in (formerly white) private schools denudes the already disadvantaged black schools of some of their most ambitious pupils and parents. The further deterioration in public schools, which may result from this, could in turn encourage even more parents to choose private schooling. Muller argues therefore that as private schools become more popular, the social costs increase because of the potential for harm to the public schools.[29]

The perceived superiority of private schools.

Many people believe that private schools are superior. The perceived superiority of private schools can be used as an argument in favour of private schools as centres of excellence, or it can be used against the schools, as institutions which confer additional advantages on the already privileged. Before discussing this issue, it is necessary first to question whether private schools are superior, and if this is the case, the reasons for their superiority.

Research has shown that in many countries, private schools on the whole achieve better results than public schools [30] and have lower drop-out rates.[31] The most important study of private schools was conducted in the United States by Coleman,

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[29] Johan Muller "Private Schools, Public interestss, and options for the future" in David Freer (1992) *Towards Open Schools. Possibilities and Realities for Non-Racial schooling in South Africa*. MacMillan Boleswa, Manzini. p209.

[30] For example, whereas 75% of private school pupils in the United Kingdom leave school with five O-level (now GCSE) passes, only 13% of state pupils achieve five O-levels. (Walford 1990) quoted in Roker, *op cit.*, p285.
In Australia, a small edge for private schools was found as regards scholastic attainment. Trevor Williams and Peter Carpenter (1990) "Private Schooling and public achievement", *Australian Journal of Education* 34(1) p4. In Zaire, a study by Sheline *et al*, found that in their sample, the Catholic schools in particular outshone government schools in the final examinations. (Sheline *et al, op cit.*, p228).

[31] Roker *op cit.*, p284. In the United Kingdom, Department of Education and Science figures for 1990, show that 77,8% of private school pupils stayed on at school aged 16, compared with 31,2% in the state sector. In Australia, 90% of private school students in 1986 completed all 12 years of schooling as compared to 50% of government school pupils. (Commonwealth Department of Education, 1986, quoted by Williams and Carpenter, *op cit.*, p4.) In addition, 15% of government school students proceeded to higher education as compared to 55% of private school graduates.

Hoffman, and Kilgore (generally referred to in the literature as CHK).[32] CHK contend that private schools produce better cognitive outcomes, particularly with students from less advantaged backgrounds, and that this effect is produced by school climate factors like discipline and higher academic demands, and also because private denominational schools provide their patrons with a sense of community. This sense of community allows *inter alia* for greater parental involvement in schools. CHK claim that the superiority of private schools is maintained even when selection effects are controlled for.[33] The CHK findings have been widely criticised. It has been suggested that the better results of private schools are, on the whole, mostly due to selectivity regarding intake, rather than to any inherent superiority.[34]

Private schools may also achieve better results because they offer better conditions to the favoured few who can afford their fees. Walford found that British private schools offer better facilities, better qualified teachers, and smaller staff/student ratios.[35] Some writers, especially in the USA, however, argue that the differences between private and public schools have been exaggerated, and that there are no substantial differences between private and public schools.[36] It has also been pointed out that private schools are diverse: In the USA, Alexander and Pallas (1983) found that 44% of private schools score below the average for public schools.[37] The

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[32] CHK used data from the National Centre for Educational Statistics (NCES) study, *High school and beyond*, a longitudinal survey of USA high school seniors and sophomores.

[33] The superiority of private schools was ascribed to lower rates of absenteeism, more homework, greater teacher interest, effectiveness and fairness of discipline, less student misbehaviour, and the encouragement of higher educational aspirations. Support for Coleman's findings come from DiPrete (1981) Erickson, Gibbs, and Jensen (1986) and Greely (1982).

[34] The CHK study has attracted widespread comment. *Sociology of Education*, Vol 55 is devoted entirely to arguments concerning their findings. In addition, refer to articles by Alexander and Pallas, in Vol. 58, (1985), and Falsey and Heyns in Vol 57. Also refer to J.H. Braddock, "The Issue is still equality of educational opportunity" *Harvard Educational Review* 51(4) pp491-2. For a comprehensive critique of CHKs' methodology, refer to Witte, *op cit.* A more recent study, which confirmed CHK's findings was undertaken by Chubb and Moe (1988). Witte, op cit., pp219-221 criticises their methodology. For a British response, refer to A. H. Halsey, A.F. Heath and J.M.Ridge (1984) "The Political Arithmetic of Public Schools" in G.Walford (ed), *British Public Schools:Policy and Practice*. Falmer Press, Lewes. 9-44. For Australia, refer to Williams and Carpenter, *op cit.*, p18.

[35] Walford (1990) *Privatisation and Privilege in Education*. Routledge, London and New York.

[36] For example, a study conducted by The National Assessment of Education Programmes (NAGP) of 104 000 children in 1 377 schools concluded that when socio-economic status is controlled, differences between private and public schools cease to be significant. (Cited in Myron Lieberman (1989) *Privatisation and Educational Choice* Macmillan, London, p201). In a 1960-62 Office of Education study, it was found that the time devoted to religion was the major difference in public/private school curricula. (Lieberman, *ibid.*, p209).

[37] Alexander and Pallas, in *Sociology of Education* Vol 58 (1985).

diversity within public and private sectors in the United States at least is greater than the diversity between sectors:

> In predicting the quality of a student's education, it is less important to know whether the student attended a public school or a private school than it is to know which school within a particular sector the student attended.[38]

In South Africa, a 1978 HSRC study (of 'white' private schools) found that private schools do achieve better results. It was found that private school pupils do better academically, have a more positive attitude to homework, extra-curricular activities, and religion, are generally better adjusted, and (together with their parents) have higher aspirations.[39] The study also revealed that private schools offer their pupils a more favourable teacher/pupil ratio, employ more graduate teachers, and demand more homework. Asked for their opinion of the advantages of private schools in 1971, Headmasters of private schools in South Africa singled out especially the religious base of the schools, but were also largely in agreement on the freedom to experiment, the nature of the staff, the smallness of classes, the possibility of providing individual attention, the freedom from outside interference, and the possibility of providing a wider education.[40]

The diversity within private schooling results and conditions also applies to South Africa. Not all private schools are well-endowed, and Muller, for example, found that while the more affluent private schools achieved excellent results in the matriculation examination, schools which charged lower fees actually achieved worse results than the Department of Education and Training (black) public schools.[41]

Policy implications of the perceived superiority of private schools.

The superiority or otherwise of private schools has, in the light of the controversy described above, not been clearly established. If it can be shown that private schools

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[38] Robert J. Mirnane, "Comparisons of public and private schools: Lessons from the Uproar" *Journal.of Human Resources* 19(2) 269-270. Quoted in Myron Lieberman, *Privatisation and Educational choice*. Macmillan, London, p201.

[39] F.B. Smith and van der Merwe. (1978) *'n Vergelyking van Privaat Skoolleerlinge met Provinsiale Skoolleerlinge*. HSRC, Pretoria.

[40] Smurthwaite Alistair Gordon. (1981) *The Private Education of English-speaking whites in South Africa*. Unpublished M.Ed thesis. Rhodes University, p294. Smurthwaite cites a 1971 study by A J Rivet Carnac.

[41] Johan Muller, (1990) *op cit.*, p39.

are superior, a number of consequences follow, depending on the reasons for this superiority. If private schools are inherently superior, this would act as a challenge to state schools to improve their performance. If, however, the superiority of private schools is attributed to selection procedures, or greater resources, it can be argued that already privileged schools should not be reinforced with public funds. If private schools are not superior, charges that they provide a privileged education are unfounded and should rather be directed at privileged private *and* public schools.

Clearly, the verdict regarding private school superiority is not yet in, and in any case in the light of the diversity of private schools, it may be impossible to generalise in this respect about private schooling as a sector. Therefore, it is premature (and possibly inappropriate) to base policy decisions on this research. Perhaps the most important lesson to emerge from the research as regards the topic of this paper is the danger of aggregation or generalisations. Although it is true that a private school of low quality would, in normal circumstances, not survive the dictates of the market, some private schools are inherently superior and achieve better educational outcomes, while other private schools enjoy advantages based in socio-economic factors. However, this is equally true of state schools. The greatest discrepancy is not between private and public schools, but between good and bad schools, and between affluent and well-resourced schools and schools which are less advantaged.

Arguments in favour of private schooling.

1. Principles which underlie support for private schools.

These principles are essentially the principles recognised by a Liberal-Democratic approach to human rights. These principles include (a) freedom of choice, (b) freedom of association, (c) freedom of religion, and (d) recognition of pluralism.

a) Freedom of choice.

Private schools enlarge the domain of free choice in education and provide an alternative for people whose needs are not met in the public school system. Parental

choice is recognised in the United Nations Declaration of Human Rights as a fundamental human right:

> Parents have a prior right to choose the kind of education that shall be given to their children.

In South Africa, this statement has been cited, for example, in the brochure published by the Independent Schools Council in 1991.

b) Freedom of association.

This freedom is defined by Hirschoff as "the right of people to join together in groups to further shared ideas, values, beliefs, and goals".[42] This would obviously include the right to independent education. In South Africa, the principle of freedom of association has been cited by the Head of Education of the African National Congress as implying freedom to run private schools.[43]

c) Freedom of religion.

As Almond argues:

> ...since a religion that is not transmitted to the next generation is a religion chopped off at its roots, a complete conception of freedom of religion must carry with it a right for people to bring up their own children in their own religion.[44]

This freedom involves the right to provide a denominationally based education. This is the view of Coons and Sugarman:

> Just as parents have rights to raise their children with a particular set of traditions and value orientations, they should have the right to select schools which transmit and reinforce these dimensions in order to exercise that right....[45]

Denominational schools regard religion as the essence of education. In South Africa, for example, the South African Catholic Bishops' Conference stated in 1977 that:

> The Catholic school forms part of the saving mission of the church, especially for education in the faith.[46]

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[42] Mary-Michelle Lifson Hirschoff "Public Policies towards Private Schools"in Daniel Levy, (ed) (1986) *Private Education. Studies in Choice and Public Policy*. Oxford University Press, New York and Oxford. p43

[43] ANC Education Head, John Samuels, quoted in the Weekly Mail, 6 October 1993.(Education/Review 2(9) page 6).

[44] Brenda Almond, "Conflict or compromise? The Dilemma for Religious and Moral Education" in James Lynch, Celia Mogdil, and Susan Mogdil (eds) (1992) *Cultural Diversity and the Schools*, p182.

[45] Cited by Levin in William H. Clune, and John F. Witte, (eds) *Choice and Control in American Education (Vol. 1)* p248.

[46] Smurthwaite *op cit.*, p39.

Lieberman argues that freedom of religion also implies state subsidisation of private denominational schools:

> If parents who regard the public schools as anti-religious cannot afford private education, compulsory education is an interference with the free exercise of religion.[47]

This is the very same argument put forward in South Africa in 1912 by the Cape of Good Hope Education Commission. The commission considered whether separate schools should be subsidised,

> for the sake of those who are compelled by scruples of conscience to send their children to such schools, and who are taxpayers like other citizens....We have referred to the opinion of members of the Gerofermeerde Kerk that the State has no business to concern itself with the teaching of religion in its own schools...the State must provide for all its citizens and a religion which suits all must be so vague that it is worthless....To all who think thus it must appear that the State,in declining to support the only schools to which they can conscientiously send their children,is in effect imposing upon them a heavy pecuniary fine on account of their convictions.[48]

In many pluralistic societies, there is pressure on state schools either to exclude religion (as was recommended by the Gerofermeerde Kerk in 1912, and as is the case in the USA), or to adopt a non-confessional or neutral approach to religion, which is taught in a comparative perspective. This is, for example, the suggestion made for South Africa in a NEPI background paper, and in other papers published by the Institute for Comparative Religion.[49] Secular schools, and 'world religion' curricula, however, may be rejected by religiously inclined parents, who wish their children to learn about their religion as revealed truth, rather than as simply one possible choice in a smorgasbord.

The religious motivation has traditionally been the main reason for the establishment of private schools internationally and in South Africa. As will become clear in the following chapter, most private schools in South Africa are denominational, and regard religious instruction as their *raison d'etre*. This does not, however, necessarily imply that all parents choose the schools for the same reason.

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[47] Lieberman *op cit.*, p195.

[48] Brian Rose and Raymond Tunmer, (eds) (1975) *Documents in South African Education*. Johannesburg, A. D. Donker. 136-139

[49] David Chiddester (1992) "Religion in Public Education. Policy Options for a new South Africa-A Report by the Institute for Comparative Religion in South Africa", and "Outlook on the Month" *SA Outlook* Vol 122 The Institute for Comparative Religion in South Africa, p169.

d) Pluralism.

It has been argued that diversity is an essential condition of democracy:

> ...for the public school to aquire a virtual monopoly in educating the young would be a major social disaster. There is a need for alternatives, choices and options. Private schools enlarge the domain of choice in education and thus bring the benefits of diversity and pluralism to society.[50]

Recognition of pluralism implies free choice both for individuals and for communities, be they cultural, ethnic, or religious groups.

Demands for private schools are often rooted in ethnic claims for the right to a particular cultural transmission. A detailed discussion of ethnicity is beyond the scope of this paper, but the following few paragraphs highlight some of the major issues concerning ethnicity. Moodley defines ethnicity as:

> ...the sense of belonging which a group shares based on descent, religion, common cultural values, political unity or territory.[51]

In many societies, separate ethnic identities have been seen in the past and are still regarded by some as dangerous to the unity of society. According to Novack, writing in the 1970s:

> For over a generation most social scientists in America have considered ethnicity a fading and dysfunctional variation.[52]

In the quarter century that has elapsed since this comment, a resurgence of ethnic identity in the USA has led to greater recognition of ethnic demands.

In South Africa, ethnicity is often regarded by democrats with suspicion as a result of the forced segregation of people through apartheid. Some writers, however, have distinguished between enforced segregation and voluntarily chosen ethnic identity.

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[50] Roberts, "Introduction" in Otto F. Krausehaar, (1972) *American Nonpublic Schools. Patterns of Diversity*. Oxford University Press, Baltimore and London. page x.

[51] Kogila Moodley (ed) *Race Relations and Multicultural Education* p7.

[52] Michael Novack "Cultural Pluralism for Individuals: A Social Vision" in Melvin M. Tumin and Walter Plotch (eds) (1977) *Pluralism in a democratic society* Praeger Publishers, New York. p26.

Banks explains that whereas segregation is imposed, separatism is voluntarily chosen.[53] Jeffcoate points out that ethnicity should not be confused with race:

> The relation between race and ethnicity is an intriguing one .Strictly speaking there is no necessary connection between them at all, for ethnicity refers to cultural differences and race refers to physical differences....whereas ethnic identity is essentially something one chooses, racial identity is essentially something imposed by others.[54]

In many countries, there is a growing recognition that ethnicity cannot be ignored, and that ethnic identity will not disappear in the face of the modern nation-state. Banks argues that:

> The assimilationist views the ideal society as one that has no traces of ethnicity....They view modernity and ethnicity as contradictory concepts.[55]

He argues that assimilationism is a fallacy:

> A central fallacy of the assimilationist position is the assumption that when the "high culture" of modernisation develops within a nation state, primordial and ethnic affiliations disappear into thin air...[56]

Many writers have noted a resurgence of ethnicity in a variety of countries. Verma, for example, writes:

> It is now becoming apparent that powerless ethnic minorities in many countries are making it explicit that they wish to retain their cultural and religious identity within a framework of economic equality of opportunity.[57]

In the USA, according to Arons:

> Outside desegregation efforts, the common theme of school wars in this decade has become the preservation of religious, subcultural, and family heritage in the face of a school bureaucracy structurally unable to respect pluralism.[58]

The resurgence of ethnicity is usually ascribed to a human need for a particular identity, in an increasingly homogenous and universalistic world. Novack argues that ethnicity is not merely a primordial or tribal bond, but can be freely and thoughtfully

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[53] James A. Banks (1981) *Multi-Ethnic Education, Theory and Practice.* Allyn and Bacon, Boston. p110

[54] Robert Jeffcoate. (1984) *Ethnic Minorities and Education*. Harper and Row, London. p12

[55] James A. Banks *op cit.*, p227.

[56] *ibid.*, p229.

[57] Gajendra K. Verma "Multiculturalism and Education: Prelude to Practice" in Gajendra K. Verma and Christopher Bagley (eds) (1984) *Race Relations and Cultural Differences. Educational and Interpersonal Perspectives*. Croom Helm, London and Canberra. p65.

[58] Stephen Arons "Educational Choice as a Civil Rights Strategy" in Neal Devins (ed) (1989) *Public Values, Private Schools*. Falmer Press, London. p63.

chosen. Ethnicity can, he argues, create social bonds which help the individual to locate himself and defend himself against the totalitarian state. Novack argues:

> The new ethnicity is an authentic cry of the human spirit in search of human freedom under modern conditions.[59]

According to Banks, the individual's ethnic cultural heritage is a source of pride and group identification.[60] Banks points out that:

> Research has demonstrated that individuals are quite capable of maintaining allegiance both to their ethnic group and to the nation state. Emerging social science research also indicates that individuals have a need for basic group identities, even in highly modernised societies.[61]

According to Banks, ethnicity helps some people "to fulfill some basic psychological and sociological needs which the culture of modernization leaves starving".[62]

The question of ethnic rights remains controversial. However, a democratic pluralistic society must recognise peoples' right to choose an ethnic identity. As is the case for religion, recognition of this right would seem to entail the right to a particular culturally-based education. Banks argues for this right:

> ...(It is) the right of ethnic groups to socialise their young into their cultural patterns as long as such practices are consistent with human dignity and democratic ideals [63]

It is in recognition of ethnic diversity that many societies have introduced multi-cultural curricula in order to accommodate ethnic pluralism. However, some people have felt that the transmission of their ethnic or cultural identity requires separate (and therefore usually private) schools. This is especially true when minority ethnic groups feel relatively powerless. The question, according to Banks, is "whether the appropriate response is a pluralist school or a pluralism of schools".[64]

In South Africa, there are many ethnic private schools (for example, Chinese, Japanese, Greek, Jewish, and German schools). In the past, Afrikaners had no need

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59 Novack *op cit.*, p48.

60 Banks, *op cit.*, p43.

61 Banks *ibid.*, p27. Banks cites Harold R.Isaacs, (1975) "Basic Group Identity: The ideology of the tribe" in Nathan Glaser and Daniel P. Moynihan (eds.) *Ethnicity:Theory and experience.* Harvard University Press, Cambridge, Massachusets pp 29-52.

62 Banks, *ibid.*, p231.

63 *ibid.*, p249.

64 *ibid.*, p338.

of private ethnically-based schools, as racially and linguistically segregated state schools were provided for them by the predominantly Afrikaans National Party government. In the period of transition to democracy, however, right-wing Afrikaans groups have demanded heavily subsidised private schools.[65] This desire for separate schools should not be confused with apartheid which enforced segregation. The other side of the coin is, of course, the argument that separate ethnic (and other) schools are contrary to social cohesion, and give rise to ethnocentricsm, or a sense of ethnic superiority. Banks, however, argues that "the study of ethnic heritage should not be taken to be the narrow promotion of ethnocentricsm and nationalism".[66]

2.'Social benefits of private schooling' argument.

Apart from the 'private good' dimension of private schools, private schooling is also held to include many benefits for the wider society. Lieberman argues that choice reduces social tensions.[67] In South Africa, the availability of private schooling reduces the stakes in ethnic conflict over the control of public schools. It is also argued especially by protagonists of the free market that private schools stimulate public schools by providing competition.[68] The existence of a state monopoly on education is thus regarded as detrimental to education. Because of their greater autonomy, private schools have been widely seen as sources of innovation and experimentation.[69]

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[65] Conservative Party M.P, Mr Gerber said in parliament, "We demand state subsidies for private Christian national schools". Hansard (HA) c.1298, 26-30/4/93 The Afrikaner Volksunie proposes equal subsidisation for private and government schools. Hansard (HA) c.6143. (1993).

[66] Banks, *op cit.*, p254.

[67] Lieberman *op cit.*, p209.

[68] For example, Krausehaar *op cit.*, p300.

[69] Examples of private school innovativeness are given in The Independent Schools Council of South Africa (1993). "An Overview and Details of Member and Associate Schools" which mentions post-matric classes, integrated studies, and setting or streaming. The Independent Examinations Board set up a Council for Curriculum Development in 1989, which was to examine "issues of innovative curriculum strategies and the democratisation of the curriculum" EPU Project Team, Wits, *op cit.* p68. Muller (*op cit* . p56) concludes that most private schools in South Africa use additional materials and resources, and go beyond the dictates of the syllabus, although there is apparently little experimentation with regard to the syllabus.

In sum, arguments in favour of private schools are that, private schools, it is claimed:

i) provide a sense of community and increase parental involvement in schooling,

ii) are superior (i.e. they achieve better educational outcomes),

iii) stimulate public schools by creating competition,

iv) are sources of innovation and experimentation,

v) are necessary for the maintenance of certain fundamental freedoms, viz., freedom of religion, freedom of speech, and freedom of association,

vi) are necessary for the exercise of democracy, which requires free choice from within a range of alternatives,

vii) reduce social and political tensions by catering for diversity,

viii) cater for pluralism by transmitting specific ethnic and religious cultural heritages, which foster feelings of group pride, social membership, and improved self-image. Ethnic and religious identitification and shared institutional practices, it is argued, are able to replace the functional communities which have been lost in modern times. Private schools, by catering for pluralism and diversity, offer an alternative to those whose needs are not met by the public school system.

Arguments against private schooling.

i) Liberal Democracy or Social Democracy?

Many of the arguments for private schools are anchored in a Liberal democratic respect for individual human rights such as freedom of choice. A Socialist or Social Democratic understanding of democracy, however, would emphasise the effects of private schools on the community. In this respect, the claimed exacerbation of divisions in society, the view that private schools serve an elite, and exacerbate the problem of class-based elitism, the perceived shortfall in public accountability, possible damage to the public school system, and freedom of choice for some at the expense of equity, are the key arguments against private schools. Many of these points are mentioned by Walford in a summary of objections to private schooling. The objections mentioned by Walford are that private schools enable the purchase of privilege, the segregation of the rich, the reinforcement of divisions, ethnic segregation, and the unfair distribution of educational resources. Private schools, it

is argued, harm the state system by removing many committed parents from the state sector, and encourage the belief that education is a consumer commodity.[70] The following paragraphs expand on these claims.

ii) Pluralism or divisiveness?

One of the main arguments against private schools is that they are said to divide people artificially and to exacerbate social, economic, racial, religious, and ethnic divisions. This is particularly important in a society as divided as South Africa where the priority will have to be nation-building. The 1912 Cape of Good Hope Education Commission, cited above, also mentioned this argument against private schooling:

> The subsidizing of minorities resolved on separation must encourage separatist ideals, and tend to keep the different sections of the community apart....[71]

iii) Elitism.

An important and oft-heard argument against private schools is that they are said to encourage elitism and to perpetuate inequalities. "The private sector", says Walford, "still remains the major way by which parents can buy advantage for their children".[72] In the United Kingdom and Australia, for example, studies show that the majority of elites have attended private schools.[73]

Neil Kinnock, then leader of the Labour Party, had this to say about private schools:

> Private schools have long been a major source of perpetuated division and the demarcation of privilege, status, esteem, power, opportunity and expectation that go with it. Private schools are not incidental to the class system. They are the very cement in the wall that divides British society. [74]

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[70] Walford (1990) *op cit.*, p105.

[71] Rose and Tunmer, *op cit.*

[72] Walford (1990) *op cit.*, p115.

[73] Studies by Wilkinson (1967) and Reid (1986) in the U.K. (cited by Walford *ibid.*, p6 and p.138) show the disproportionate enrolment of private school graduates in universities, especially Oxford and Cambridge, and the disproportionate representation of these graduates in the high ranking professions. Similar findings were found in Australia France, and Singapore. Anderson *op cit.*, p235 cites Hansen (1971)and Ballion (1977 and 1982). For Singapore, refer to Jason Tan.(1993) "Independent Schools in Singapore: Implications for Social and Educational Inequalities" *International Journal of Educational Development* 13(3) p246.

[74] Neil Kinnock, Labour Party Press Release,13/7/81) quoted in Walford (1990) *op cit.* ix.

The British Labour Party's attitude to private schools was summarised in the following statement:

> Private fees are the admission charge for a ruling elite whose wealth gives them the power and whose power gives them wealth. And the main means of transferring economic status, social position and influence from generation to generation is through a private education system which ensures that merit can be bought. This is one of the main reasons why the Labour Party finds the presence of the private schools in the education system so objectionable.[75]

In South Africa, the Anglican schools, especially, have been accused of elitism. These schools were consciously modelled on the 'great' elite 'public' schools of England. Historically, the schools catered for the education of the white elite.[76] Writing about private Anglican schools in Natal, Randall notes that:

> The picture that has emerged is of a type of school education that served the needs of the ruling classes in Victorian England, transplanted into the colony of Natal, where the small ruling English community attempted as far as possible to recreate the conditions of home....The system of education also served as a social mechanism to help the local elite maintain its distance from the mass of the white community.[77]

McGurk attacks the traditional role of private schools in this regard:

> ...The English private schools in South Africa have served the function of enculterating the economic elite....There are perhaps religious, denominational, and ecumenical as well as humanistic and cultural values that participant groups in society want to preserve through the schools, but what we cannot escape any longer is the unpacking of the macro-structural relations that exist in our society....It is not difficult to unravel to what great extent virtually the whole private school network is totally tied into those structures of our society, and how they have contributed, despite what other values they have communicated to its maintenance.[78]

It is necessary, however, to exercise caution in the assertion that private schools are essentially about elitism. Some private schools are elitist in their ethos, others are not. Edwards *et al*, argue that the diversity within the private schooling sector in Britain "has prevented any general and successful attack on it as a bastion of privilege".[79] Walford points out that in Britain, the debate about private schools has centered on

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[75] Walford, *ibid*, p138.

[76] Peter Randall (1982) *Little England on the veld. The English Private School System in South Africa.* Ravan Press, Johannesburg, p4. In 1891, St Cyprians advertised itself as offering, "a thoroughly good education at modest terms to the daughters of clergy, gentry,and professional men". The first Anglican bishop of Natal set up an elementary school and a grammar school in Pietermaritzburg "for children of a higher class".

[77] *ibid.*, p88.

[78] McGurk, N.J. *I speak as a white. Education, culture, nationalism.* (1990) Heinemann SA, Marshalltown, p21.

[79] Indeed, according to Edwards, 75% of enrolments in private schools in Australia are in schools in the lowest category of resources. Tony Edwards, John Fitz and Geoff Whitty. (1985). "Private Schools and Public Funding: A Comparison of recent policies in England and Australia" *Comparative Education* 21(1), p32.

elitism, because most denominational schools were incorporated into the maintained sector (as "voluntary-aided" schools). In most other countries, he argues, the issue has focused more on the relationship between the state and denominational religious education. Elite private schools, he argues, are in fact, in the minority.[80] This point appears to hold true of many countries, including Canada, Germany, the Netherlands, and Zambia. [81]

In South Africa, studies by Ashley *et al* (1971) and Van der Merwe of South African elites revealed that private school graduates are not disproportionately represented.[82] It is also debatable whether private schools are more elitist than some of their public school counterparts, especially those located in affluent residential areas.[83] This would imply that a government concerned about elitism should pay attention to the major socio-economic disparaties within society rather than to focus on the relatively minor role of private schools in reproducing this elite. Hennig argues:

> The real causes of inequality in societies lie in the sources of power, and schooling is greatly exaggerated as a means of access to this.[84]

One reason that private schools tend to cater for an economic elite is their need to charge high fees. Fees in South African private schools vary considerably. In 1991, the most expensive schools (almost all of which are Anglican schools) charged between R10 000 and R12 000 per annum, excluding boarding, and R20 000 per

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80 Walford (1989), *op cit.*,p5.

81 Bergen; Weiss and Matten; James; and Kaluba, each argue that in Canada, Germany, Holland, and Zambia respectively, very few private schools could be regarded as elitist.

Bergen in Geoffrey Walford, (ed) (1989) *Private Schools in Ten Countries* Routledge, London and New York. p101; Manfred Weiss and Cornelia Mattern. "Federal Republic of Germany: The Situation and Development of the Private School System" in Walford, *ibid.*, p155; Estelle James, *op cit.*, in Walford *ibid.*, p191; L.H. Kaluba, (1986) "Education in Zambia: The problem of access to schooling and the paradox of the private school solution" *Comparative Education* 22(2)

82 Hendrik van Der Merwe *et al.* (1974). *White South African Elites. A study of the incumbents of top positions in South Africa*, p53. Juta and Company, Cape Town. Of 1 723 positions on which information was gathered by van Der Merwe *et al*, only 145 positions, or 8% were occupied by graduates of the Anglican schools.

83 Van der Merwe *et al*, *ibid*, p55. These schools include Durban High, SACS, King Edward VII, Jeppe High, Pretoria Boys High, and Grey High School. According to van der Merwe, the holders of 20% of top positions have passed through them, more than all the other English-language schools combined.

84 Mark Henning (1992) "Privatisation in Education" in Chris Heese and Dirk Badenhorst (eds) *South Africa. The Education Equation. Problems, perceptions, and proposals*. p64.

annum including boarding.[85] Apart from a large number of free or almost free (mostly Catholic) schools, the majority of schools charged fees ranging from R3 000 to R6 000 per annum.

iv) Effects of private schools on public education.

Another argument against private schools is that the schools undermine public education by attracting some of the most gifted pupils and committed parents from the public school system. Muller points out that movement towards private schools depletes the social or cultural capital (what Muller terms *communitas*) in public schools.[86] Another way in which private schooling can adversely affect public schooling is when private schools lead to "diseconomies of scale" and inefficiency in public education.[87] Financial assistance to private schools also diverts money from the public school system.

v) Private schools and public accountability.

Some argue that private schools are not publicly accountable:

> Partisans of public education claim special virtues in public accountability, democratic or popular control, coordination, equity, cultural cohesiveness, national unity, respect for heterogeneity as fostered by diversity within institutions, and attention to difficult, diverse, and progressive social responsibilities that private institutions can bypass.[88]

One area of public concern in democratic multi-racial countries is with regard to racism. Even apart from any intended or unconscious racism, some private schools will be racially segregated as a result of the ethnic or racial uniformity of their population. For example, the Catholic population tends to be racially diverse in South

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[85] W H Mc Allister, and K. Everingham, (eds) *A Comprehensive Guide to Independent/Private Schooling in Southern Africa, 1991* Media House Publications, Sandton. (Annexure A). Perusal of fees listed in this book reveals that of the schools which provided information, the most expensive schools in the country, based on maximum fees were in order, the American International School Johannesburg (R15 300), St Andrew's College (R12 075), St John's College, (R9 990), Rodean Girls School (R9 960), St Andrew's School (R9 450), and Saheti (Greek Orthodox) (R9 450). The most expensive boarding schools were Hilton College (R19 800) and Michaelhouse (R19 500).

[86] Johan Muller, "Private and Alternative Schools", in Robin and Anne McGregor, (1992) *McGregor's Education Alternatives*, Juta and co., p349.

[87] This point is mentioned, for example, by Manfred Weiss, (1986) "The Financing of Private Schools in the Federal Republic of Germany" *Compare* 16(2) p159.

[88] Levy *op cit.*, p18.

Africa and in the USA, but as Lieberman comments:

> Other denominations are simply not ethnically heterogenous, and there is no feasible way to maintain religious solidarity while introducing ethnic diversity.[89]

Class-based privilege is also an area of concern, especially in a social democracy. Social Democrats in particular would be concerned if private schools establish or maintain privilege through their ethos, their selected clientele, and their freedom to stand apart from state directives aimed at equity.

vi) A Response to freedom of choice arguments.

Muller argues that freedom of choice can only be exercised when there is equal access:

> We do not have this situation in South Africa: the current impetus for private schools, especially for the newer ones, is to compensate for (the) lack of adequate state provision, not to complement a broadly adequate one. Privatisation in these conditions ensures permanent division in quality of provision.[90]

Freedom of choice only for the affluent is clearly not equitable. It could, however, be argued that the way to expand freedom of choice and to achieve equity is not through the reduction of choice for those who already have it, but to improve opportunities for all to enjoy freedom of choice.

In summary, the main arguments against private schools are that private schools, it is claimed:

i) foster social fragmentation and artificial divisions in society,

ii) emphasise the "private good" pole of education at the expense of the "public good",

iii) adversely affect the public education system,

iv) avoid public accountability,

v) foster elitism and inequality and allow privilege to be purchased.

It is furthermore claimed that the argument for private schools as an expression of free choice does not recognise that free choice implies free access and a stable public school system. Ethnic and denominational schools, it can be argued, are acceptable

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[89] Lieberman *op cit.* p337.

[90] Muller *op cit.*, in David Freer *ed cit.*, p218.

in a country with a strong national character, but in a country as divided as South Africa, the priority is nation-building, and the fostering of a shared sense of national identity.

Conclusion

There are no objective criteria for weighing the arguments for and against private schools against each other. Ultimately, the political perspective and world view of the observer will determine his or her attitude to private schools. Respect for democratic values is the key to much of the argument in favour of private schools, but a socialist understanding of democracy may inform a different and negative attitude to private schools. Socialists, with their emphasis on principles of equality, social welfare, and central planning would tend to look on private schools less favourably than Liberals or free-market capitalists, with their emphasis on individual human rights and market mechanisms. If, for example, denominational education is, as its proponents argue, a *sine qua non* of religious freedom, and such education is not provided in state schools, a ban on private schools would be held by Liberals to be in conflict with a basic human right.

On the other hand, opponents of private schooling might argue that the limits to human rights are set by their effect on the public interest. Abolitionists would argue that there is a "compelling state interest" which overrides the individual human rights which argue for tolerating private schooling. Proponents of private schools would argue that no such compelling interest can be proved.

CHAPTER THREE.

FISCAL AND REGULATORY POLICY FOR PRIVATE SCHOOLS - AN INTERNATIONAL PERSPECTIVE.

> The appropriate governmental relation with private education has been the subject of controversy for many years.[91]

Introduction.

Despite international variations in the conditions in which private schools operate, and in the determinants of state policy for private schools, a sense of international practice can guide South African policy-makers in the determination of policy for private schools. The salience of an international perspective was recognised, for example, in the NEPI reports. As Walford argues:

> Careful study of the diversity of education systems can provide a powerful challenge to our assumptions, and act as a cure for political and educational myopia.[92]

In any comparative study, obviously it is impossible to discuss every country. The selection of countries in this chapter was based on the accessibility of information, and the amount of attention given to issues concerning private schools in any country. An attempt has also been made to include a wide gamut of countries ranging from industrialised states to undeveloped countries, especially in Africa.

Enrolments in private schools.

In order to place regulatory and fiscal policies for private schools into comparative educational perspective, it is necessary first to have some idea of the size and nature of the private schooling sector in each country.

In a survey of private schools in developed and undeveloped countries, James found that many developing countries have large private schooling sectors, because private schools often fill a gap in public provision of schooling.[93] In developed countries, the private schooling sector is usually smaller, and the level of demand for private

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[91] Mark A. Kutner, Joel D. Sherman, Mary F. Williams "Federal Policies for Private Schools" in Daniel Levy, *ed cit.*, p57.

[92] Geoffrey Walford, "Introduction" in Geoffrey Walford *ed cit.* p6.

[93] James, *op cit.*, p372.

schooling is related to the cultural heterogeneity of the population (i.e. the more culturally diverse the country, the more the demand for private schools).

Figures from the sources referred to in this chapter as well as from the UNESCO World Education Report for 1990 indicate that countries in which 70% or more of the enrolment is in private (mostly denominational) schools include Holland, Ireland, Belgium, Haiti, Trinidad, Hong Kong and Fiji.[94] 70% or more of pupils are in private primary schools in Lesotho, Swaziland, and Zimbabwe and in private secondary schools in Mauritius, Bangladesh, and Tonga. Other countries with high levels of private school enrolments include Spain, (approximately one third); Australia, (a little under one third), France and Pakistan, (approximately one fifth); and Japan (28% of secondary pupils were in private schools in 1984 but only 2,9% of primary pupils).[95] Some countries, such as New Zealand and Britain, have integrated many previously private schools into the government sector, but nonetheless, recognise the special status of these formerly private schools. As a result of the incorporation of these schools, only 7% of British students, and less than 5% of New Zealand students are enrolled in private schools, although approximately one third of United Kingdom pupils and one fifth of New Zealand pupils are in the 'voluntary' or 'non-state' sector.[96] Countries with private school enrolments of between three and twelve percent include, for example, the USA, Canada, Italy, and Germany.[97]

Forty six out of fifty eight African countries are listed in the 1991 UNESCO Report as having private schools.[98] These schools were usually established either as mission schools, or for the expatriate community during the colonial era. Since independence, many African countries have witnessed a substantial increase in demand for private schooling. In Tanzania, many private schools arose in the 1960s in response to state

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[94] UNESCO, *World Education Report 1991*. Paris. Table 10, 142-145.

[95] Anne Foon, (1988) "Nongovernment School Systems: Funding Policies and their Implications. *Comparative Education Review*, p201.

[96] Geoff Whitty, Tony Edwards and John Fitz, *op cit.*, in Geoffrey Walford, *ed cit.*, p8 and p200. The figure of 5% for New Zealand was taken from the UNESCO Report, *op cit.* This refers to secondary schools. In primary schools, the figure is only 2%.

[97] UNESCO, *op cit.*

[98] UNESCO, *ibid.*, p142.

policies regarding the provision of public schools and in Zambia, a small new private school sector has arisen, especially during the 1980s.[99]

By international standards in general and by African standards in particular, South Africa has a small private schooling sector. In common with most countries, however, private schools in South Africa are mostly denominational, and the Catholic system is the largest.[100]

Attitudes of political parties in various countries to private schools.

Most countries authorise and subsidise private schools, but subsidisation in particular has, in many cases, proved very controversial.[101] In Australia, for example, the issue of state aid to private schools has been described (in 1989) as "one of the most acrimonious and bitter political issues to divide Australian society over more than a century".[102] In Australia, as in other countries, hostility to private schools has mostly been expressed by left-wing political parties, and has focused on the issue of elitism and privilege which is said to characterise private schools.

Socialist or Labour Party governments in Spain, Britain, Zambia, and Australia all expressed hostility to the existence and subsidisation of private schools, but in each case, political or popular pressure convinced the government to recognise the right

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[99] Joel Samoff (1991) "Local Initiatives and National Policies: The Politics of Private Schooling in Tanzania" *International Journal of Educational Research* 15(5) and for Zambia, Kaluba *op cit.*

[100] Countries in which the vast majority of private schools are Catholic schools include the USA, Australia, Spain, Germany, Italy, Trinidad, New Zealand, and France. In Pakistan, approximately one fifth of the overall enrolment is in Muslim private schools. The majority of denominational schools in the United Kingdom are affiliated to the Church of England, and there is also a large Catholic sector.

Statistics for each country were obtained from the following sources:
USA: Bruce S. Cooper (1987) "The Uncertain future of national education policy: private schools and the Federal role", *Politics of Education Yearbook* p165, and Donald A.Erickson "Choice and Private Schools: Dynamics of Supply and Demand" in Daniel Levy, (1986) *Private Education. Studies in Choice and Public Policy.* Oxford University Press, New York/Oxford, p85.
Australia: Don Anderson, *op cit.*, p215.
Britain, Italy, Germany: Guy Neave. (1985) "The Non-State sector in Education in Europe: a conceptual and historical analysis" *European Journal of Education*, 20(4) p327
Spain: Oliver Boyd-Barrett, (1991) "State and Church in Spanish Education" *Compare* 21(2) p184.
France: Debra Roker, (1992) "The Private Sector of Education in Britain" in *Educational Studies* 18(3),p.279.
Pakistan: Jiminez and Tan *op cit*, p180.

[101] Controversy surrounding the subsidisation of private schools even precipitated the fall of the French government in 1984, when an attempt was made to limit the independence of private schools. Although the private sector in Italy is relatively small, private schooling has been a source of controversy. Richard Teese, (1986) "Private Schools in France: Evolution of a System" *Comparative Education Review* p247, and Donatello Palomba (1985) "The Nonstate Sector in the Italian Education System". *European Journal of Education*. 20(4) p361.

[102] Don Smart and Janice Dudley, "Australia: Private Schools and Public Policy" in Walford (1989), *ed cit.*, p105.

of private schools to exist.[103] In France, in 1984, a bill to increase official control over private schools was attacked both by protagonists of private schools and by members of the government's own Socialist Party, who were committed to a unified public school system.[104] Some countries such as Zaire, Tanzania, and Pakistan, (in 1974, 1969, and 1972 respectively) nationalised private schools, but in each case the nationalisation was later retracted. In Zambia and in Tanzania, the more positive attitude to private schools was a result of the shortage of government schools (especially of secondary schools in the case of Tanzania), and in Pakistan, because of the huge financial burden of public education.[105] In Zaire, parental demands for private schools arose out of corruption and inefficiency in the school system.[106] In some cases, recognition of private schools was accompanied by recognition of the principle of subsidisation. Zambia, Pakistan and the British Labour Party, however, do not support subsidisation of private schools.

In contrast to the hostile attitude of Labour or Socialist governments, rightwing governments, (such as in Japan, Singapore, and the USA) in keeping with their emphasis on choice and the freedom of the marketplace, have traditionally looked favourably on private schools. The politics of the 'New Right' conservative parties (especially in Britain and the USA during the 1980s) have argued for less involvement of government in the life of private citizens, and for the privatisation of public (especially welfare) services.[107] These politically conservative parties emphasised "a monetarist economic policy that lays stress on market forces rather than social services".[108] Kallaway highlights the way in which Liberal Democracy has come to

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[103] In Australia, in 1983, the Labour Party government retracted its policy of reducing subsidies to more affluent private schools. (*ibid.*, p37). For a fuller account of how this policy shift came about, refer to Don Smart, "Public-Private School Funding Policies in Australia, 1983-1986" in Boyd and Smart *op cit.*, 141-162. In the United Kingdom, during the 1970s, the Labour Party, which had called for the abolition of private schools, phased out direct grants to private schools and planned to prohibit the charging of fees for full time education. Labour's shift was possibly a reaction to polls which indicated public support for private schools. (ISIS newsletter, 1983, quoted in Walford, *op cit.*, p33). In Spain, the Socialist Party (PSOE) agreed to the new constitution of 1978, which recognised the right of private schools to exist, and to be subsidised by public funds. In Zambia, during the national debate on education which took place during 1976, the government argued that private schooling was inimical to its socialist policy. However, the party backtracked. (Education Reform Draft Proposals, 1976, 28, quoted in Kaluba *op cit.*, p165).

[104] Levy, *op cit.*, p18.

[105] Emmanuel Jiminez and Jee Peng Tan. (1987) "Decentralised and Private Education: The Case of Pakistan". *Comparative Education* 23(2) p176 and p179.

[106] Sheline *et al*, "The Effect of School Sponsorship on Academic Achievement" *Journal of Comparative Education* p233.

[107] Geoffrey Walford. "Conclusion" in Walford (1989) *ed cit.*, p219.

[108] Peter Kallaway, "Education Politics of the New Right" *British Journal of Educational Studies* 37(2). p257.

be identified with the politics of the 'New Right'. The 1987 Conservative Party manifesto, which put forward the Party's attitude to private schools, provides an excellent example of the link between the Liberal Democratic emphasis on individual human rights and the politics of the 'New Right':

> Giving parents more power is one of the most effective ways of raising educational standards. We shall continue to seek ways of widening parental choice and influence over their childrens' schooling.
>
> We shall defend church schools and independent schools alike against our opponents' attack and we shall defend the rights of parents to spend their own money on educating their children....[109]

The Education Reform Act of 1988 gave Local Education Authority (LEA) schools the opportunity to become independent (grant maintained) schools funded directly and generously by central government.[110] Conservative Party support for private education is also exemplified in the creation since the 1980s of city technology colleges(CTCs), which are private schools, run by educational trusts with close links to industry.[111]

Many European countries (for example, Holland, France, Belgium, Luxembourg, Ireland, Germany, Spain, and Greece) enshrine the right to a private education in their constitutions.[112]

In summary, Left-wing political parties have traditionally been somewhat hostile to private schools, while the political Right has favoured them. However, for a variety of reasons, during the 1980s, Left-wing parties in the countries discussed in this paper came to accept the private schooling sector. It is not always axiomatic, however, that Socialist or Labour-led countries are less generous to private schools, once it has been decided to accept them. Both Socialist Spain, and Labour-led Australia were, for political reasons, very generous to private schools. In Spain, six years after the Socialist Party came to power in 1982, 91% of private schools were subsidised for 100% of their costs.[113] In the United States, on the other hand, the constitutional

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[109] Walford, *op cit.*, p135.

[110] Geoffrey Walford, (1992) "Educational Choice and Equity in Great Britain" *Educational Policy* 6(2) p132.

[111] Walford (1992), *op cit*, p130.

[112] Neave *op cit.*, p323.

[113] Boyd-Barrett, *op cit.*, p183.

requirement for a wall of separation between church and state has led to very little direct subsidisation of denominational private schools. (A similar requirement in Australia, however, was ruled not to be an obstacle to state subsidisation of private schools, providing that assistance is given to all denominational schools even-handedly).[114] A detailed account of contemporary and historical regulatory and fiscal policy for private schools in South Africa is given in chapter five. In order to facilitate comparisons, however, a brief summary of these policies will be given for each category as outlined below.

I. FISCAL POLICY FOR PRIVATE SCHOOLS IN VARIOUS COUNTRIES.

i) Payment of the running costs of schools.

While some countries subsidise more than 75% of private school costs, others subsidise less than 25% of these costs, and a few countries do not subsidise private schools at all.

Interestingly, very few countries subsidise between 25% and 75% of private school costs, as is presently the case in South Africa. Possibly this reflects a dichotomy between very favourable attitudes to private schools in some countries, and a rather grudging acceptance in others. It is also possible that the less generous subsidies result in some cases from a lack of financial resources.

a) Countries which pay more than 75% of private schools' running costs.

Countries which fall into this category include Australia, France, Spain, Denmark, Norway, Holland, Luxembourg, Belgium, New Zealand, Germany, Ireland, Singapore, Lesotho, Togo, Chile, Trinidad and Tobago.[115]

Most Western European countries fall into this category. In many cases, the constitutional right to a private education is deemed to imply fiscal support for private schools. Dutch schools and most Spanish private schools are subsidised for 100% of their costs. Spanish private schools may receive general grants, which cover all school costs, or singular grants, which cover only those costs not met by fees, which

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[114] William Lowe Boyd, "Balancing Public and Private Schools" in William Lowe-Boyd and Don Smart, (eds) (1987) *Educational Policy in Australia and America, Comparative Perspectives* The Falmer Press, p164.

[115] Information for Australia from: Anderson, *op cit.*, p222; Gerald L. Johnston, (1990) "The Socio cultural Schism in Australian Education" *Australian Journal of Education* 34(1) p26 and Tony Edwards *et al*, "Private Schools and Public Funding" (1985) p40. Information for countries not discussed in this chapter from James *op cit.*, p369.

may not be more than a very low prescribed level. Grants to private schools in Denmark are calculated according to cost factors rather than enrolment and schools may receive up to 85% of running costs. Ireland pays 85% of capital costs and 80% of running costs.[116] Grants to Australian private schools are paid on a per capita basis according to their enrolments and on a scale ranging from 1 to 12 according to an assessment of the school's income.[117] In Germany, 75% to 90% of costs in private schools which have equivalents in the state system ("substitute schools") are covered.[118] Singapore and some German states grant a lump sum subsidy based on recurrent costs in state schools.[119] The system of linking private school subsidies to expenses in the public school sector also applies in Zimbabwe and New Zealand.[120]

b) Countries which pay less than 25% of private schools' running costs.

These include Senegal, Peru, Bolivia, Pakistan, Japan, Jordan (primary schools), Liberia, Indonesia, Kenya, and some Indian states.

c) Countries which offer little fiscal assistance to private schools.

This category includes the USA, Italy, Greece, Zambia, Nigeria, Madagascar, Burundi, Mali, Algeria, and Pakistan.[121]

In the USA, the constitutional requirement for a wall of separation between church and state, based on the First Amendment has made subsidisation of private schools

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116 Neave, p330.

117 Berry H. Durston (1987) "Public and Private Schools: A Commentary" in Willlam Lowe-Boyd and Don Smart, (eds) (1987), *ed cit.*, p186.

118 Manfred Weiss and Cornelia Mattern, in Walford (1989) *ed cit.*, p170.

119 *ibid.*, p173 (for Germany). For Singapore: Jason Tan, "Independent Schools in Singapore: Implications for Social and Educational Inequalities" *International journal of Educational Development* 13(3), p243.

120 For Zimbabwe: Freer, *op cit.* p9.In both countries, the state pays a per pupil allowance on the same basis that such funding would be paid to a government school.

121 Information for Nigeria, Madagascar, Mali, Burundi, and Algeria from Samoff, *op cit.*, p367.

controversial.[122] In 1947, the American Supreme Court ruled that:

> No tax, in any amount, large or small, can be levied to support any religious activities or institutions...to teach or practice religion.[123]

Lemon vs Kurtzman (1971) established that the statute must not foster "an excessive government entanglement with religion". Payment of teachers' salaries has not been allowed by the court,[124] nor have grants for the maintenance of school buildings,[125] tuition reimbursements and state tax-benefits to parents,[126] the loan of instructional materials and equipment and the provision of auxiliary services, or remedial programmes.[127] Nonetheless, some assistance is given to American private schools. (See below).

In Greece, on the whole, limited state assistance is given only to some private schools who are short of resources.[128] In Italy, until 1984, education at all state schools had to be based on the principles of Catholicsm. Private schools are permitted, but are forbidden by the constitution to be a burden on the state. Despite this restriction, private schools do enjoy tax benefits, and limited assistance (0,4% of the education budget).[129] Financial support may, however be given to private schools defined as "equivalent status" primary schools i.e. schools which offer equivalent conditions to state schools, and which are run by non-state public bodies or church institutions.

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122 The first amendment to the American constitution states:

> Congress shall make no law respecting the establishment of religion, or prohibiting the free exercise thereof; or abridging freedom of speech...

123 James E. Wood, (1975) "Educational Alternatives and Public Policy Implications" *Religious Education* 70(2) p187. The reference is to Everson vs Board of Education.

124 In Lemon vs. Kurzman, the court disallowed salary supplements to nonpublic school teachers and direct aid as reimbursement for the cost of teachers' salaries.

125 In 1973, in the Committee for Public Education and Religious Liberty vs. Nyquist.

126 Martha McCarthy (1981) "Church and State: Separation or Accommodation?" *Harvard Educational Review* 51(3), p376. In the Mueller vs Minnesota decision, the court upheld a Minnesota tax deduction plan instituted in 1955. The court considered it significant that aid was given directly to parents, and not to schools, thus not indicating state approval of religion. In 1974, however, the Supreme Court struck down a tax credit plan.

127 Cooper *op cit.*, p166. Titles I,II, and III of the Elementary and Secondary Education Act (ESEA) of 1965 included parochial schools in its provisions.' In 1975, in Meek vs Pittenger and in 1985, the Supreme Court, in Aquilar vs Felton ruled that public school teachers could no longer come on to the premises of the parochial school to offer remedial help because such involvement was 'excessively entangling'.

128 Neave,*op cit.*, pp324 and 331.

129 Palomba *op cit.*, p363 and p368.

ii) Teacher salaries.

Many countries pay all or part of the salaries of teachers at private schools. (These include France, Holland, Belgium, Zaire, Trinidad, Tobago, Togo, Lesotho, Denmark, New Zealand, and Zimbabwe). In the case of the latter three countries, subsidisation of teachers' salaries is linked to salaries in state schools. (In Zimbabwe, the salary allocations are based on the teacher/pupil ratios in government schools; Denmark pays salaries based on 85% of state school salaries;[130] New Zealand pays 50% of state school salary costs, and includes administrators' salaries.

In South Africa, teachers' salaries in private schools are not paid by the state.

iii) Building costs and land.

Some countries, including Germany, Belgium, Trinidad and Tobago, some American states, and Singapore pay or all part of private schools' building costs. Denmark pays for the cost of building maintenance and Zaire pays for additional buildings or extensions.[131] In the Australian Capital Territory, Catholic authorities and corporate bodies are given special purpose freehold land on which to build schools.[132] Until 1989, the Federal government provided building grants ('establishment grants') to many private schools.[133] In 1920, in Holland, legislation was passed to the effect that any group with a particular religious or pedagogical philosophy could request a private school, and that the state (through reimbursement of municipalities) would provide a building, (and pay teachers' salaries).[134]

South Africa does not assist private schools with building costs.

iv) Tax support.

Countries which offer private schools tax relief include the United States (some states), the United Kingdom, Canada, Singapore, Jordan, South Korea, the Philipines, Brazil, Mexico, and Guatemala.[135]

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130 Neave *op cit.*, p329; Lindelow *op cit.*, p18.

131 Neave *op cit.*, p329; Lindelow *op cit.*, p18.

132 Anderson *op cit.*, p219.

133 Don Smart and Janice Dudley *op cit.*, p120.

134 Neave *op cit.*, p329.

135 Information about the countries not covered elsewhere in this chapter, from Samoff, *op cit.*, p368.

Tax relief can be extended either to schools or to their patrons and donors.

a) Assistance to schools.

As educational charities, private schools in Britain are entitled to property rates relief, exemptions from corporate tax and capital gains tax, exemption from tax on rents and profits from lands, exemption on interest and dividends, tax exemptions for donations, exemptions from stamp duties and from VAT.[136] Accommodation at boarding schools, catering, materials, and entertainments on the premises or on school visits, as well as school fees are all exempt from VAT.

As non-profit institutions, most American private schools pay few taxes, and may receive tax-free gifts from charitable foundations and individuals.[137]

Some tax relief is offered to private schools in South Africa, which are not profit-making concerns. For example, at present, these schools do not pay property rates, and donations to secondary schools enjoy tax relief.

b) Assistance to donors and patrons.

In the USA, tuition tax credits (which allow parents to deduct a proportion of educational expenses from their income tax) were ruled constitutional in 1983.[138] In Australia, school fees are exempt from taxation.[139] Donors in Britain may receive tax relief by entering into covenants with schools, whereby unlimited sums of money may be 'loaned' to the schools for a minimum period of four years. Since 1986, companies have been able to claim tax relief (up to a maximum of three percent of dividends) on one-off donations to charities. The 1986 budget also offered individuals tax relief under the Payroll Giving Scheme, whereby up to 240 pounds annually may be deducted from salaries in favour of charity. The 1983 budget completely exempted all gifts to charities from Capital transfer tax (renamed Inheritance tax in 1986).[140]

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136 Mark H. Robson and Geoffrey Walford (1989) "Independent Schools and Tax Policy under Mrs Thatcher" *Journal of Education Policy* 4(2) p150. Private schools have enjoyed charitable status since the Finance Act of 1927.

137 This form of assistance, first introduced in the state of Minnesota in 1955, was ruled constitutional in 1983 in Mueller vs. Allen.Cookson, in Walford (1989), *ed cit.*, p64.

138 John F. Witte, (1992) "Public Subsidies for Private Schools: What We know and How to proceed" *Educational Policy* 6(2) p211.

139 Edwards *op cit.*, p38.

140 Robson and Walford, *op cit.*, p155.

In South Africa, only donations to secondary schools receive tax benefits, and there is no tax benefit for school fees.

v) Other subsidies.

A variety of private school costs are paid for or subsidised by the fiscus in different countries. Some regions and states in Germany and in the USA respectively, pay for teaching materials, student transport, and reimbursement for fees. In the USA, this form of assistance was upheld by the American Supreme Court because the assistance was provided to the children rather than to the schools.[141] Germany also pays for teachers' pensions.[142] Belgium pays for school equipment (up to 60% of nationally determined norms), and books; Zaire pays for major equipment for new buildings.[143] Trinidad and Tobago pay private schools' expenses for water and sanitation. In Zaire, the legal representative of each church receives a lump sum to be distributed through its school system.[144]

Private schools in South Africa do not receive any forms of assistance mentioned in this section, although, for example,teachers may repay their student bursaries at private schools.

vi) Assisted Places Schemes.

Assistance for needy pupils to attend private schools is given by Britain and Singapore. The government of Singapore has established a Financial Assistance Scheme, whereby the government matches monies raised by the schools, up to one million dollars, for tax-free endowment funds used to help needy pupils. In Britain, the Conservative Party introduced the Assisted Places Scheme in the 1980 Education

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141 Woods *op cit.* Cochran vs Louisiana State Board of Education case of 1930. This principle was reaffirmed in 1947 and again in 1968 in Board of Education vs. Allen.

142 Teese, *op cit.*, p157.

143 Sheline *et al*, *op cit.*, p233.

144 *ibid.*

Act. The aim of the scheme is:

> (to) improve the standard of achievement in education by...widening the availability of the type of school to parents whose children are now being educated in the maintained sector.[145]

Selection criteria are determined by the schools, and pupils may be offered free or partially subsidised places depending on parental income. Assistance is also available for expenses such as uniforms, travel, and school meals. Each school has a quota of places, of which 69% must be filled by children who were previously in the state sector.[146] In 1992, 12% of secondary pupils in the private sector received support through the scheme.[147] The APS scheme was designed especially to benefit children from working class backgrounds, but studies show that relatively few APS students came from unambiguously working class backgrounds.[148] Fitz *et al* suggest that the main effect of the APS scheme has been to undermine confidence in the state sector.[149]

No state sponsored Assisted Place scheme exists in South Africa.

vii) Education vouchers.

An idea which has frequently been mooted, especially in the United States, is the use of education vouchers which are redeemable at schools.[150] Most voucher plans allow for all schools (including private schools) to compete for students thereby increasing parental choice and accountability of schools. Voucher plans vary as to the size of vouchers, for whom they are intended (everyone or only poorer people), what they may be used for, whether a school can charge more or obtain additional funding through gifts, and whether they cover transportation costs.[151]

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145 From Hansard, 1979. Quoted in Mike Douse, (1985) "The Background of Assisted Places Scheme Students" *Educational Studies* 11(3) p213.

146 John Fitz, Tony Edwards and Geoff Whittey (1989) "The Assisted Places Scheme: An ambiguous case of privatisation", *British Journal of Educational Studies*, 37(3) p.224.

147 Walford (1992) *op cit.*, p128.

148 Walford (1987), *op cit.* p276, quoting John Fitz, Tony Edwards, and Geoff Whitty. (1986). "Beneficiaries, benefits, and costs: an investigation of the Assisted Places Scheme", *Research Papers in Education* 1, 3, pp169-193.

149 *ibid.*, p283.

150 The idea was first set out in detail in Milton Friedman's *Capitalism and Freedom*, and later refined by Jencks (1970) and Coons and Sugarman (1978).

151 For a concise summary of 11 different voucher proposals, refer to the ERIC monograph, (undated) Education Vouchers written by John Lindelow.

A voucher system is operative, for example, in the American state of Vermont and in the Netherlands, while a voucher scheme is on the books in Georgia, and is currently awaiting legal ajudication. Californian voters will be voting on a voucher scheme in November 1993.[152] Vouchers in the Netherlands are equivalent to the per capita cost in the local public school. The school which receives the voucher is entitled to finance for specified amounts of teacher salaries and other expenses.[153] Private schools may charge low fees to supplement the voucher, whereas municipal schools may not charge fees.

Education vouchers in South Africa have been suggested by elements within the private sector (SYNCOM), but this suggestion has not met with any great enthusiasm.[154]

Opposition to voucher plans.

Voucher schemes have evoked a great deal of opposition, especially in the USA, where most attention has been given to vouchers. Opponents of the scheme have argued that vouchers undermine support for public schools, make public schools 'dumping grounds' for the poor, and increase racial and class segregation. Voucher plans which allow parents to add to the value of the voucher have been criticised as favouring the rich.[155] On the other hand, Lieberman comments that the idea that parents cannot add to vouchers means that parents can spend their money on gambling, liquour and so on but not on their childrens' education. The Reagan administration on two occasions attempted to introduce voucher schemes for poor children only, but the scheme was voted down by congress, because it was felt that

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152 Weekly Mail/Guardian International October 22 to 28 1993. Page 27.

153 Estelle James "The Netherlands: Benefits and costs of Privatised Public Services-Lessons from the Dutch Educational System" in Walford (1989), *ed cit.*, p184.

154 Syncom, *Privatisation Position Paper No.3*, (1986) reproduced in part in Clive Millar, Sarah-Anne Raynham, Angela Schaffer,(eds) (1991) *Breaking the Formal Frame* Oxford University Press, Cape Town. 477-497.

155 Krausehaar *op cit.*, p319.

the scheme would weaken the public school system.[156] Mary Futtrell of N.E.A. stated that:

> The intent of the administration's proposal is not to strengthen but to impoverish public schools, to weaken the very institutions that have most helped the most needy. Vouchers are a hoax, a guise for funnelling public monies to private schools. When this strategy is defended on the grounds that it will unleash the potential of 11 000 000 disadvantaged children, the hoax becomes hypocritical, odious and cruel.[157]

II. REGULATORY POLICY.

Before turning to specific examples of regulations for private schools in various countries, some attention will be given here to court decisions in the United States regarding the right of the state to regulate private schools, and the limits to that right. The American court has given a great deal of attention to this issue, and the findings of the court may help to elucidate some of the issues involved in regulatory policy.

US Court decisions concerning state regulation of private schools.

The right to 'free exercise of religion' in the USA, and to a lesser extent, the right to freedom of speech, have been ruled by the court to limit the state's regulatory power over private schools.[158] State regulation of private schools, in the light of the First amendment, "may not substantially affect value-inculcation within them unless there is a compelling state justification for doing so".[159] As compelling state interest is usually taken to refer to race and minimal academic criteria, private schools in the USA are relatively unregulated.[160]

Perhaps the most important case concerning private schools was that of *Pierce vs Society of Sisters* (1925), in which the Court upheld the right of parents to send their

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156 Bruce Cooper, *op cit.* p173.

157 Quoted in Paul E. Peterson "Monopoly and Competition in American Education" in William H. Clune and John F. Witte (1990) *Choice and Control in American Education* Falmer Press, London. p73.

158 For example, in Meyer vs. the state of Nebraska, the court upheld the right of a private school to teach a foreign language (in this case, German), on the basis of freedom of speech.

159 Stephen Arons (1976) "The Separation of Church and State: Pierce Reconsidered". *Harvard Educational Review* 36(3) p99.

160 The question of the freedom to discriminate emerged in the case of Keyes vs School District no 1 in Denver (1973). The court distinguished between *de jure* and *de facto* segregation and found that proof of intent to discriminate was required to show violation of the protection clause.

children to private schools on the grounds that "children are not mere creatures of the state". The court also affirmed the state's right to regulate private schools:

> No question is raised concerning the power of the state reasonably to regulate all schools, to inspect, supervise and examine them, their teachers and pupils; to require that all children of proper age attend some school, that teachers shall be of good moral character and patriotic disposition, that certain studies plainly essential to good citizenship must be taught, and that nothing must be taught which is manifestly inimical to the public welfare.[161]

The court has, on occasion, emphasised the limits on the power of the state to regulate private schools. The Ohio Supreme Court in 1976 described state regulatory standards for private schools as "so pervasive and all-encompassing that total compliance would effectively eradicate the distinction between public and nonpublic education".[162] In 1980, the Kentucky Supreme Court ruled that the state could not require private schools to meet state accreditation standards, employ certified teachers, or use prescribed textbooks.[163] The court did, however, suggest that the state would be entitled to close private schools in which students repeatedly failed to pass prescribed examinations.

In summary, the right of the state to regulate education is affirmed but limited especially by the free exercise of religion clause in the constitution. The main categories of regulation have concerned health and safety, (including building safety codes, attendance reporting requirements and the like), quality of education (including curricular requirements in some states), and compulsory attendance.[164]

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[161] Arons, *op cit.*, p80. According to Devins (1989) *Public Values, Private Schools* Falmer Press, p6, this was reaffirmed in the 1976 Runyon vs McCrary case and in the Board of Education vs Allen case, where it was determined that:

> If the state must satisfy its interest in secular education through the instrument of private schools it has a proper interest in the manner in which these schools perform their secular education functions.

[162] Donald M. Sacken, (1988) "Regulating Nonpublic Education: A Search for Just Law and Policy". *American Journal of Education* 96(3) p398.

[163] Mc Carthy *op cit.*, p382.

[164] Cookson in Walford (1989), *ed cit.*, p76.

Regulations for private schools in various countries.

Private School autonomy.

Most countries allow private schools a great deal of independence. In Singapore, France, and in Trinidad and Tobago, the governing bodies of independent schools are responsible for the selection, appointment, and dismissal of teachers (notwithstanding the fact that in France, private school teachers' salaries are paid by the state).[165] Dutch private schools may choose their own texts and their own teachers, according to their own criteria.[166] In Singapore, governing bodies determine salaries, admission policies, school fees, and financial policies and budgets. Singaporean schools and German "substitute schools" are able to determine their own curricula, apart from adherence in Singapore to government policies of bilingualism, and the teaching of civics or religious/moral education. Private schools in Zaire may determine their own enrolment and teacher employment policies. In Australia, there is very little regulation of private schools. Private schools may determine their own teacher/pupil ratios, selection criteria, fees, and curriculum.[167] In Spain, private schools which do not receive state assistance can manage their own finances, establish their own school rules, and determine their own admissions criteria. In the USA, private school boards are autonomous and private schools may select their pupils (but not on racial criteria). In Denmark, government regulations are restricted to the right of inspection, and the maintenance of standards in Danish and arithmetic.[168] In fully private Italian schools (as opposed to "equivalent status" schools) only safety, health and hygiene conditions are supervised by the state.

Private schools in South Africa enjoy a fair amount of autonomy. For example, other than requirements for teacher qualifications and registration, schools are free to employ teachers according to their own criteria. They may also select their students, choose to write an independent examination, and offer a denominational education.

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165 *ibid* p439.

166 Estelle James, *op cit., in Walford (1989), ed cit., p188.*

167 Foon *op cit.*, p203.

168 Lindelow, *op cit.*, p17.

Restrictions on private school autonomy.

The degree to which private schools are required to adhere to national curricula and regulations varies, although generally, higher subsidies are accompanied by increased regulation.

i) Registration/authorisation.

Some countries require private schools to register. In Germany, "substitute schools" require a licence but "Supplement schools" (private schools for which there is no equivalent in the public system, such as vocational and Waldorf schools) need only give formal notice of their establishment. "Supplement schools" are, however, not entitled to award state qualifications, and even in "substitute schools", this right is usually conditional on their being identical to state schools.[169] In Italy, studies in fully private schools (as opposed to "equivalent status" schools) have no legal recognition, curricula are not recognised by the state, and pupils have to take examinations in a state school. In Tanzania, private profit-making schools are not allowed to operate, but schools associated with churches, or with social services agencies or local government authorities are accepted, and must register. In Pakistan, private schools are legally obliged to register, but as there is no penalty for not registering, the legal requirements are often ignored.[170] In France, schools must prove "a recognised educational need" for their services. In Australia, new private schools may only be established if it can be shown that they would not have a negative impact on existing schools in the vicinity.[171]

Legislation for private schools in Canada differs in each province. In Ontario, a private school merely has to notify the Minister of Education of intention to operate, but in Alberta, the permission of the Minister is required.[172] In British Columbia, the government involves itself in private schools only if financial grants are sought.

South African private schools are required to register, and the relevant Minister of Education may make regulations regarding conditions for registration (for example,

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169 Manfred Weiss and Cornelia Mattern *op cit.*, in Walford (1989) *ed cit.* p169.

170 *ibid.*, p184.

171 Anderson *op cit.*, p231.

172 John J. Bergen in Walford (1989) *ed cit.*, p99.

House of Assembly private schools are required to have a minimum enrolment of twenty).

ii) Curriculum and standards.

In France, Belgium, the Netherlands, and Italy, conditions are laid down for the teaching of compulsory subjects, the length of study time, and the number of hours of weekly tuition per subject.[173] "Equivalent status" schools in Italy and schools in Holland, Tanzania, Pakistan, and Trinidad and Tobago may teach only government prescribed curricula. In Zaire, schools are permitted to teach religion only if parents give permission. In Zambia, the government prescribes standards of educational provision. Grant-aided Spanish schools may not enforce confessional practice, and grants are conditional on the agreement of schools to enrol pupils from the vicinity, and on the same minimum standards, class sizes, equipment, and teacher/pupil ratios as in the state sector. Private schools in Holland, some Canadian provinces, Tanzania, Trinidad and Tobago, are inspected by the state, and Dutch pupils write uniform examinations.

In South Africa, the curriculum and minimum number of teaching days, for example, are subject to Ministerial approval. School conditions must be of a certain standard, but for example, the department does not dictate pupil/teacher ratios. Subsidies depend on the maintenance of satisfactory scholastic standards.

iii) Teachers' qualifications, salaries, and working conditions.

Some American states, Japan, Holland, Pakistan, Tanzania, Germany ("substitute schools"), and Italy ("equivalent status schools") prescribe teacher qualifications.[174] In Italian "equivalent status" secondary schools, the number of teaching posts must be the same as in state schools. In the case of Holland and Pakistan, teachers' salaries are also prescribed by the state. In Spain, subsidies are conditional on teacher qualifications and salaries which are equivalent to those in the public sector. In the

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[173] Neave *op cit.*, p333.

[174] Information for Japan from Brian Holmes, "Japan: Private Education" in Walford (1989) *ed cit.*, p215.

Netherlands, teachers' hours and conditions of work are centrally determined, and teachers are protected from arbitrary dismissal.[175]

Teachers in South African (House of Assembly) private schools must be qualified, and all teachers are required to register. In order to qualify for a 45% subsidy, salaries and promotion policies must match those at government schools.

iv) Governing boards.

In Spain, grant-aided schools are required to appoint a governing body. In both France and Holland, schools have to include teachers, parents, students and government representatives on their governing boards in order to ensure democratic accountability.[176] The government of South Africa requires private schools to have governing bodies, but does not interfere in the composition of the governing bodies of House of Assembly ('white') private schools unless they apply for a (45%) subsidy, in which case the constitution or standing orders of the controlling body has to have been approved by the Head of Education. In the Department of Education and Training, however, the minister is empowered to make regulations as to the constitution, powers, duties and functions of a governing body. The governing body must also be approved by the Director General.

v) Discrimination.

Most countries do not allow private schools to discriminate in their enrolment policies. French schools may not discriminate on the lines of "origin, opinion or belief".[177] Spanish schools may not discriminate in their admission policies, or in the hiring and firing of teachers. In Germany, schools may not discriminate between pupils on economic grounds.

In the past, South African private schools (like state schools) were legally obliged to admit only pupils of the race group for whom the schools' registering department

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175 Estelle James *op cit.*, in Walford (1989) *ed cit.*, p187.

176 James,*op cit.*, p371.

177 Frances F. Fowler "School Choice policy in France:Success and Limitations" *Educational Policy* 6(4) p433.

caters. Currently, there are few restrictions, although for example, ministerial approval is still required for DET private schools to admit non-blacks, and it was only officially in 1992 that an amendment to the Education and Training Act permitted the Minister to authorise the opening of black private schools to members of other population groups.[178]

vi) Fees.

Wholly maintained Spanish schools and "equivalent status" Italian primary schools may not charge fees, and Spanish schools which are grant-aided may, as in Holland, charge only low fees, as determined by the state. Italian "equivalent status" secondary schools may charge fees, which may not be higher than in corresponding state schools. Zambia and Tanzania also determine the fees which schools may charge.[179] Fees in South African private schools are determined by the schools.

vii) Reporting.

Private schools in Australia, some German states, and Trinidad and Tobago are required to provide the state with a detailed annual report on revenues and expenditure. In Australia, schools also have to provide non-financial information such as enrolment policy, educational objectives and systems of governance.[180] Private schools in South Africa are open to inspection, and must submit various reports to the state.

Conclusion.

All countries regulate private schools, but the degree of regulation differs, and the regulations are diverse. Regulations are usually concerned with registration of private schools, the fees which they may charge, curricular standards, teacher qualifications and salaries, reporting procedures, pupil enrolment policies, and the constitution and rights of governing boards. According to James, private schools in undeveloped

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178 Act No.55 of 1992 (par 2).

179 For Zambia, Kuluba, *op cit.*, p165. For Tanzania, Samoff, *op cit.*, p378.

180 Don Smart and Janice Dudley, *op cit.*, p119 and p120. Smart and Dudley claim that "much of the accountability thrust (in Australia) is deliberately designed as a strategy to stem 'drift' to the private schools, and that Federal accountability requirements have become "increasingly draconian, bureaucratic and frustrating".

countries (in which private schools fill a gap caused by inadequate public provision) are often inferior to state schools. Regulations, in these circumstances, are more about the maintenance of standards than assurances of equity, as is the case in developed countries. This distinction does appear to hold true to some extent in the countries discussed in this chapter but it is not absolutely clear. Certainly the countries in the sample discussed in this chapter which least regulate private schools are all industrialised countries. These countries are the USA, Australia, Japan, Singapore, Denmark, France, and Spain (unsubsidised schools only). Conversely, the countries in our sample which regulate private schools most heavily include Tanzania, Pakistan, Trinidad and Tobago, but the list also includes Holland and Italy. A comparison of regulations in Holland and Italy ("equivalent status" schools) on the one hand and Tanzania and Pakistan on the other hand, demonstrates more similarity than diversity. Thus, each of these countries applies regulations regarding curricula, school fees, and teacher qualifications or salaries. Countries such as Denmark, Australia, and the USA, however, do allow private schools a great deal more autonomy than is the case in the developing countries discussed in this chapter. Presumably, developed countries rely on market mechanisms to ensure standards at private schools. It stands to reason that in countries where parents have little choice but to utilise private schools, the state cannot rely on the market and needs to ensure the maintenance of at least minimum standards.

In the USA, the court has determined that regulations cannot be so onerous as effectively to transform private schools into state schools. The state may only regulate private schools if such regulation is found to be a compelling state interest.

Most countries subsidise private schools, although the amount of the subsidy differs greatly from country to country. Subsidies are both direct (for example, in the form of financial grants), and indirect (for example, through taxation policies). Fiscal and regulatory policy in South Africa, which was touched on in this chapter will be examined in detail in Chapter five, and lessons from international practice regarding fiscal and regulatory practice will inform the analysis of policy options in Chapter seven.

CHAPTER FOUR.

PRIVATE SCHOOLS IN SOUTH AFRICA: AN OVERVIEW.

Introduction.

Fiscal and regulatory policy for private schools must be informed by knowledge of the private schooling sector, and therefore this chapter will focus on a description of this sector in South Africa.

Reasons for the establishment of private schools-a historical perspective.

Private schools were established by Dutch or Afrikaans-speakers in response to British Anglicisation policies in the early nineteenth century and again in the early twentieth century; and by English-speakers in the 1890s, in response to policies in the Transvaal Republic which established Dutch as the sole medium of instruction in government schools. Thus, even in the nineteenth century, private schools were seen as an escape-valve from political and cultural domination in specific contexts. Towards the end of the nineteenth century, and at the beginning of the twentieth century, private schools were established by members of the African Independent churches in order to provide an alternative to mission schools. (Independent church groups which established private schools include especially the African Presbyterian church, the African Methodist Episcopal church, and the Order of Ethiopia, which later affiliated with the Anglican church). According to Paterson:

> Independent church leaders opened their schools with the primary aim of maintaining their independence from missionionary dominance.[181]

Paterson explains the rise of independent church schools as "an attempt to expand access as well as to assert black control over the schools".[182]

In 1920, Trade Unions in Cape Town decided to establish a Labour college in order "not to leave the children of workers in the Cape any longer at the mercy of

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[181] Andrew Paterson (1992) *Contest and Co-option. The struggle for Schooling in the African Independent Churches of the Cape Colony. 1895-1970.* PhD thesis, UCT. p375.

[182] *ibid.*, p81.

Capitalist public schools".[183] Black parents also established "shanty secondary schools" in the Transvaal in the 1940s.[184] In the Transkei, the American School movement created independents schools in the 1920s as a protest against mission schools and "institutions which served as instruments of European domination".[185] In the 1950s, the (black) parents' school boycott was accompanied by the establishment of alternative schools by local parents' organisations, by the African Education Movement, and by the African National Congress.[186]

In sum, many private schools were established to resist cultural domination by other groups. Most private schools for whites, and Mission schools for blacks were, however, established to provide a denominational education. The four main religious groups which established private (non-mission) schools in South Africa are Catholics, Anglicans, Jews, and Muslims. The main features of school systems established by these groups will be outlined in this chapter.

Mission schools.

Although mention of mission schools cannot be omitted in a discussion of private schooling in South Africa, since church schools do not fall within the legal definition of private schools, only brief consideration will be given in this paper to mission schools. In any case, the description of the establishment and nature of mission schools (most of which ceased to operate after promulgation of the Bantu Education Act of 1953, which established provincial control of black education) requires a paper of much greater length.

The first mission school in South Africa was established by the Moravians in 1739 in Baviaanskloof (Genadendal). By the middle of the nineteenth century, eleven missionary bodies had established missions in South Africa.[187] These include German groups (Moravians, Rhenish and Berlin Missionary Society), Methodists,

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[183] Frank Molteno (1984) "The Historical Foundations of the Schooling of Black South Africans" in Kallaway *ed cit.*, p86. The quotation is from *Bolshevik* 1(8) May 1920, p7.

[184] *ibid.*, p88.

[185] Robert Edgar, "African Educational Protest in South Africa: The American School Movement in the Transkei in the 1920s" in Kallaway, *ed cit.*, p.186. As a result of financial exigencies, few of these schools survived for more than a few years.

[186] Tom Lodge (1984) "The Parent's School Boycott: Eastern Cape and East Rand Townships, 1955" in Kallaway, *ed cit.*, p279.

[187] Du Plessis, *op cit.*, p404.

Presbyterians, Dutch Reformed, Lutherans, and Methodists. Mission schools were later established by Catholics and Anglicans.[188] By 1907, according to Du Plessis, groups which ran more than 50 mission stations included in order of number of schools, Church of England (301), Catholics (258), The Berlin Missionary Society (249), the Paris Evangelical Society (210), Hermannsburg (133), Swiss Romade (65), Norwegian missions (63), Swedish missions (60) and Wesleyans (Methodists) (53).[189]

It should be mentioned that mission schools did not cater only for blacks. Indeed, in 1891, almost a third of the total number of white students enrolled at government schools in the Cape colony, attended mission schools.[190] By 1910, as a result of government policies which encouraged segregation, there were fewer than 550 white children in mission schools.[191] An interesting insight appears in a comment by Rundle concerning Methodist schools that in some cases, these schools had been established by local communities, which then chose the Methodist church as the schools' sponsor in order to ensure registration with the provincial education departments.[192] In these cases, the desire for a religious or denominational education appears to have been secondary.

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188 There were more pupils in Methodist and Anglican mission schools than in all other mission schools combined in the 1930s. This is according to Deborah Gaitskill, "Upward All and Play the Game: The Girl Wayfarers' Association in the Transvaal 1925-1975" in Kallaway *ed cit.*, p225.

189 Du Plessis, *op cit.*, p467.

190 Paterson, *op cit.*, p74.

191 *ibid.*, p76.

192 Margaret Rundle (1991) *Accommodation or Confrontation? Some Responses to the Eiselen Commission Report and the Bantu Education Act with specific reference to the Methodist Churches of South Africa*. M. Ed thesis, UCT.

Private School Associations.

Private school associations in South Africa are:

1. The Independent Schools Council (mostly Anglican and Interdenominational). (previously the Association of Private Schools, established in 1974 although its forebear, the Conference of Heads of Church Schools, later named the Headmasters Conference was established in 1929).
2. The Catholic Institute of Education.

   (The Department of Schools under the auspices of the South African Catholic Bishops Conference was established in 1974).
3. Southern African Association of Independent Schooling (established in 1987).
4. The South African Jewish Board of Education (established in 1928).
5. The Association of Muslim Private Schools (established in 1988).

The Independent Schools Council (previously named the Association of Private Schools), together with associate schools, represents 197 schools in South Africa, including "independent states", as well as other schools in Southern Africa. The ISC consists mostly of Anglican and interdenominational schools, and membership largely overlaps with the 'Conference of Heads and Headmistresses' (HMC) (in which the heads of affiliated schools are represented).[193]

The **Catholic Institute of Education** is a "service, research and policy-shaping body".[194] Other Catholic bodies concerned with education include The Department of Schools, which acts as a general coordinating body for Catholic schools, and which falls under the portfolio for 'Education and Worship' of the South African Catholic Bishop's Conference. A second coordinating body, the Education Council of Associated Religious (ECAR), formerly known as the Catholic Education Council, coordinates schools run by religious orders. There is also an Association of Catholic

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[193] In 1993, only 3 schools were members of the HMC, but not of the ISC. The Independent Schools Council of South Africa, (1993), *op cit.*

[194] Mc Allister and Everingham, *op cit.*, p4.

School Principals.[195] Approximately 391 schools (primary, secondary and specialised) fall under the auspices of the Catholic Institute of Education.[196]

The **South African Jewish Board of Education** coordinates Jewish education in South Africa, although the Cape Board of Jewish education is an autonomous body, whose role has, for some years, been restricted to the coordination of Jewish education in government schools and in part-time Hebrew schools. In 1970, the Association of Headmasters was established.

Muslim private schools are members of the **Association of Muslim Private schools.** This association was formed in 1988, to unite the Muslim private schools, most of which had come into being in the past few years. Thirteen Muslim private schools are represented in the association, although there are also Muslim schools in the state-aided sector.[197]

The **South African Association of Independent Schools** came into being when St Barnabas and Sacred Heart schools broke away in 1985 from the conservative Association of Private Schools (since renamed the Independent Schools Council), in order to pursue a more vigorous policy of non-racism. The goal of the SAAIS, as expressed in its prospectus, was:

> to promote non-racial education throughout the Southern African region and to promote educational opportunities for the poor and oppressed in both independent and private schools.[198]

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195 A.G. Sutcliffe (1986) *Conference. The Story of the Conference of Headmasters and Headmistresses of Private Schools of South Africa During its First Half Century.* p20.

196 McAllister and Everingham, *op cit.*, p189.

197 Information provided telephonically by Mr Salojee, Chairman of the Association of Muslim Schools.(Monday 9 August).

198 Muller in David Freer *ed cit.*, p41.

Composition of the private schooling sector.

Tables 3 and 3.1 give a breakdown of the enrolment figures for different types of private schools (excluding schools registered with the DET).[199] As is the case internationally, Catholic schools, (with approximately one third of private school enrolments in the tricameral departments), are the largest component of the private school sector. (Since DET enrolments account for only 32% of private school enrolments, and many DET private schools are Catholic, this is true even without a clear picture of DET schools). (Refer to chapter six). Including the DET schools, in 1991, there were 245 Catholic schools (including pre-primary schools and church schools) registered as private schools, and an additional 144 schools (80 farm schools and 66 urban/rural schools) registered as "state-aided".[200] The overall enrolment in Catholic schools (private and state-aided) is 125 000.[201] Anglican schools and interdenominational schools enrol approximately 20-25% respectively of House of Assembly private school pupils, and Jewish schools enrol approximately 10%. In 1993, there were almost 8 000 children enrolled in private Jewish day schools. There is also a wide variety of other private schools, including other denominational schools, ethnic schools (German, Chinese, Japanese), Waldorf schools and schools run as private businesses.

Enrolment at private Catholic schools registered with the House of Representatives represents approximately 40% of private school enrolments in the department controlled by this house. Seventh Day Adventists and Muslims each account for approximately one fifth of private school enrolments in the House of Representatives. Muslim schools form the largest component of the 11 private schools registered with

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199 It was originally my intention to provide a breakdown of denominational private schools in all departments. However, the DET was not prepared to supply information. McAllister and Everingham (see below) mention the figure of 245 Catholic private schools (in all departments). This, however, includes pre-primary schools. The list of schools provided by McAllister and Everingham does not distinguish between church schools and private schools, and therefore cannot be used to provide a breakdown of the type of private schools registered with the DET.

200 *ibid.*,p.189.

201 Information supplied telephonically by Bernie Mullen, Deputy Director, Catholic Institute of Education. (6/8/93)

the House of Delegates (8 out of 11 schools).[202] The 13 Muslim private schools have an enrolment of approximately 3 000 pupils.[203]

It is clear that within the private sector, denominational schools predominate. Tables 3 and 3.1 indicate that approximately 85% to 90% of private school pupils in House of Assembly and House of Representative schools are in denominational schools, and excluding commercial colleges, almost all private pupils in House of Delegate schools are in denominational schools. There are also many pupils in state-aided (rather than private) denominational schools. The 125 000 pupils in (private and state-aided) Catholic schools countrywide, for example, represent a larger enrolment than the total private school enrolment for all groups. There is also a large number of Muslim state-aided schools.[204]

Catholic schools.

History.

In 1838 when the first Catholic elementary parish school (for whites), the Mercantile and Classical Academy, was opened in Cape Town, there were only 700 Catholics in the colony. Shortly thereafter, parish schools were founded in Uitenhage and in George, and a convent school was founded in Grahamstown. According to Smurthwaite:

> The founding of the first convent school in South Africa by the Assumption sisters in Grahamstown in January 1850 marks the real beginnings of Catholic education in this country.[205]

In the Transvaal, prior to the British annexation in 1877, it was a penal offence for Catholic priests to enter the country. The first Catholic school in the Transvaal, Loreto Convent, was established only in 1878.

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202 The figure of 11 schools for 1993 was supplied by the statistics section, education department, House of Delegates. The 1992 figure is drawn from the annual report of the House of Delegates for 1992.

203 This was calculated by adding the enrolment figures for Muslim schools registered with the House of Representatives (i.e., just over 500) to the enrolment figures of other Muslim schools, as provided by McAlister and Everingham, *op cit*.

204 There are 7 Muslim state-aided schools registered with the House of Representatives. (Information supplied by Ms. Donough, Statistics section). Information was not available from the House of Delegates.

205 Smurthwaite, *op cit* ., p65.

Catholic mission education in South Africa was slow to take off. The first Catholic mission station was Marianhill, which opened in 1882.[206] With the passing of the Bantu Education Act of 1953, which for the first time established state control of African education, most mission schools either transferred to the state or closed down. The Catholic authorities, however, decided not to hand over their schools to the state, and apart from a handful of Anglican mission schools in the Southern Transvaal, were the only mission schools which continued to operate as independent schools.

Following on the Second Vatican Council in 1962, many Catholic schools became coeducational. After the Second Vatican Council, Catholics were also no longer considered by the church to be under a 'grave obligation' to send their children to Catholic schools.

Open schools.

In 1976, Catholic schools began to admit students of all races to schools registered as white schools.[207] These schools were termed "open schools". During the 1970s and 1980s the move to open schools was politically controversial as schools were segregated by law. The political left also regarded these schools warily:

> The schools were criticised for being economically and socially elite, for being irrelevant to the broader struggle for non-racial democratic education in South Africa, and for isolating black students from their communities and the political struggle.[208]

(For a more detailed discussion of the struggle to open schools, refer to chapter six).

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206 J. Du Plessis (1911) *A History of Mission Schools in South Africa.* London.

207 Pam Christie, "An Open System within the System: Catholic Schools in South Africa" in David Freer *ed cit.* p57.

208 Christie *ibid.*

Anglican schools.

The first recorded Anglican school in Cape Town was established in 1808.[209] St George's Grammar school was established in 1848 as a song school, one of the functions of which is to train choristers for the cathedral. Diocesan College was established in 1849, and St Andrew's College, Grahamstown in 1855. Many Anglican schools were established between 1870 and the turn of the century.[210] The Anglican schools were modelled on the English 'public' schools and were originally established to serve the needs of the white English-speaking elite. (Refer to chapter two).

Anglican mission work began in 1821 with the opening of a school for Coloured children in Wynberg, and for free and slave children in Cape Town, in 1822. Although Anglican mission work commenced in Natal in 1835, according to Du Plessis, until the 1850s, "it may be said that the Church of England was doing nothing for the spread of the Gospel".[211] Anglican mission stations were established for Africans in 1854 on both sides of the Kei River, and a mission school for the children of chiefs was established in Zonnebloem, Cape Town, in 1858.

Jewish schools.

The tiny Jewish community which existed in the Cape during the nineteenth century provided Jewish education either in private homes or in private after-hours schools, known as Talmudei Torah.[212] The first large Jewish school, the Hope Mill Hebrew Public school in Cape Town was ceded to the government in 1907, and closed in 1919.[213]

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209 Smurthwaite, *op cit.*, p.165.

210 The following schools were all established during this period: St Cyprians (1871), Hilton (1872) DSG, Grahamstown(1874), Durban Girls' College (1877), St Anne's Diocesan College (1877), Girl's collegiate, Pietermaritzburg (1877), St Mary's DSG, Pretoria (1879), Michaelhouse (1896),and St Johns college, Johannesburg (1898).

211 Du Plessis, *op cit.*, p234.

212 Meyer Ellis Katz, *The History of Jewish Education in South Africa 1841-1980.* 1981. Unpublished PhD dissertation, University of Cape Town, p.44. and p59.

213 *ibid.*, p.67.

In the Zuid Afrikaanse Republiek (now the Transvaal), Jewish and Catholic children and teachers were excluded from state schools but could establish their own schools without aid.[214] A Jewish school which had opened in 1897 was handed over to the government in 1902 and was thereafter called the Jewish Government school. The Transvaal Education Act of 1907, however, outlawed denominational education in public schools. Jewish teaching was allowed only after hours and Hebrew was dropped from the curriculum. As a result of falling enrolment, in 1966, the school was closed.

The oldest surviving Jewish day school in South Africa is Herzlia in Cape Town, established in 1940. Other schools were established in the other provinces in later years.[215]

Muslim schools.

Islamic education took place from the time that Muslim slaves accompanied van Riebeeck to the Cape in 1652, in private homes of so-called Free blacks and in mosques. Wealthier Muslims sent their children abroad for their education.

The first Islamic private school in South Africa, the Moslem Theological School, was established in Cape Town in 1860 and was financed entirely by the Ottoman government until its closure in 1894.[216] The 1905 School Board Act made provision for black communities to establish denominational schools but whereas white pupils could attend 'church schools', blacks attended 'mission schools'. Muslim schools were thus defined as mission schools even though obviously they did not have the Christian evangelisation of their pupils as their goal.[217] By 1932, there were 11

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214 *ibid.*, p82.

215 The King David schools (established in 1948) are the largest Jewish schools in the country. Schools catering for the more Orthodox community were opened in Johannesburg and a small orthodox primary school was opened in Cape Town. Jewish schools were also opened in Port Elizabeth, Durban, Pretoria, and Benoni.

216 *ibid.*, p.115.

217 Mojamed Ajam, *The Role of Dr Abdurahman in the modernisation of Islam-oriented schools.* 1986 PhD thesis, University of Cape Town, p.450.

Muslim primary schools, with an official enrolment of 1 737 pupils.[218] With the passing of the Coloured Person's Education Act (No 47) of 1963, the mission schools were taken over by the Coloured Affairs Department. According to the provisions of the National Education Policy Act of 1967, state schools were to have a Christian character, and therefore the state refused to authorise an official syllabus for Islamic teaching in what were now state schools "because South Africa is a Christian country".[219]

By the 1970s as a result of the Group Areas Act which dislocated many Muslims, the schools began to decline both physically and in numbers.[220] It was only in the 1980s that private Muslim day-schools were again established in South Africa.

Other private schools.

Types of non-profit private schools in South Africa include ethnic schools (e.g. Greek, Chinese, Japanese, German, Afrikaans "volkseie" schools); "New Privates" such as LEAF or NEST which cater especially for disadvantaged blacks or particular objectives such as non-racialism; and schools which cater for particular educational philosophies such as the Waldorf or Montessori schools. There are also private schools which are run as profit-making concerns. These include for example, 24 schools registered with the House of Assembly (including 4 remedial schools). The largest of these schools is Damelin College High in Johannesburg, with an enrolment of 769 pupils in 1993.[221] Many profit-making schools, catering especially for blacks appeared in the late 80s. The approximate relative size of each sector of private schooling, excluding the DET schools, is given in Tables 3 and 3.1.

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[218] *ibid.*, p29. These schools were the Rahmaniyeh Institute, (established 1913), Talfallah (1917), Salt River Muslim Primary school (1917), Simonstown (1923), Mohammediyah (1929), Muir Street (1930), and Schotze Kloof (1931).

[219] *ibid.*, p393. Muslim teaching would be allowed only unofficially. It would not be prescribed, nor would an official syllabus be set.

[220] For example, at one time Rahmaniyeh was the biggest school in the city with an enrolment of 800 pupils and a staff of 20 teachers. By 1963 its enrolment stood at 130.

[221] Transvaal Education Department, Computer Printout of T.E.D. private schools in 1993.

Conclusion.

This chapter helps to establish the context in which state policy for private schools in South Africa will be made in future. From the point of view of the state, the context is one of adherence to democratic principle. As far as the schools themselves are concerned, it is clear that the private schooling sector in South Africa is diverse, although most private schools are denominational. There are also many denominational schools which are state-aided rather than private. (The Private Schools Act of 1986 specifically excludes church schools and farm schools from the definition of private schools, and the Education and Training Act of 1979 excludes correspondence colleges, schools for prospective ministers of religion, and schools which provide exclusively religious education, or informal education).

Private schools in South Africa have served different purposes. Some non-state schools (for example, the mission schools) filled a gap in the public provision of education. Some private schools came into being to escape restrictive government policies for public schools. In the past, and currently, most private schools have denominational education as their *raison d'etre* although there is a growing number of private schools (especially those registered with the DET), which are run as profit-making concerns. Because of the denominational basis of most private schooling in South Africa, state policy for private schools cannot be made in isolation from the issue of religious freedom. The debate about private schooling also has to take into account ethnic demands for private schools. The following chapter will examine historical and contemporary state policy for private schools in South Africa.

CHAPTER FIVE.

HISTORICAL AND CONTEMPORARY FISCAL AND REGULATORY STATE POLICY FOR PRIVATE SCHOOLS IN SOUTH AFRICA.

i) Before Union: The nineteenth century.

The nineteenth century provides many examples of state subsidisation of private schools in what was to become South Africa. In 1877, the Natal government withdrew its (unconditional) grants to private schools. In the Transvaal, in order to receive subsidies, schools had to open the school-day with a prayer and Bible readings, and Dutch had to be offered as a subject. In 1891 the subsidies were withdrawn from schools which did not use Dutch as a medium of instruction, i.e. from all private schools.

Financial aid to mission schools began in the Cape in 1841, (for mission schools catering for coloureds and poorer whites), and in 1854, (for Africans).[222] In the 1850s Natal decided to give funds to mission schools on condition that industrial education would be part of the curriculum, and in 1904 the Transvaal began to subsidise mission schools.[223] According to Paterson, by the turn of the century, the government had begun to interfere in the affairs of mission schools:

> Through the simultaneous development of financial, administrative, bureaucratic, and inspectorial processes, the Education Department was extending its authority in practice over mission schools which had hitherto been relatively autonomous.[224]

Grants to mission schools in the Cape were made on the basis of student numbers, and in 1901, a rule was established that no (subsidised) mission school could be established within a radius of three miles of an existing school. The Cape Education Department also required a set number of hours of secular instruction, and guarantees of efficient management, and standards.[225]

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222 Rose and Tumner, *op cit.*, p206.

223 *ibid.*, p.209 and p218.

224 Paterson, *op cit.*, p115.

225 *ibid.*, p124, p130 and p132.

ii) 1910-1948.

Before 1986, each province had different policies for private schools. Subsidies for private schools were introduced in the Orange Free State in 1908, and reintroduced in the Transvaal in 1916, subject (in the latter case) to inspection, the submission of returns, and avoidance of politics.[226] In 1921, the Cape, however, abolished almost all subsidies to private schools.

Mission schools, which were responsible for the education of most blacks until the 1953 Bantu Education Act, received almost no assistance at the time of union, but gradually, the level of subsidisation was raised, although it never reached the levels of support given to white private schools.[227]

The attitude of the South African state to private schools: 1948-1980.

In 1948, the National Party, with its policy of Christian-Nationalism, came to power. Christian-Nationalism taught that separate nations are divinely ordained, and that God had given the Afrikaans nation in South Africa "a sacred trusteeship" to educate and Christianise 'non-whites'.[228] Christian-National Education (CNE) was primarily a tool to ensure Afrikaans ideological hegemony in South Africa.[229] CNE was a totalitarian ideology which insisted that Christian-National principles were to pervade all educational institutions. Private school autonomy was therefore regarded as a threat to the ideology of CNE.[230]

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226 *ibid.*, p247. The Transvaal Education Act Further Amendment Ordinance reintroduced subsidies.

227 M A Corke, "Independent Schools and the Public Interest", in M.J. Ashley and S.E. Philcox, *My Kind of school*, papers presented at UCT summer school, 1983. p76.

228 FAK, Instituut vir Christelike-Nasionale Onderwys. *Beleid* 1948.

229 The true nature of CNE is revealed in the following statement taken from an F.A.K. paper, "Threatening Cultural Dangers" quoted in Rose and Tumner, *op cit.*, 73-74:

Do not think the Kaffir who speaks Afrikaans is insulting your language. He can be our cultural servant as he is our farm servant....

230 Ironically, CNE private schools had been established in the Transvaal in the early twentieth century in opposition to British policies of Anglicisation.

During a debate on dual medium policy, the leader of the National party in the Transvaal, and later Prime Minister, J.G. Strijdom said:

> When we get into power we shall deal with schools like Bishops and St Andrew's.[231]

The state, in keeping with the segregationist ideology of CNE, insisted on the principle of mother-tongue education for English and Afrikaans speaking whites. In 1949, the state threatened to prosecute (English) private schools in the Transvaal which had admitted Afrikaans pupils. A few years later, in 1953, the state demanded the withdrawal of Afrikaans pupils from the Christian Brothers' College in Pretoria.[232] In 1952 the Transvaal Provincial council gave the administrator of the province autocratic powers to close private schools at his discretion. During the debate on private schools, Dr A. Wassenaar, MEC said:

> Private schools no longer have the right to exist...Private schools are only a relic today, a relic of former times when quite different circumstances prevailed.[233]

In 1953 the Transvaal Education Ordinance Number 29 provided for the compulsory registration of private schools, and provincial supervision of the appointment of teachers, curriculum, attendance, buildings and inspectors. In the following year, the government threatened to withdraw state subsidies for private schools, in response to a statement by the Anglican Archbishop which had attacked Christian National Education.[234] In contrast to these tensions, private schools in Natal generally enjoyed excellent relations with the provincial authorities.[235]

Tension between private schools and the government came to a head in 1976, when the South African Catholic Bishops Conference decided, in defiance of the law, to open Catholic schools to all race groups. The state initially agreed that black children could be admitted in exceptional circumstances with the permission of the Director of Education.[236] According to Christie, it was the strong stand taken by the Catholic schools which ultimately led to a change in the government's attitude.[237] The

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231 Smurthwaite *op cit.*, p188.

232 Smurthwaite *ibid.*, p188; Randall, *op cit.*, p169.

233 Smurthwaite *ibid.*, p.196.

234 Sutcliffe, op cit., p247.

235 Smurthwaite, *op cit.*

236 Randall, *op cit.*, p195.

237 Christie in Freer, *ed cit.*, p73.

establishment during the 1980s of schools committed to non-racism (modelled on Waterford (Kamhlaba) in Swaziland and Maru la Pula in Botswana, and of the South African Association of Independent Schools (SAAIS), which was committed to a policy of non-racism, also added to the pressure on the government. More wide-ranging political reasons for the government's change of heart will be discussed after brief examination of fiscal policy for private schools before 1986.

Fiscal Policy for Private Schools (1948-1986).

Until the 1980s, the state's somewhat negative attitude to private schools was reflected in its fiscal policies. The picture is, however, obscured by provincial variations. In the Cape, subsidies which had been abolished in 1921, were reintroduced only in 1980, and in the Transvaal, subsidies (which had been frozen in 1953 on the grounds of insufficient funds) were reintroduced only in 1985.[238] In Natal, however, subsidies were reintroduced in 1942 and were increased during the 1960s. In 1982, whereas the Cape was subsidising private schools at the rate of R100 per pupil per annum, and the Transvaal had not yet unfrozen subsidies, Natal was subsidising private schools at the rate of R500 per pupil per annum.[239] Apart from Natal, then, subsidies for private schools were limited.

As regards African schools, the 1953 Bantu Education Act had replaced church control of African education with centralised state control (under the auspices of the Bantu Affairs Department as of 1957). As the aim of this move was to bring blacks more directly under the influence of government-controlled apartheid-style education, this move too can be seen as indicative of antagonism to private (i.e. non-government) schools.

Private Schools for Africans.

The 1953 Bantu Education Act No. 47 placed control of black education under provincial authority (rather than church authority) so as to maximise the state's influence in the education of blacks, which was to accord with the government's

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238 Peter Heilbuth, *op cit.*, p120.

239 *ibid.*

apartheid policy and principles of Christian National Education. The Act made provision for 'community schools', which were defined as "any bantu school established or maintained by any bantu authority, or any native council, tribe or community".[240] Although many of these schools were privately founded, they were regarded as state schools, (and in 1984 ceased to be defined as a separate category of public school). The intention was for community schools to replace mission schools, although provision was made for churches to maintain control of mission schools, albeit after 1957, without subsidies.[241] Schools were therefore categorised as government schools, community schools, or private (state-aided) schools. Private schools could only operate with government permission, had to teach the Bantu education syllabus, and were unsubsidised.[242] After the Bantu Education Act of 1953, many mission schools closed down or transferred to the Native Affairs Department, although a large number of Catholic (church) schools and a small number of Anglican schools in the Southern Transvaal retained their independence.[243] In 1965, the Department of Bantu Education reported a total of only four private schools with an enrolment of 928 pupils. (As all of these schools were in the Southern Transvaal, it is probable that the reference is to the Anglican schools mentioned above). There were also 519 church schools of which 490 were Catholic schools (with a total enrolment of 82 500 pupils).[244] Thus, although a fairly large system of church schools continued to exist, private schools (as defined by the state) were few and far between. The mission schools were barely tolerated. In 1958, the Department of Education sent out a circular, in which the Department expressed its disapproval of 'social mixing' between the races at these schools. The circular stated that the churches were in the schools on sufferance, and that they could not be allowed to continue there if they did

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240 Paragraph 6.1.a. as reproduced in Rose and Tumner, *op cit.*, p258.

241 R. Hunt Davis, Jr. (1972) Bantu Education and the education of Africans in South Africa Ohio Centre for International Studies. Papers in International Studies, Africa series, No.14.

242 Pam Christie and Colin Collins, *op cit.*, p171.

243 According to Pam Christie and Colin Collins (1984) "Bantu Education: Apartheid Ideology and Labour Reproduction" in Kallaway *ed cit.*, p162, before the passing of the Act, 5 000 out of 7 000 schools for blacks had been missionary run. After the Act, only 700 (Catholic) schools remained independent of the Native Affairs Department. The reference to the Anglican schools in the Southern Transvaal is from Rundle, *op cit.*, p159.

244 RSA Department of Bantu Education "Annual Report for the calendar year 1965".

not carry out the government's apartheid policy.[245] Thus, the state used fiscal and regulatory policies as a weapon to ensure compliance with its apartheid policies.

The Education and Training Act of 1979.

One state response to the education crisis of the late 1970s was the scrapping in 1979 of the hated Bantu Education Act and its replacement by the *Education and Training Act No. 90*, which, *inter alia*, committed itself to the principle of compulsory and equal (but separate) education for all race groups. This Act (like its predecessor) made provision for private schools.[246]

The Reformist Policy of the state during the 1980s.

The 1976 Soweto uprising, and the 1980 school boycotts, coupled with the poor performance of the economy, the supposed skills shortage, the collapse of colonial rule in neighbouring countries, and increased militancy on the part of the black urban population, form the political backdrop to policies of state reformism.[247] Chisholm explains the shift in National Party policy during this period as "an attempt to privilege and thereby win over a small number of blacks to the 'free enterprise' system through selective reforms...". Educational reform, according to Chisholm, was "crucial to the strategy of limited incorporation of small numbers of blacks".[248] Unterhalter sums up the reformist strategy of the government:

> This reformism was ideologically linked with ideas that a more educated workforce would provide for higher levels of productivity, and hence economic growth and would also provide for a stratum of better-paid workers with a stake in the system, who would be politically pliable.[249]

The programme of social reform was part of the 'total strategy' of the state to counter the so-called 'total onslaught'.[250] The aim was to create a stable black middle class "which would become a buffer between the urban masses and the white political

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245 Rundell, *op cit.*, p221.

246 Amendments relevant to private schools are to be found in Act No. 74 of 1984, Act No. 3 of 1986, and Act No. 42 of 1990.

247 Linda Chisholm, "Redefining Skills: Black Education in South Africa in the 1980s" in Peter Kallaway, *Apartheid and Education, ed cit.*, p388.

248 *ibid.*

249 Elaine Unterhalter, (1991) *op cit.*, p64.

250 John Davies, "Capital, State and Educational Reform in South Africa" in Peter Kallaway *Apartheid and Education ed cit* p341.

structures".[251] Making provision for private schools to offer a small number of black students an academic education, fitted neatly into this overall strategy. According to Kallaway, the "call for vocational education and the privatisation of education have been two key themes" in linking educational planning to the needs of production in capitalist countries in general and in South Africa in particular.[252]

Ideological support for privatisation policies (especially in the latter half of the decade) was also drawn from the ascendancy of the 'New Right' especially in Britain and the USA. (Refer to chapter three). In 1987, a government White Paper on *Privatisation and Deregulation in the RSA*, argued for the privatisation of public services. Although the topic of large-scale privatisation of government schools is beyond the parameters of this paper, it follows that policies of privatisation would also favour existing private schools.

The 1981 HSRC (de Lange) Report.

The HSRC investigation into education in South Africa, which took place in the shadow of South Africa's political and educational crisis, as outlined above, was the most thorough investigation into education in South Africa ever. As regards the principles of diversity and parental choice, the Report recommended that:

> Education shall afford positive recognition of what is common as well as what is diverse-the religion and cultural way of life and the languages of the inhabitants.
>
> Education shall give positive recognition to the freedom of choice of the individual parent and of the organisation in society.[253]

In line with this recognition of the principle of parental choice and of diversity, the report recommended the provision and subsidisation of private schools.[254] Kallaway points out that:

> from the time of the de Lange investigation, it (the state) gave increasing, if hesitant, support for private education in the name of the principles of free market choice and individual freedom that provided the basis of the report's philosophy. [255]

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251 Peter Kallaway, "Introduction" in Kallaway ed cit., p21.

252 Kallaway (1989) *op cit*, p255 and p261.

253 HSRC Report (1981), p14.

254 *ibid.*,p15.

255 Peter Kallaway, (1989) *op cit.*, p270.

State Policy for private schools in the 1980s and 1990s.

During the 1980s, government policy for private schools began to shift in accordance with the reformist policies adopted by the government. The first key legislative signpost to government acceptance of limited racial integration in 'white' private schools was the *Financial Relations Amendment Act of 1981* which made provision for blacks to attend 'white' private schools and to receive provincial subsidies under a quota system. The linking of subsidies to a quota was, of course, an attempt to limit racial integration in private schools. Indeed, in 1983, some schools were refused provincial grants because they had exceeded their quota of black students.[256]

By 1984, the state's attitude to desegregation in private schools had shifted to the extent that Michael Corke, writing in that year, could argue that "desegregation has been hindered more by the attitudes of white parents than by government edicts".[257]

A 1984 amendment to a parliamentary bill, which made allowance for a non-profit company to exercise examining functions on a "multi-racial" basis also provides a small but significant signpost to the state's more positive attitude to the racial integration of private schools. The Independent Examinations Board, which was created in 1988, with the participation especially of the SAAIS, and with the approval of progressive movements such as the NECC, received a cordial reception from the government.[258]

By 1986, 143 of the 170 English-medium private schools (i.e. 84%) were admitting blacks, and 13,56% of pupils at private schools registered under the white department were not white.[259]

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256 Heilbuth Peter (1992) *An analysis of the South African State's Policy with respect to private schools: 1976 to 1990.* MPhil dissertation. University of Cape Town, Faculty of Education. p123 and p126.

257 Corke Michael. (1984) "What future for South Africa's Private Schools?" *Optima* 32(1) 26-34. Smurthwaite, *op cit.*, p209 provides some historical examples of parental resistance to opening private schools: Parental opposition to the enrolment of a Chinese boy at Michaelhouse in 1946; the ignoring of a call in 1963 by a group of Anglican students at the University of Cape Town to desegregate the schools, and refusal to admit the children of a coloured warden and later of a coloured primate to Anglican schools in 1965 and 1969 respectively.

258 EPU Project team, (1989) "The Independent Examinations Board:Progress and Prospects" *Perspectives in Education 2(1) p66.*

259 Muller in Freer, *ed cit.*, p39 and p49.

The Private Schools Act of 1986.

Three years after the de Lange Report, the government passed the *National Policy for General Education Affairs Act No 76 of 1984*, which stated in paragraph 2 that "provision shall be made for the establishment and state subsidising of private education". This was the precursor to *The Private Schools Act (House of Assembly) No. 104 of 1986*, which was later amended in *The Private Schools Amendment Act (House of Assembly), 1990 (Act No. 60 of 1990)*. Before this Act, private schools for whites had been governed by the *Educational Services Act No. 41 of 1967*, according to which private schools had to register and comply with conditions and regulations imposed by the Minister of Education or the provincial Administrator.

i) Regulations.

The Private Schools Act enshrined the state's right to regulate private schools and also provided for state subsidisation of private schools at one of two levels (namely 15% or 45%). Initially, it had been intended to tie the subsidy level to the racial composition of the schools, but by the time the Act was promulgated, the government had retracted proposed clauses regarding racial criteria for determining the level of subsidy.[260]

According to the provisions of the Act, all private schools must register with the Department of Education. The Minister of Education is empowered to make regulations as to the admission of pupils, examinations, teacher appointments, the keeping and inspection of registers or other documents, inspection of schools, the manner in which financial grants shall be payable, the lapse or cancellation of the registration of a private school, any matter required or permitted by the act to be prescribed by regulation, and any matter which the Minister may consider necessary

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[260] Initially the government had intended to tie the subsidy levels to the racial composition of the schools. It was proposed that only schools which were 90% white would be eligible for a 45% subsidy; schools which were 80% white would be eligible for the 15% subsidy. John Pampallis (1991) "Private Schooling: Problems of Elitism and Democracy in education" in Elaine Unterhalter, Harold Wolpe, and Thozamile Botha. (eds) (1991) *Education in a future South Africa*, Heinemann Publishers, p173. For a fuller discussion of the process which led from the initial draft regulations to the promulgation of the final Act, refer to Heilbuth *op cit.*, p136-155.

or expedient to prescribe in order that the objects of the act can be achieved. The provincial departments are permitted to make different regulations.

The regulations published one month later laid down conditions for registration in paragraph two.[261] In order to register, a school must have a minimum enrolment of 20; have a principal (who must be a qualified teacher) at its head; have satisfactory facilities; and make a contribution to the provision of education in a specific area or for a specific purpose. In terms of the Act, private schools are free to employ any qualified teacher (registered with the 'white' Teachers' Federal Council), but special permission is required for the employment of unqualified teachers, or teachers whose qualifications are not recognised by the state. The proprietor of the school can appoint teachers and is required only to notify the Head of Education of the appointment. Schools must keep pupil enrolment and attendance registers and registers of teachers, and they are obliged to furnish the Head of Education with any information kept in the registers, as well as in other records which the Head of Education determines must be kept. The registers and the schools themselves may be inspected. The curriculum must be approved by the Minister, and the average duration of a school day and the minimum number of school days per calendar year must be approved by the Head of Education. Private schools can be closed if they do not comply with the regulations or if the minister is "reasonably convinced that...a school is managed or maintained in such a way that in his opinion it can be harmful to the bodily, intellectual or spiritual well-being of the pupils attending such a school".

Perusal of the form which has to be filled in by prospective proprietors of House of Assembly private schools in the Cape gives a sense of what kind of information the department is interested in obtaining in order to consider an application for the registration of a private school. The Cape Education Department requires information concerning the uses to which profits will be put, whether the school caters for a particular cultural or religious group, and specification of the group where applicable, pupil information, whether the school intends to follow the curriculum of the Cape

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261 Government Gazette, Regulation Gazette No. 4015. Vol. 256 No.10512, Pretoria. 31 October 1986.

Education Department, and information regarding proposed differences in syllabuses "for consideration", time allocations for each subject, the school calendar, special holidays, teacher information, physical amenities (which must conform to prescribed standards), and whether the school has a governing body with a constitution. Applications must be accompanied by a report from the local municipality or local authority about the suitability of the buildings.[262]

ii) Provision for the Subsidisation of Private Schools.

In terms of the Regulations published for the Private Schools Act, subsidisation is not granted automatically but at the discretion of the Head of Education. Subsidies are approved annually and payment is made retro-actively each quarter. Until 1993, subsidies of either 15% or 45% were granted. (This has recently been increased to 25% or 50%).[263] In order to qualify for a subsidy, a school must be registered. (Regulations concerning registration are given above). In addition, financial grants are payable only in respect of pupils of school age who are following the curriculum in Grade 1 to Standard 10. In order to qualify for a subsidy of 15%, the following requirements have to be satisfied:

a) the maintenance of satisfactory scholastic standards;

b) the meeting of educational and cultural needs of a cultural or religious group which are not adequately satisfied by public education;

c) the school buildings and grounds must provide adequate accomodation for the pupils;

d) the medium of instruction must comply with the requirements regarding the medium of instruction applicable to public schools;

e) an audited financial report must be submitted to the Head of Education annually;

f) any subsidy amount received from the Department must be paid into a bank account which has been opened in the name of the school;

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262 Department of Education and Culture, House of Assembly, Cape Education Department, "Application for a financial grant to a private school", 1993/4 financial year.(Form PS 91).

263 Information from Mr Horn, Cape Education Department, at a meeting on Thursday 5 August, 1993, and in letter from Dr Mattheus, Transvaal Education Department, 6/9/93. (6/9/93).

g) at the different points of exit, pupils must comply with the requirements to be laid down by the South African Certification Council.

In order to qualify for a subsidy of 45%, the school must in addition to the above requirements, satisfy the following conditions:

a) the remuneration package of the teaching staff attached to the private school must in the opinion of the Head of Education be comparable with that of teachers employed by an education department in posts of the same grade and category;

b) requirements for the appointment of teachers to promotion posts must be in accordance with the requirements laid down by the Minister;

c) the school must satisfy such other educational requirements as determined by the Head of Education;

d) the constitution or standing orders of the controlling body has to have been approved by the Head of Education.

With regard to the additional requirements mentioned above, the Minister of Education, Piet Clase explained in parliament in 1986 that these included "scholastic standards such as a higher pass rate and a greater proportion of pupils who reach standard 10, and (the meeting) of the educational needs of a cultural or religious group".[264]

The Private Schools Act allows for each province to make its own regulations (Par 9.2). At present, there is some variation from province to province in the interpretation of the regulations according to which the subsidies are provided, but an Inter-departmental Committee has been set up to standardise these interpretations.[265] At present, all private schools registered with the Transvaal Education Department are subsidised at the higher level, and this includes schools established as profit-making concerns, notwithstanding the regulation that subsidised schools should provide for the needs of a particular cultural or religious group. The

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[264] Hansard 23/5/86 c6310/6311. Quoted by Heilbuth *op cit.*, p156.

[265] Information from Mr Horn, CED, op cit.

Cape Education Department applies the following internal guidelines: A school which registers for the first time is granted the subsidy at the lower level. (In 1992, only one school registered for the first time). Any school which receives the higher level and whose matriculation results are deemed unacceptable is, after warnings have been issued, relegated to the lower subsidy category. (To date, some schools have been warned, but no school has actually had its subsidy reduced).[266] All teachers at the school must be registered with the Teachers Federal Council, although a proportion of teachers may be unqualified "monitors". Since this body is the registering body for white teachers only, this requirement (which also applies in the Transvaal) is problematic.[267] The Cape Education Department requires the following information from any school which applies for a financial grant: Information about the teaching staff (qualifications, citizenship, subjects taught etc.), number of pupils by age, and grade, school attendance figures, cultural or church connections of the school and of pupils, and examination results in the previous academic year.[268]

The Private Schools Amendment Act (House of Assembly), Act No.60, 1990.

The amended act defines a private school as:

> ...any school other than-
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> a) i) a public school;
>
> ii) a state-aided school;
>
> iii) a private school for specialised education;
>
> iv) a private pre-primary school,
>
> as defined in Section 1 of the Education Affairs Act (House of Assembly), 1988; and
>
> b) a church primary school or farm school mentioned in Section 40 of that Act.

This definition of private schools added the category of "state aided" schools to schools not regarded as private schools, and excluded church schools and farm

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266 *ibid.*

267 Letter from Dr Mattheus, *op cit.*

268 Department of Education and Culture, House of Assembly, Cape Education Department, "Application for the Registration of a private school". (Form PS 86)

schools which the Education Affairs Act (House of Assembly) No. 70 of 1988 had specifically included as private schools except as regards conditions for registration, and with regard to the payment of subsidies. The definition of private schools was also widened in the Education Affairs Act of 1988, Section 40, which included private pre-primary schools and private schools for specialised education (i.e. for the handicapped) in the definition of private schools. The other amendments to the 1986 Act were slight and technical in nature.[269] The amended regulations provided that more than half of the pupils admitted to private schools under the Department of Education and Culture (House of Assembly) had to be white, unless a deviation was justified in the opinion of the Head of Education.[270]

Legislation for Private Schools registered with the House of Representatives. (Coloured Schools) and with the House of Delegates. (Indian schools).

Coloured private schools are governed by the provisions of the Coloured Persons' Education Act No. 47 of 1963, as amended.[271] Paragraph 4 of the Act gives the Minister the right to make grants-in-aid and loans to any school for the education of coloured persons. Paragraph 6 stipulates that private schools must register with the Department, which has the right to inspect private schools, and to cancel their registration. The Minister also has the right to make regulations for the school. An amendment to the Coloured Persons' Education Act was published in 1987, in the year following on promulgation of the Private Schools Act. This amendment provided for identical regulations as regards determination of subsidies at each of two levels as those published in the Private Schools Act.

Indian education is governed by the Indian Education Act No. 61 of 1965, as amended. According to this Act, private schools must register with the Department

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269 Most of the amendments entailed the substitution of the term, 'executive component' for 'provincial education department.

270 The regulations promulgated by Government Notice No. R. 2281 of 31 October 1986, were amended by Government Notice No. R.1477 of June 1990. A further amendment in November 1991 substituted the word "subsidy" for "financial grants", and dealt with the levels of subsidisation for state schools which chose to become private schools. (Model A).

271 The amendments which are relevant to private schools are included in Act No. 76 of 1967, Act No. 53 of 1973, and Act No. 85 of 1983. The amendments are, however, not consequential.

of National Education or with any provincial department. The Minister may make grants-in-aid to any school.

Legislation for Private Schools registered with the Department of Education and Training: The Education and Training Act of 1979 (as amended in later years).

i) Regulations.

A private school is defined in the *Education and Training Act of 1979* as "a school other than a public school or a state-aided school".[272] Correspondence colleges, schools for prospective ministers of religion, and any school providing exclusively religious education, or informal education (i.e. if no diploma is available), are excluded from the definition of a private school. 'Community schools' were regarded as a separate category of public schools until 1984.[273] According to the Act, a school must apply for registration and registration and subsidisation are subject to regulations as determined by the Minister, who may also withdraw registration. The Minister is also empowered to make regulations as to the constitution, powers, duties and functions of a governing body.[274] The Minister of Education and Training reported in parliament in 1991 that where schools which had not registered were discovered, the proprietors were given the opportunity to register if the school met the required standards. If the school remained unregistered, the proprietor would be prosecuted. The Minister made it clear, however, that it was not possible to discover all unregistered schools.[275] The owner of a private (or state-aided) school may either manage the school himself or authorise any person to do so. In either case, the owner (who shall be known as a governing body) must be approved by the Director General. It was only officially in 1992 that an amendment to the Education and Training Act permitted the Minister to authorise the opening of black private schools to members of other population groups.[276]

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272 The definition was amended in Act No. 74 of 1984.

273 Act No. 74 of 1984 did away with the distinction between community schools and state schools.

274 Section 25 of Act No. 3 of 1986 and Section 18 of Act No. 31 of 1988 (which amended par.44 of the Education and Training Act).

275 Hansard, 1991. col.12220.

276 Act No.55 of 1992 (par 2).

ii) Policy regarding subsidisation of DET private schools.

In order to receive a subsidy, private schools registered with the Department of Education and Training must submit audited financial statements. The schools are also subject to inspection and evaluation in terms of "specific educational criteria".[277] Grants-in-aid are subject to such conditions as the Minister of Finance determines. As is the case for other private schools, private schools registered with the DET are subsidised at the 15% or 45% levels.

Since farm schools are not regarded as private schools in terms of the Private Schools Act, no subsidies are granted to them, although the state may provide development funding of up to 75% of cost.[278] The state does, however, pay for books, equipment and teachers' salaries in state-aided schools. As regards church schools, the state pays rent to the church for buildings.

In sum, it is clear that the Minister of Education has much wider discretionary powers than is the case for schools registered with the white department, where fairly specific criteria for registration and subsidisation are laid down (notwithstanding discrepancies in interpretation among the provincial departments).

The 1990 Education Renewal Strategy:

> Diversity in South Africa is nevertheless a reality and will, together with unity, have to be accommodated in a new model irrespective of the future constitution. (Paragraph 2.2. p22).

Although private schooling is not mentioned here, the principles of freedom of association, accommodation of diversity, and decentralisation all support the private schooling option. In addition to the Reformist strategies which underpinned the de Lange Report as well as the ERS, the accommodation of diversity is an important plank of the government's platform, as the recognition of diversity is used by the

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277 DET, 1991 and 1992 Reports, p84 (1992) and p66 (1990).

278 McAllister and Everingham, *op cit.*, p7 and p189.

government to justify separate schools even in a democratic state.[279] The justification for private schooling rests primarily on recognition of pluralism and diversity.

Increases in direct subsidies 1986/7-1993.

Apart from legislation, the most significant clue to the state's improved attitude to private schools (in all departments) in recent years is to be found in the allocation of subsidies to private schools. These are the signposts which will be examined in the rest of this chapter.

i) Total allocation to private schools.

In all departments, there has been a significant increase in the subsidisation of private schools. The total allocation for subsidies is increasing: In 1986/7 a sum of R24,07 million was allocated. In 1987/8 a sum of R29 million was allocated.[280] In 1989/90 the state allocated R49 739 000 in subsidies to private schools. In 1990/1, this had risen to R71 317 000, [281] and in 1993/4 to R172 457 000, (excluding preprimary and House of Representatives schools).[282] (Including pre-primary private schools, the figure is R221 276 000. Refer to Table 6).

ii) Subsidisation of DET private schools.

The most interesting trend in allocations is the 4-fold increase from 1992/3 to 1993/4 in subsidies given to DET private schools (as compared with a 96% increase in the total DET budget)[283] The enormous increase in subsidies allocated to DET schools (from under R5 million in 1989/90 to over R65 million in 1992/3) is apparent in Table 12. According to the 1992 DET Report, R22 087 000 was paid to private

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279 For example, a report in the Argus (27/3/93) quotes President de klerk as emphasising the government's commitment to the "anchors" of "own" language, culture and religion that must underpin educational reform.
Although the reference here is to state schools, the implications for private culturally-based schools are obvious.

280 Muller *op cit.*, p12. However, Kallaway *op cit* , p268 gives the figure of R11,2 million.

281 Department of National Education, "Financing of Education" 1988-1990. Tables 13-15 and 50-52.

282 "Estimates of Expenditure for the financial year ending 31 March 1994", Administration House of Assembly, and House of Delegates respectively, and General Affairs Budget for DET figures.

283 Hansard,1993, p.9146. The overall increase in the DET budget was from R2,9 billion in 1992/3 to R5,7 billion in 1993/4.

primary and secondary schools by this department in 1992.[284] For comparative purposes, the total DET budget in 1991 was R2,46 billion and in 1992, the appropriation was R4,49 billion, plus an additional R3,96 billion in the Self-governing territories (and R2,24 billion in the TBVC states).[285] The increase in subsidies to DET private schools must therefore be seen in the context of a massive overall increase in financial allocations to black education. It is also clear that the private school subsidy represented a miniscule proportion of the DET budget. State-aided schools, in contrast, received R420 463 000, or 17% of the education budget in 1991, and R494 million in 1992. In 1990, only fifteen, or less than a quarter of DET private schools were subsidised.[286] However, in 1991, 67 private schools were subsidised, and in 1992, 95 out of 105 schools received subsidies. (Refer to Table 5). There has therefore clearly been a major shift in fiscal policy as regards private schools.

iii) Subsidisation of private schools registered with the House of Delegates and House of Representatives.

The allocation for the House of Delegates has also appreciated considerably from no subsidies in 1988/9 to over R3 million in 1993/4. (Refer to Table 13). Of the seventeen private schools registered with the House of Representatives, ten schools received a subsidy, and six of these were subsidised at the 50% level.[287]

iv) Subsidies to House of Assembly private schools.

As compared to 1976, there has been a significant increase in the proportion of schools receiving state grants.[288] Of the 274 private schools registered with the House of Assembly in 1992, only two schools were refused a subsidy, while 6 schools

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284 Unfortunately, the DET was not prepared to supply information, and therefore one can only speculate as to the reasons for the discrepancy between this figure and the figures quoted above. The discrepancy may be due to the difference in calendar years and financial years. Alternatively, there is a difference between the amounts allocated and the amounts actually spent.

285 Hansard, c.7088. 11/5/92.

286 In 1990, the DET reported 15 subsidised private schools.(page 68 of the DET Report for 1990). Since table 3.1.1 in the 1990 DET report indicates a total of 63 private schools under the control of the DET and an additional 20 private schools in Kwazulu and Lebowa, it is clear that the majority of DET schools were not subsidised in that year.

287 Information supplied by Ms. Donough, House of Representatives, Statistics Section.

288 Figures supplied by Smurthwaite *op cit.* indicate that 66% of white private schools received no financial assistance in 1976. In 1993, almost all schools which applied received subsidies.(Refer to Table 10).

registered too late, and 22 did not apply. Altogether, 238 House of Assembly schools were subsidised.[289] (Refer to Table 8).

In the past, the distribution of subsidies at either of the two levels appears to have been entirely arbitrary. During the 1980s, private schools were informed that there was insufficient money to subsidise all schools at the higher level since a set amount was allocated.[290] According to Muller, the Catholic schools were mostly subsidised at the lower level, which, he suggests, may have been in order to punish them for defying the government over the open schools controversy.[291] Heilbuth suggests that the state was linking subsidisation to racial criteria as a replacement for overt racial quotas.[292] However, it is clear that there has been a major shift in policy over the past few years. Comparison of Tables 10 and 11 (which summarise the number of schools subsidised at each level by the Cape and Transvaal Education Departments in the past few years), with Table 9 (schools subsidised at each level in 1987/8) reveals the extent of the shift. Until 1987/8, the majority of schools in the Transvaal received the lower level of subsidy, whereas all Transvaal (T.E.D.) schools and almost all Cape schools now receive the higher subsidies. In the Transvaal, subsidised schools include profit-making concerns, despite the regulation in the Private Schools Act that only schools which provide a specific cultural or religious education are eligible for subsidisation.

In addition the subsidies are due to be increased (from 45%) to 50%, and from 15% to 25% as of 1993.[293] In Rands and cents, in 1993, each pupil is subsidised as in the following table:

	50%	25%
Sub A to Standard 7	R1 320	R660
Standard 8 to Std 10	R1 980	R990

[294]

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289 Hansard,1993, Monday 10 May p1482-1490. The two schools which were refused were the Bethlehem Christian school, and the Agape Christian school.

290 Heilbuth *op cit.*, p160.

291 Muller in David Freer, *ed cit.*, p48.

292 Heilbuth *op cit.*, p161. Heilbuth quotes a 1987 letter to the principal of St George's Preparatory school in which the Cape Director of Education, writes that since St George's is interdenominational and multi-racial, the school "has no cultural or denominational affiliation and is in fact not eligible for a subsidy". Letter from The Director of the Cape Education Department to the Principal, St George's Preparatory School, Port Elizabeth. CIE files,5/5/87. Heilbuth, *op cit.*, p164.

293 Information from Mr Horn, CED., and in letter from Dr Mattheus, TED. (6/9/93), *op cit.*

294 *ibid.*

This is a considerable increase as compared to the 1991 level, which was as follows:[295]

	45%	15%
Sub A to Standard 7	R760	R253
Standard 8-Std 10	R1 140	R380

For comparative purposes, the cost of educating a child at a government school (House of Assembly) was R3 600 in 1991.[296]

Indirect subsidies.

i) Tax relief.

The private sector has long supported private schools.[297] Schools pay no tax on this income, nor on school fees and profits (providing that such profits are used for the school, and not for private gains). In terms of Section 18A of the Income Tax Act, donors receive a tax benefit for donations to secondary schools, although donations to primary and preprimary schools are taxed. This situation may change in the light of a recommendation by an Interdepartmental Committee that donations to secondary schools should not be tax deductible.[298] No tax relief is provided for the payment of school fees.[299]

ii) Property Rates relief.

In the case of state-aided schools, the state pays the rates to local authorities.[300] At the moment, private schools are exempted from payment of rates. Although it has been stated in parliament that this is a temporary arrangement, it is the intention of the (present) government to pay these rates once they become payable.[301] The

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295 Hansard, 1991. Pg 225. Response to question asked by Mr Gerber, Conservative Party.

296 *ibid.*

297 Randall *op cit.*, p195. According to Randall, in the 1970s, more than R10 000 000 was allocated to private schools by private sources. Examples are assistance from The Industrial Fund established by big business in the 1950s to improve science facilities at Anglican schools, and the Private Schools Trust, established in 1979. Corke *op cit* gives an example of private sector assistance to St Barnabas in the 1980s, which apart from donation of the school site, amounted to R2,8 million.

298 Hansard, p64. 15-19 February, 1993. According to the Minister, this suggestion has been made because of abuse of the system, as some schools have allowed part of their school fees to be paid as donations. Furthermore, anyone earning less than R50 000 per annum does not fill in a tax return, and therefore cannot deduct donations to schools.

299 Hansard, p64. 15-19 February, 1993.

300 Weekend Argus, July 17/18 1993, "Model C breather".

301 Hansard, column 1631, Wednesday 21 October 1992 and Interpellations, Questions and Replies, 21 January to 21 October, 1992, vol. 36.

principal of a well-endowed Model C (state-aided) school is quoted in the press as saying that for his school, the rates are about R300 000 annually.[302] This gives some indication of the kind of money that is saved by schools with large grounds by not having to pay property rates.

iii) Teacher costs.

In 1992, House of Assembly private schools alone employed 5 760 teachers (out of a total of 60 799 teachers in this department).[303] Private schools registered with the DET (and SGTs) employed 1 703 teachers.[304] Teachers are trained in state institutions, are allowed to work off state bursaries at private schools, may attend courses organised by the education departments and may use departmental libraries for teachers. The supply of trained teachers represents a substantial indirect subsidy since the estimated costs to the state of training a teacher in 1992 were between R30 000 and R45 000 (depending on whether the training is university based or college-based).[305] Of course, the state also saves money since, for example, it does not have to pay the salaries of teachers in private schools. This aspect will be discussed in the following chapter.

Conclusion.

The ascendancy of the "New Right" especially in Britain and in the United States, with its emphasis on privatisation and free market principles, the reformist policies of the National Party government in the 1980s, and the recommendations of the 1981 de Lange Commission, all played a part in creating a more positive attitude on the part of the state towards private schools. This friendlier attitude to 'white' private schools was reflected especially in the 1986 *Private Schools Act*, which provided for subsidisation of private schools. The Financial Relations Amendment Act of 1981 had made provision for black students to attend white private schools, and to be subsidised. However, the state used fiscal policy, and regulatory power to limit the

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302 Weekend Argus, *op cit.*

303 DNE Report 1992.

304 DET Report for 1992. Table 3.1.

305 Hansard, HD, 593. (30/3/92).

independence of private schools, especially with regard to non-racial admissions policies.

Financial allocations to private schools in all departments give the clearest evidence of a more benign attitude to private schools over the past few years. This evidence includes a massive increase in allocations for each department (most especially, the DET and House of Delegates); a recent decision to raise subsidy levels (from 15% and 45% respectively to 25% and 50%); and a shift in the Transvaal from subsidisation of most schools at the lower level to subsidisation of all schools at the higher level (including profit-making concerns).

As regards regulatory policy, private schools in South Africa are relatively autonomous. They are, for example, free to determine their own admissions policies and fees, dictate their own policy, and control their own finances and employment practices. In addition, they may elect to write an examination which is conducted by an Independent Examinations Board. However, schools are legally obliged to register, and conditions for registration are laid down by the government. Private school boards in DET schools must be approved by the Minister, and in House of Assembly private schools subsidised at the 45% level, their constitutions have to be approved. Regulations concern the provision of satisfactory facilities, minimum enrolments, teacher qualifications, reporting, inspection, and ministerial approval of the curriculum. Additional requirements are laid down for subsidisation. In general, the state has not used regulations to obstruct private schools (except in the early 80s, when the state attempted to block the desegregation of private schools).

This chapter has established the history of state fiscal and regulatory policy for private schools, until the present. The following chapter will examine the growth in the private schooling sector, which accompanied the more favourable attitude of the state to private schools in general and to the enrolment of blacks in private schools in particular. Chapters one to six together will have established the context in which future policy will be made. Chapter seven synthesises the previous chapters and examines various policy options for a new government as regards private schools.

CHAPTER SIX.

THE EFFECTS OF STATE POLICY ON PRIVATE SCHOOLS: TRENDS IN PRIVATE SCHOOL ENROLMENTS (1986-1993).

Introduction.

This chapter will examine the effects of changing government policy for private schools (as outlined in the previous chapter) on the size and racial composition of private schools in South Africa. The size of the private sector of education in any country is both a cause and an effect of state education policy (in both the public and private sectors). The analysis of policy options which is the subject of chapter seven must therefore take into account the present size of the private schooling sector in South Africa, historical shifts in enrolment, and projected trends for the future.

It will be demonstrated that the private schooling sector in South Africa today, although small, is both larger and more racially diverse than in the past. In brief, until the 1980s there were very few black students in private schools in South Africa. (For example, in 1965, the Department of Bantu Education reported 928 pupils in private schools registered with the department).[306] Private (and public) schools for whites were legally restricted from enrolling black students. The shift towards greater racial integration occurred in the mid 80s, and there has since been a substantial increase in the number of blacks registered at House of Assembly private schools. It will be seen that at present there are more African, Coloured, and Indian children at private schools than there are whites. This represents a major shift in the racial composition of private schools in South Africa.

Enrolments: 1986-1992.

In 1986, the year in which the Private Schools Act was passed, there were 62 265 pupils in private schools in South Africa, and of these, 53% were white. (For figures from 1986-1992, refer to Table 1). In 1992, there were 111 061 pupils in private schools in South Africa (excluding the TBVC states).[307] 46% of these pupils were

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306 RSA Department of Bantu Education "Annual Report for the calendar year 1965" *op cit.*

307 Department of National Education, Preliminary Educational Statistics for 1992.

white. The following table (for 1992) shows that the proportion of black pupils (African, Coloured, Indian) has overtaken the number of white pupils at private schools:

Africans	47 606(including 8660 in "national states")	42,8%
Coloureds	5 279	6%
Indians	6 943	4%
Whites	51 233	46%
Total	111 061	

The 1993 *Race Relations Survey*, gives the following figures for each department in 1992/3: [308]

House of Assembly (white)	66 878*
House of Delegates (Indian)	4 576
House of Representatives (coloured)	4 471
DET (African)	27 476**
SGTs (African)	8 660**
Total	111 061

* Figures supplied by the Department of National Education (Report for 1992, Table 3.5) for the enrolment in House of Assembly schools differ somewhat. According to this source, there were 60 909 (or alternatively 63 324 pupils according to the provincial breakdowns) in House of Assembly private schools. (Refer to table 2).

** According to The DET Report for 1992, enrolment in DET private schools in 1992 was 35 976, with an additional 8 296 pupils in private schools in the Self-governing territories. (DET Report, Table 3.4.2, p268)

In 1992, approximately 57% of private school pupils (of all races) were in schools registered with the House of Assembly. Approximately 5,8% of whites are enrolled in private schools, a proportion which has not changed substantially over the past 70 years.[309] The House of Assembly share of the private schooling sector is

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[308] South African Institute of Race Relations, *Race Relations Survey 1992/3* (1993) Johannesburg. p.599.

[309] Figures provided in *SA Statistics 1978* are cited by Smurthwaite *op cit.*, p7:

1925 5,7%; 1930 5,1%; 1935 6,1%; 1945 8,1%; 1950 7,3%; 1955-6,8%; 1960 6,6%; 1965 3%; 1970 5,4%; 1975 4,7%.

Figures provided by the DNE for the past five years indicate that since 1988, the proportional enrolment (excluding preprimary) has ranged between 5,7% and 6,4%. (Table 4.4 , DNE Report for 1992, p92). The percentages have remained fairly constant, apart from a dip in the mid 60s.

approximately 10% less than was the case in 1988, in which year there were 86 263 pupils in House of Assembly private schools. The fall in the overall proportion would have been even greater if not for the increase in the percentage of blacks at House of Assembly private schools, which rose from 13,56% in 1986 to almost a quarter of the total enrolment in 1992.[310]

Comparison of the enrolment statistics for each race group with the enrolment statistics for each Department of Education (as given above), reveal the extent to which private schools have become racially integrated. For example, one third of Indians and 15% of Coloureds were at private schools not registered with the House of Delegates and House of Representatives respectively. According to the *Race Relations Survey*, there were 15 645 blacks in House of Assembly private schools in 1992.[311] The enrolment of blacks in private schools has increased considerably in the past few years. In 1991, there were 39 220 (alternatively 36 316) Africans in private schools, as compared to 47 606 in 1992.[312] In 1992, there were 105 private schools registered with the DET, (excluding SGTs) of which 95 were subsidised. (Refer to Table 5). This compares to thirteen subsidised private schools in 1989 and represents an eight-fold increase. The enrolment of Africans in private schools has almost doubled since 1986. However, the increase in enrolment of blacks in private schools must be seen in the context of a doubling of black enrolment in public schools since 1980.[313]

The enrolment of coloureds in private schools is approximately one fifth greater than the 1986 enrolment, and has not changed significantly since 1987. There are eleven private schools enrolled with the House of Delegates and seventeen schools enrolled with the House of Representatives.[314] The Indian enrolment increased by about 1 000

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[310] The 1986 figure was given by Muller in Freer *ed cit.*, p49. The estimated 25% enrolment is based on the figure of 15 645 black pupils in House of Assembly private schools given by the Race Relations Survey, and the total enrolments given in p599 of the survey, or alternatively the slightly lower total enrolment figures given in the DNE Report.

[311] Race Relations Survey, *op cit.*

[312] The Central Statistical Services review, *SA Statistics 1992* , Pretoria, (chapter six) gives the figure 39 220 in the annual breakdowns, but 36 316 black pupils in the tables arranged according to race group. (Refer to table one).

[313] Unterhalter *op cit.*, p37.

[314] Information for each department provided respectively by the statistical services section of the department in telephonic conversations.

pupils from 1991 to 1992, and is approximately 51% more than the 1987 enrolment.[315] The white enrolment has grown slightly since the 1991 figure of 48 138, and is approximately 16% greater than in 1987. (Refer, however, to the footnote)[316] (The enrolment figures for all population groups since 1986 are given in Table 1 but note that comparisons in this paragraph refer to 1987 figures because of anomalies in the 1986 figures).

The total private school enrolment of approximately 111 000 can be compared with a total enrolment in ordinary government primary and secondary schools of almost 8 million. The private sector therefore represents a very small 1% of the total school enrolment.[317] However, if farm schools and church schools, which are defined as state-aided schools, are included in the broader definition of private schooling, the figures are much higher. In May 1993, there were 5 579 farm schools and an additional 69 other state aided schools registered with the DET, as compared to 2 444 public schools.[318] 32 state-aided schools were registered with the House of Delegates.[319]

Probable future growth in the private schooling sector..

According to Estelle James, the adequacy or inadequacy in the provision of public education and the heterogeneity of the population appear to be the major determinants of the size of the private schooling sector in any country.[320] In South Africa, the demand for private schooling will probably be driven by both factors. Because of the heterogeneity of the population, there is likely to be an increase in the demand for

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315 The 1993 enrolment is, however, given as ten times the 1986 enrolment. The sudden jump in Indian enrolments from 1986 to 1987 is not explained, and either reflects inaccurate figures for 1986 (Refer to discrepancies in Table 1), or to a (unrecorded) change in policy regarding the definition of private schools in that year.

316 Figures taken from SA Statistics 1992, Central Statistical Services, Pretoria. 1985 and 1986 statistics are questionable. The DNE report for 1990 says that the 1986 figures were not available. The CSS survey shows a sudden drop in white enrolments from 1985 to 1986 (from 55 375 to 21 329), and the provincial breakdown reveals that most of this decline is accounted for in the Transvaal, which according to these figures had no private pupils in that year! The T.E.D. is unable to explain this puzzling statistic. (Letter from Dr M. Mattheus 6/9/93). In addition, there are discrepancies for each year between the tables listing racial and annual breakdowns of enrolments. In 1985, this discrepancy is particularly substantial. The figure of 55 375 whites in 1985 (given in the racial breakdowns) contrasts with the figure of 103 838 whites given in the annual breakdown. There is also a discrepancy in the figure of 40 035 blacks (in the annual breakdowns) and 25 959 in the racial breakdowns.

317 SA statistics 1992, *ibid.*

318 Hansard, (HA) 1993, 25/5/93.

319 Hansard, (HD) 1993, 17/5/93.

320 E. James *op cit.*, p372.

ethnic and religiously-motivated schools. In Britain and the USA, the policy of secular public schools led to an increase in the number of private denominational schools, and it can be expected that if government schools in South Africa move away from the promotion of religion, there will be an increase in the number of people who will seek an alternative to secular schooling in denominational private schools. Conversely, if the state continues to define state education as Christian, then adherents of other faiths, and secularists, may prefer private schools. Increased private school enrolment may also result from ethnic resistance if a multi-cultural curriculum is adopted, or if ethnic groups keen to maintain their identity feel that their needs are not being met in government schools.

The inadequate provision of public schooling, in the short term especially, and fears about declining standards will probably lead to an increased enrolment in other private schools as well. In fact, this trend towards expansion of the private schooling sector has already begun. (Refer to table 1). The flight of the middle class from public schools is one of the reasons given for the increase in private school enrolments in Britain after the reorganisation of secondary schools on comprehensive lines.[321] Internationally too the trend appears to be for states to promote primary schooling rather than secondary schooling, in cases where resources are lacking. If this happens in South Africa, the underprovision of secondary schools may also lead to greater enrolment in private secondary schools, as has been the case in Tanzania. (Refer to Chapter four).

Private school enrolments in South Africa are low as compared to many other countries: Approximately 6 to 8 percent of whites (and 1% of the overall population) attend private schools. This relatively low enrolment may imply potential for growth, especially if more blacks choose private schools. Already, as is abundantly clear from the figures quoted in this chapter, the increase in black enrolment in private schools is substantial. Even a relatively small increase in the proportion of blacks choosing private schools will mean that the private sector will increase substantially.

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[321] Geoff Whitty, Tony Edwards and John Fitz, "England and Wales: The Role of the Private Sector" in Geoffrey Walford (ed), *ed cit.*, p10.

Conclusion.

Factors which led to substantial growth in the private schooling sector in the past decade include the improved attitude of the government to private schools in general, and to the enrolment of blacks in private schools in particular, as well as the overall increase in black enrolments at all schools. Whereas the number of coloureds and whites in private schools has increased by 18% and 16,7% respectively since 1987, the number of blacks and Indians in private schools has increased by 68% and 51% respectively.[322]

The private schooling sector is therefore small but growing, especially as regards black enrolment. Most private schools are denominational, and the private schooling sector which exists alongside state and state-aided schools, enjoys financial and ideological support from the present government. It is in this context that fiscal and regulatory policy for private schools must be made by a future government.

[322] These percentages were calculated from the figures in Table one (annual breakdown). The discrepancies in the 1987 figures are small, whereas the 1986 figures vary to such an extent that calculations are meaningless. However, the Indian enrolment for 1987 is given as 4596 in the annual tables, but only 2 530 in the provincial breakdowns, which is a significant difference.

CHAPTER SEVEN.

LOOKING AHEAD: OPTIONS FOR REGULATORY AND FISCAL POLICY.

Currently, by international standards, private schools in South Africa enrol a small proportion of pupils, are relatively autonomous, and receive moderate financial assistance from the state.

Policy options for a new democratically elected government as regards private schools are:

i) the abolition or nationalisation of private schools,
ii) the adoption of a neutral or laissez-faire attitude to private schools,
iii) the facilitation of private schools' operation, and
iv) the conversion of private schools into state-aided schools.

It must again be stated that this paper is concerned with the private schooling sector as an alternative to public schooling, and not with the rather different issue of large-scale privatisation of state schools. Each option will be examined in terms of its rationale and counter-arguments, its fiscal implications, and its implications in terms of the NEPI principles. Within the broad options mentioned above, the state has a range of fiscal and regulatory policies from which to choose.

Option one: The abolition (nationalisation) of private schools.

A policy to abolish private schools would follow from a set of political assumptions which would argue that private schools are socially detrimental and divisive especially in the context of the need for nation-building. (Refer to chapter two). In summary, the case against private schools is that, it is argued, private schools foster social fragmentation by separating ethnic, religious or class-based groups from each other, adversely affect the public school system, avoid public accountability, and foster elitism. A post-apartheid South Africa, it is argued, needs to emphasise

nation-building even at the expense of recognition of diversity. As Pampallis states:

> An education system run completely by the state would have the advantage that centralised control of resources would allow these to be more easily directed to the areas of greatest need. Extremes of privilege and deprivation could be eliminated and inequalities minimised. This would create greater equality of opportunity for all children, regardless of parental wealth. [323]

Pampallis, however, adds:

> A state-controlled system of education is not necessarily an egalitarian one, and the existence of private schools is not a pre-condition for the existence of an elite sector of the education system.[324]

Internationally, too, attempts to nationalise private schools have usually not proved successful. In some countries such as Pakistan, Zaire, and Tanzania, private schools were nationalised, but were later returned to private control. The British and Australian Labour Parties, and the Spanish and Zambian Socialist Parties, have all accepted private schools despite initial antagonism. Walford comments that only "authoritarian state regimes" have abolished private schools.[325]

In South Africa, Muller writes that "nationalisation is not an option".[326] According to Pampallis, the National Education Coordinating Committee, (NECC) which oversees debate on educational policy for the democratic movement, is opposed to the large-scale privatisation of government schools, but at present the NECC does not oppose the existing private schools.[327] This view is reflected in the NEPI booklet, *Governance and Administration*.[328] The African National Congress, likewise, does not oppose private schools, and accepts that the freedom to run private schools is in keeping with the principle of the freedom of association.[329]

Implications for Fiscal Policy.

If this option is selected, the state could choose to nationalise private schools with or without compensation (or simply to prohibit the charging of fees, as was proposed by

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323 Pampallis, *op cit.*, p183.

324 *ibid.*

325 Walford *op cit.*, p118.

326 Muller, (1992) *op cit.*, p355.

327 Pampallis, *op cit.*, p180.

328 NEPI, *Governance and Administration*, (1992) Oxford University Press, Cape Town. pages 25 and 30.

329 This is according to the ANC education head, John Samuels. (Quoted in the Weekly Mail, 8 October 1993.

the British Labour Party in the past). The payment of compensation would be extremely expensive, while nationalisation without compensation could be considered morally dubious and a breach of a fundamental principle of Liberal democracy, namely respect for property rights. While on the one hand, nationalisation of private schools would imply that their resources could be made available to a wider spectrum of society, since parents pay a greater proportion of the expenses incurred by private schools, nationalisation of private schools (even without compensation) would place an added burden on the state. The accommodation of private school pupils within the state system would entail far more public expense than the present costs of subsidisation of private schools.[330] For example, if a teacher's average salary is taken to be R3 000 per month, this means that the state saves R276 million per annum just on teachers' salaries in House of Assembly and DET private schools.[331] This compares to the approximate R173 million granted to these schools in subsidies. (See Table 7). In 1988, the state spent R29 million on the subsidisation of private schools, as compared to the R85,5 million which it would have had to spend in schooling private school pupils if they were to have attended government schools.[332]

Implications of this option in terms of the NEPI principles.

i) Democracy.

As mentioned in Chapter one, democracy was defined in the NEPI Framework Report largely in terms of the legitimacy of the state and the education system, and in terms of popular participation in decision-making. Private schools are not incompatible with democracy according to this understanding. However, NEPI also emphasised the importance of equity and equality goals. The democratic exercise of human rights requires fairness and equality of opportunity. If private schools confer advantages on

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330 For example, if the unit annual costs for educating one child are considered to be R2 200, with 111 000 private school students the costs would come to R244 200 000.

331 According to The Argus 26/8/93, 72,5% of teachers employed by the DET earned between R2 000 and R4 000 per month (excluding service benefits and 13th cheque bonuses. (Of these, 20,24% earned between R3 000 and R4 000 per month). The figure of R3 000 used in this calculation is therefore an estimate offered for illustrative purposes only. The sums were calculated by multiplying this estimated average by the number of teachers in private schools (5 760 in House of Assembly schools, and 1 703 in DET schools according to the DET
Report for 1992. Table 3.1, and the DNE Report for 1992). The calculation probably underestimates the true saving as teachers in the tricameral departments are on average more qualified, and benefits such as housing subsidies have not been taken into account.

332 Then Education Minister de Klerk quoted in *Financial Mail*, 8/4/88. Cited by Muller, (1992) *op cit.*, p345. For comparative purposes, Walford, *op cit.*, p293 cites a Conservative Party estimate that in the U.K., the state saves 410 million pounds annually on private schools.

the privileged, they can indeed be considered antithetical to democracy. The diversity of private schools, however, complicates antagonism to private schools on the grounds of elitism. Mark Henning, Director of the ISC, argues:

> The new state should consider very carefully and not react in a knee-jerk fashion to the stereotype people have of private education. Our schools are not like that.[333]

Some private schools (and some state schools) probably do match the elitist stereotype, but not all private schools can be labelled elitist. In most countries, private schooling is considered a democratic right, which in many cases, is enshrined in their constitutions. This right is also recognised in the United Nations Declaration of Human Rights which declares that parents have a prior right in choosing the ways in which their children will be educated. In South Africa, as in most countries, the majority of private schools are denominational and an attack on private schools could be construed as an attack on freedom of religion. This is antithetical to a Liberal understanding of democracy. The present climate in many countries of support for market mechanisms supports private schooling in these countries. The economic philosophy which will be adopted by a future government in South Africa has not yet been firmly established. (Evidence for this assertion can be found in the existence of an economic forum at present). If a future government veers towards a market ideology, private schools will be accommodated more readily than is the case if a Socialist or Social Democratic perspective should prevail.

Apart from the issue of elitism and class-based privilege, a Socialist understanding of democracy would argue for the benefits of central planning in the name of equality of opportunity and access. The public good would be considered to override the exercise of individual rights:

> Socialism has always lived uncomfortably with private schooling. The overriding concern with justice and equality will ensure that individual and group freedom to patronise or establish such schools can never be unequivocally accepted.[334]

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333 Quoted in the Weekly Mail Education/Review, *op cit.*

334 Michael Ashley *op cit.*, p55.

ii) Non-racism.

In recent years, the proportion of black (i.e. African, Coloured, and Indian) students at private schools has overtaken the white enrolment. (Refer to Table I). Many private schools are more racially integrated than public schools. Indeed, 'white' (especially Catholic) private schools pioneered the move towards racially integrated schooling in South Africa. It is true, however, that the ethos of formerly white private schools reflects the racial composition of the schools which are still predominantly white, and which have predominantly white governing bodies. It seems likely, however, that as more and more blacks enter these schools, this shift in the racial composition of the student body will also be reflected in the racial composition of the governing bodies and in the ethos of the schools. Because enrolment at denominational schools reflects the racial composition of the religious group for whom they cater, in some cases, denominational schools will be racially imbalanced. The distinction between (intentional) *de jure* and *de facto* discrimination was accepted, for example, by the USA Supreme Court (in the Keyes vs School District case). One problem with the existence of private schools is that even if as a sector, private schooling is racially integrated, individual schools may be used by racists as a refuge from the non-racial public education system. However, no school should be allowed to use race as a criterion for admission.

iii) A unitary education system.

The replacement of the present fragmented racially-based education system with a unitary system should not imply uniformity and lack of recognition of diversity. In a unitary system all private schools will fall under the control of the one education department. The principles of equality and equity within the unitary system, could, however, be used to argue for the abolition of private schools, which tend to cater for the more affluent. However, the lack of equality between public schools is far greater than inequalities between public and private schools (not all of which are affluent). Furthermore, some government schools are better endowed than many private schools. The unitariness of the education system implies that no school should be allowed to discriminate on racial, gender or class lines, but in terms of a Liberal understanding, does not necessarily imply that every school must be a state school.

The socialist view, however, would regard centralised state provision as the essence of a unitary education system. A socialist perspective on (white) private schools in South Africa is reflected in the charge that in South Africa, the ethos of 'white' private schools is not only "white (and) elitist" but also "western (and) capitalistic" and that the governing bodies of these schools have all been supporters of capitalism.[335] Private schools registered with the DET can also be seen as catering only for the middle-class and thus entrenching class-based privilege.

iv) Redress.

The principle of redress refers to the correction of historically produced imbalances between groups. The principle of redress could, therefore, be considered as a reason for abolishing or nationalising private schools so that their facilities and resources could be made available to a wider sector of society.

A contrary view, however, is that the principle of redress implies maximising the use of all available educational facilities, rather than closing them down, especially in the light of a dire shortage in the provision of public education. Nationalisation of private schools (even without compensation) would entail massive additional state expenditure, as discussed above, which could reduce resources for redress.

Option two: The laissez faire approach.

The second option is to allow private schools to function without much state involvement, irrespective of whether they are considered desirable or undesirable. In this case, the state would neither assist private schools nor restrict them unduly through the fiscus or through regulations (although a laissez-faire regulatory policy does not necessarily imply a laissez-faire fiscal policy and vice-versa). 'Undue regulations' are those regulations which make it difficult for private schools to operate. An example would be not allowing private school candidates to write public

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335 This view of private schools is shared by many left-wing critics. The reference here is from Bennie Witbooi (1984) "The Question of Private Schools" in *Report of Second Conference, ECCSA*, p15. This source is cited by Ashley in an unpublished paper, (undated) "Private Schools in South Africa".

examinations, (as is the case in Italy), or overly stringent registration conditions. The laissez-faire approach suggests minimal regulation.

Muller, however, sees the independence of private schools as a danger to the future democratic government. Referring to the question of admissions criteria, he writes:

> And there again lies the rub: private schooling is always, in innumerable ways, able to exercise choice on these and other matters. The schools may agree to cooperate with this state, or a future state-or they may not.[336]

Since private school autonomy can undermine central planning, it is necessary to distinguish between regulations for private schools which are essential to the national interest, and regulations which could be considered unnecessary interference in their autonomy.

Internationally, the right of the state to regulate private schools (where they exist) has been recognised. The American idea of 'compelling state interest' referred to in chapter three is, however, a powerful notion, which determines the limits to regulation. This means that any regulation of private schools must not be arbitrary or vindictive, but must be demonstrated to be in the national interest, especially as defined in a future constitution and bill of rights. This would, for example, outlaw racism.

From a financial point of view, in a laissez-faire approach, the operation of the schools would be left to market forces. In its hardest form, this policy would imply absolutely no assistance, even of an indirect nature, to private schools. This would mean not only that state subsidies would be abolished, but also that the current forms of indirect subsidisation would be removed.(Refer to chapter five).

Fiscal implications.

If private schools are not subsidised, some parents could argue that they are being doubly taxed, since in addition to taxes, these parents pay school fees in order to provide their children with, for example, a particular denominational education. This

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[336] Muller, *op cit.*, p53.

argument, however, ignores the fact that tax revenue is used for the general good, and that the payment of taxation by an individual is not dependent on his or her using particular public services, paid for through general taxation. For example, people who have no children do not pay fewer taxes because they do not make use of schools. Brenda Almond argues, furthermore, that people should not enjoy tax relief for services alternative to those which are provided by the state.[337] (The state, however, is not providing an alternative denominationally-based service, which for some people, is the very essence of a proper education).

Obviously, if subsidies are abolished or reduced, private schools will be forced to raise their fees (or cut costs) in order to make good the present subsidies of R1 980 per pupil at the Std 8-10 level, and R1 320 per pupil at the Sub A to Std 7 level (at the 45% level). A school with an enrolment of 1 500 pupils up to Standard 7 and of 500 at the higher level would therefore need to find an additional R2 970 000 per annum. A laissez-faire approach would therefore imply that only private schools catering to affluent families would survive, and this would exacerbate the problem of elitism. (This argument could, however, be used to suggest differential subsidisation of private schools based on some kind of needs-index). The directors of both the Independent Schools Council and of the SAAIS have both been quoted in the press as pointing out that the removals of subsidies will exacerbate the problem of elitism, since only elite schools are likely to survive, and disadvantaged pupils will find it harder to find bursaries.[338]

Implications of the NEPI principles.

i) Democracy.

The recognition of the right of private schools to exist does not necessarily imply that public monies must be used to finance them. The policy of no financial support for private schools is especially convincing in the present situation in which public education (particularly with regard to black schools) is seriously under-resourced.

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337 Brenda Almond, *op cit.*, in James Lynch, Celia Mogdil, and Susan Mogdil, *ed cit.*, p183.

338 Weekly Mail Education/Review (8 October 1993). p5. The first point was made by mark Hennig of the ISC, and the second point by Alison Papenfus, of the SAAIS. The same point is made in a different article on the same page, in which the Headmaster of St Theresa's Convent argues that a reduction in subsidies will cause schools like St Theresa's to become exclusive institutions.

This appears to be very much the attitude of the ANC, which according to its Education Head, is committed to a policy of "non-interference" with regard to private schools. The ANC is opposed to state subsidisation of private schools.[339]

It could, however, be considered unfair to penalise people financially for exercising their democratic rights. This is the view adopted, for example, in Germany. It could also be considered undemocratic for only the wealthy to be able to exercise their right to freedom of choice. Smaller state subsidies mean higher school fees, and hence lack of subsidisation exacerbates the problem of restricted access to private schools.

ii) Non-racism.

The free exercise of human rights implies conditions of equal opportunity. The historically disadvantaged African majority in South Africa will not, for some time, enjoy equal access to fee-charging private schools. Although racism is not inherent in private schooling, unequal access on racial grounds to private schools is racist. It could be argued therefore that a laissez-faire approach is unjust insofar as it allows a private sector to operate (in a relatively unregulated manner) but does nothing to facilitate broader access to private schools.

iii) Redress.

A laissez-faire approach to regulatory policy will not contribute to redress, as private schools operating in a completely unregulated market would be havens for the affluent only. As regards fiscal policy, the principle of redress implies non-subsidisation of private schools since the state's priority must be to improve public schools, which cater for the majority of people. Even if private schools should become more affordable, poorer people are unlikely to benefit from private schooling, since for example, few private schools are situated in impoverished rural areas. Possibly the principle of redress could be exercised in the operation of some kind of bursary scheme or a quota system for disadvantaged students, linked to subsidies. This would contribute to redress by making additional educational opportunities and alternatives

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339 ANC Education Head, John Samuels, quoted in the Weekly Mail, *ibid.*

available to those who have been deprived of such opportunities in the past. However, if private schools are allowed to select pupils in order to fill the quota, the public school system would be harmed.

iv) A unitary education system.

The unitariness of the education system implies that private school autonomy should be restricted at least to some extent. This argues against a laissez-faire approach in regulatory policy. Care should, however, be taken that these regulations do not transform a unitary system into a uniform system, and that specific regulations are indeed in the public interest (especially as defined in the constitution and in a bill of rights). This would imply that private schools would have redress to the courts (as is the case in the USA).

Option three: Facilitating private schooling.

Rationale.

The arguments in favour of private schools were outlined in chapter two. Most of these arguments are concerned with the values of Liberal democracy and individual human rights (such as freedom of religion, freedom of choice, and so on). Private schools can also be justified in terms of the principle of pluralism, the reduction of social tension (by allowing an escape valve for groups and individuals whose needs are not met in the public school system), and a reduction in the fiscal burden of educational provision. (This latter argument would be especially favoured by advocates of the free market).

If a future government should decide to facilitate private schooling (which does not imply privatisation of government schools), factors which need to be taken into account in order to determine fiscal policy are the extent of the financial burden on private school parents, the extent to which some families are excluded from private schools because of financial reasons, and the availability of state resources.

Implications of this option for Fiscal Policy.

a. Direct subsidisation.

If the state chooses to continue to subsidise private schools directly, the main decisions will concern the amount of the subsidy, the basis for determining subsidies, and conditions for eligibility for a subsidy.

Full subsidisation, especially if accompanied by greater regulation, essentially converts private schools into state-aided schools. Partial subsidisation could be based on pupil enrolments, schools' financial status, (as in Australia) or equivalent costs in the state sector (as in Zimbabwe and in some German states). However, as Weiss and Mattern comment, this system involves considerable administrative work.[340] The subsidisation of less affluent schools only could be based on property valuations, enrolment from identified disadvantaged residential areas, or school fees. In Indonesia, subsidies may not exceed the schools' operating deficit.

In South Africa, the system of dual subsidy levels probably had its genesis in attempts to link subsidies to racial criteria. If it is decided to support private schools, a future government will need to consider whether uniform or multiple levels of subsidisation (based entirely on educational and financial rather than on political criteria) are more equitable. In determining eligibility for subsidies, most countries require schools to meet prescribed standards of provision. (In South Africa this includes the requirements that private school teachers have to be qualified, and that schools have to be headed by principals who are qualified teachers). However, the World Bank Report for Subsaharan Africa comments that this kind of criterion for measuring school quality is difficult to implement and depends on 'external surrogates' (i.e. measures of school quality which are external to the educational process itself). Rather, it is suggested, schools should be evaluated through national or regional examinations.[341] This suggestion, however, assumes that school quality can be measured by examination results, which ignores student enrolment profiles, and measures of school quality other than examination results. A fairer method is to lay

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[340] Manfred Weiss and Cornelia Mattern in Walford (1989) *ed cit.*, p173.

[341] World Bank (1988) *Education in subsaharan Africa*, Washington.

down set criteria for qualification as is presently the case in South Africa. These criteria should, however, be transparent, public and uniform, which is not the case at present.

b. Indirect subsidisation.

Direct subsidisation refers to the direct transfer of public funds to private schools. Indirect subsidisation refers to other forms of financial assistance (for example through tax policy, or through the subsidisation of pupils rather than the schools themselves).

i) Tax assistance.

Some countries, such as the United Kingdom, allow a tax benefit for donations to private schools. In South Africa, at present, donations to secondary schools enjoy a tax benefit. However, as the Minister has pointed out, this form of assistance is problematic, as some schools may choose to charge part of their school fees as donations, and also because only people earning above R50 000 per annum are currently liable for taxation.[342]

Tax exemption for schools may include exemption or relief from rates, from corporate tax, from capital gains tax, should such a tax be introduced in South Africa, exemption from VAT, exemption from the payment of taxation on profits from, for example, rental on land, exemption from taxation on interest and dividends, and donor tax exemption. Robson and Walford point out that tax exemptions are not especially beneficial to independent schools since they do not usually make a profit, and that tax exemptions mostly benefit the wealthier schools who may enjoy surplus or investment income.[343]

ii) Subsidisation of private school pupils.

School fees could be made tax-deductible. Tax rebates for individuals, however, do not directly assist the schools, (unless they raise their fees to match the rebates). In

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[342] Hansard, p64. 15-19 February, 1993.

[343] Robson and Walford *op cit.*

addition, rebates favour the wealthy as they pay more tax (although the tax exemption or rebate could be inversely linked to income).

One way of broadening access to private schools is through a scheme such as the British Assisted Places Scheme. (Refer to chapter three). This scheme, however, undermines public confidence in state schools by implying that superior students should be channelled to private schools. Furthermore, academic selection criteria for the scheme would place certain private schools at an even greater academic advantage and widen the gap between sectors. In addition, in the light of the smallness of the private schooling sector, and the enormous backlog in educational provision for most of South Africa's schoolchildren, private schools would not be in a position to make much of an impact except as regards a few privileged individuals.

iii) Education Vouchers

The educational voucher option, mooted especially in the USA is a drastic reform, with wide-ranging implications for public schooling. Voucher plans have proved so controversial overseas that it would probably not be wise to attempt such an experiment in South Africa, notwithstanding support for this option from sections of the private business sector in South Africa.[344] Furthermore, in a country which faces such a large crisis of provision in education, the priority is to improve the public school system, rather than intentionally to expand the private schooling sector.

Criteria for determining fiscal policy for private schools.

Cooper suggests five criteria for determining fiscal policy for private schools.[345] Any assistance should be:

i) legal
ii) feasible
iii) practical
iv) acceptable
v) educationally adviseable.

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[344] Syncom, *op cit.*

[345] Cooper, *op cit.*, p173.

These criteria are useful for the selection of methods of assistance to private schools if option three is selected. The legality of future policy will depend on the content of South Africa's new constitution. Practicality will depend on the resources available to the state, other demands made on the fiscus, and the size of the private schooling sector. As the subsidy allocated to private schools at present represents a very small proportion of the total education budget, providing that the private sector does not expand significantly, it should be financially possible to continue to assist private schools. 'Acceptability' is a rather open-ended criterion as it does not address the question of acceptability to whom. Acceptability to the masses may imply democratic accountability, but can lead to the danger of majorities riding roughshod over the rights of minorities. However, if popular perceptions of private schools are very negative, it may prove politically unfeasible to support private schools. Educational adviseability must take into account the needs of pupils in private schools (not necessarily of their own volition, but as a result of a parental decision), as well as the interests of government school pupils, who should not be deprived because money is allocated elsewhere. Actually, as has already been stated, the present subsidisation outlays for private schools are such a small proportion of the total education budget that a decision to subsidise them or not to will more likely be grounded in symbolic and political, rather than in financial, criteria.

Regulatory policy.

Although facilitation of private schools implies no undue restrictions on their autonomy, state financial assistance does, however, usually imply the imposition of additional regulations. The state has the right to ensure that public money is used responsibly. In South Africa, this has meant, for example, that private school results are taken into account when determining the level of subsidisation.[346] This method of determining subsidy levels, however, penalises excellent schools which are less selective in their admissions policies. Other ways of ensuring public accountability include the establishment of core curricula, and common matriculation examinations, or at least uniform standards in the case of independent examinations.

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[346] Information supplied by Mr Horn, CED., *op cit.*

Most countries recognise the right of the state to regulate private schools. [347] The state will have to decide whether current regulations are both sufficient and necessary for the establishment of public accountability.

Rebell argues that the state may make demands on private schools, but "these demands may not be so excessive that they transform private schools into public schools managed and funded by the private sector".[348] In Sacken's view, reasonable regulation occurs when the state's overriding interests could go unmet in the absence of regulation, or when the state's interests are actively subverted. Sugarman and Kirp, writing in the USA, point out that the best criterion for determining when something is inimical to the state's interests, is by reference to the constitution. Furthermore, they argue that it is necessary for the state to show that its regulations are necessary, "that is, whether the state has chosen the alternative least restrictive to the parents' rights".[349]

In sum, the state has the right to regulate private schools reasonably, but should not act in an arbitrary manner. James' conclusion that in developed countries, regulations deal more with equity issues while in undeveloped countries, regulations tend to be more concerned with the maintenance of standards alerts us to the need for ensuring the maintenance of acceptable standards in private schools.[350] Because of the shortage of educational facilities in South Africa, many parents may choose private schools, and these parents need to be protected. Concerns expressed in parliament about so-called 'fly-by-night' private schools catering for blacks, especially in Johannesburg, also reinforce this point.[351]

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[347] Refer to chapter three for examples of comparative regulatory policy for private schools, and to chapter five for a summary of current regulations in South Africa.

[348] Michael A. Rebell, "Values Inculcation and the School. The Need for a new Pierce compromise" in Neal E. Devins *Public Values, Private Schools* (1989) Falmer Press, London, p48.

[349] Sugarman S.D. and Kirp,D.L."Rethinking collective responsibility for education", *Law and Contemporary Problems* (1975) 39. 144-225.

[350] Estelle James, *op cit.*, p372. Refer to Chapter two.

[351] Hansard, 1991. c.12220.

Implications for fiscal and regulatory policy in terms of the NEPI principles.

Since this option is the opposite of the previous options, a brief discussion of the implications of the NEPI principles will suffice.

i) Democracy.

In terms of a Liberal understanding of democracy, it can be argued that if the freedom to attend private schools is a democratic right, then a case can be made for subsidisation of private schools. If private schools are considered to be harmful to the community, and an obstacle to the attainment of equity and equality goals, they should not be supported. As far as regulatory policy is concerned, democracy implies that it is the state's prerogative to protect the public interest. However, the test for regulatory policy must be public interest (as defined in the constitution, in a bill of rights and by the courts) and not vindictiveness or arbitrary action.

ii) A unitary education system.

While some would regard private schools as obstacles to the attainment of equality and equity in a unitary education system, others would claim that both public and private schools may be elitist or non-elitist. To a large extent, private schools are regarded as elitist because they charge high fees and therefore debar access to the poor (although many private schools do offer bursaries for poorer students). This could be used as an argument in favour of more public assistance for private schools, perhaps tied to prescriptions on the fees that private schools may charge, as is the case, for example, in Spain, Holland, Italy (equivalent status schools), Zambia, and Tanzania.

The existence of a unitary education system implies the regulation of private schools, but this regulation should not make it difficult for private schools to operate, without just cause.

iii) Redress.

The principle of redress, on the one hand, argues for the allocation of resources where they are most needed, and that is not likely to include the private schooling

sector. On the other hand, the principles of redress and non-racism could argue for ensuring that private schools are accessible to all, and in particular to those who have been deprived of this opportunity in the past. It could also be argued that private schools, even if they are subsidised, save the state money which can be used for redress in the public sector, and it is therefore in the state's interest to ensure the financial viability of private schools.

iv) Non-racism.

If non-racism is enshrined in the constitution or in a bill of rights, then all schools will be open to all in terms of the law. At the same time, if the identity of many private schools is to be maintained, they should have the right to offer a specific denominational or other focus.

Option four: The conversion of private schools into state-aided schools.

Some countries, such as New Zealand and Britain, have incorporated (some) private schools into the state sector as 'state-aided' schools. In South Africa, the 'state-aided' sector already includes many schools which under different definitions could have been considered as private schools. (For example, the Private Schools Act of 1986 excluded church schools and farm schools from the definition of private schools). If state-aided schools are allowed to maintain a degree of autonomy especially as regards religious or cultural ethos, then this kind of classification could be to the schools' advantage since the level of assistance given by the state to 'state-aided' schools is higher than that given to private schools. The payment by the government of the salaries of teachers in state-aided schools covers 75% of their running costs.[352] Judging from international experience, many of the private schools would willingly accept this change in status even at the cost of some loss in independence. At present, it seems that it is not legal for private schools in South Africa to convert to Model C (state-aided) status, (which exists only in House of Assembly schools) although

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[352] The Cape Times 11/9/90. In Heilbuth, *op cit*, p184.

some have expressed interest in so doing.[353] Not all schools would, however, choose this option. For example, although Muslim state-aided schools have existed for some decades, many Muslim private schools have been established in recent years.

Fiscal and social implications

The option of conversion to state-aided status could have both positive and negative effects. On the positive side, this status would help the schools financially, and would enhance public accountability. On the negative side, the schools would face greater regulation, and would sacrifice autonomy. (For example, private schools at present are free to decide on their expenditure, and are generally less subject to departmental bureaucracy). As this would result in more of a state monopoly in education, this option could entail a loss in diversity. Also on the negative side, the cost of state-aided schools to the fiscus would be greater than the cost even of partly subsidised private schools.

NEPI principles.

Offering private schools the option of joining the state-aided sector implies the expansion of choice, which is in keeping with democratic principles. The schools would, of course, have to be non-racial, but this would probably apply regardless of their status. In terms of redress, given the high level of state funding of state-aided schools (in South Africa and in many other countries), fees at state-aided schools in South Africa are set by the state. If this situation is maintained, more disadvantaged pupils would be able to attend state-aided schools than are able to attend schools which are mostly privately-funded. In this way, 'state-aided' status would contribute to class-based equality. On the other hand, of course, the diversion of funds from the state sector to the state-aided sector would mean less funding available for government schools. However, since private schools represent such a small proportion of the overall enrolment, the financial implications for the state of transforming them into state-aided schools are not great, even if more state-aided schools are established. Since even state-aided schools would have to charge fees at a higher level than state

[353] Source on file. Of course, the future of Model C is dubious, as the ANC has objected to the system, and even the Minister has said in parliament that he prefers to speak of 'state-aided' schools.

schools, their potential for growth is limited. State-aided schools would, however, enjoy greater autonomy than state schools, and would therefore still allow, for example, for a specific denominational, ethnic, or educational focus.

Conclusion: Choosing an option.

This chapter has put forward various policy options for a future government regarding private schools. The aim of this chapter has been to suggest possibilities, and to elucidate their implications, rather than to make recommendations. The implications have been analysed especially in terms of the values which characterise the democratic movement in South Africa, and historical and international comparisons have been used to enrich the analysis. This chapter has contributed to the erection of a structure on which the next stage, which is the stage of policy formulation, can be built.

CHAPTER EIGHT:
CONCLUSION

A Historical Perspective.

This paper has demonstrated the shift in government policy for private schools especially since 1979/80. Before this period, the National Party which has governed South Africa since 1948 was somewhat hostile to private schools. The state's antagonism to private schools was rooted in political considerations. Private schools were regarded as a threat to the ideology of Christian-National Education, and attempts to open 'white' private schools at first to Afrikaners, and later to blacks, were seen as inimical to the state's policies. Hostility to 'white' private schools was displayed in public utterances on the part of the government, and in the lack of subsidisation for private schools (except in Natal and the OFS) until 1980. The picture is, however, made somewhat more obscure by provincial variation. Natal had subsidised private schools since 1942, and had even increased the subsidy in the 1960s. The Cape resumed subsidies (abolished in 1921) in 1980, but the Transvaal, which had frozen subsidies in 1953, only resumed subsidisation in 1985.

Hostility to black private schools was expressed most strongly in the transfer of mission schools to the state brought about primarily through the abolition of state subsidisation of mission schools in the 1950s, and the unfriendly attitude to those mission schools (mostly Catholic) which survived the passing of the Bantu Education Act in 1953.

In the late 70s, and in the 80s, state policy for private schools underwent a major shift. This improved attitude to private schools was expressed in legislation, notably the Private Schools Act of 1986 (which embodied the recommendations of the 1981 HSRC (de Lange) Report as regards private schools. Provision was also made for the attendance of blacks at formerly 'white' private schools, and for the establishment of an Independent Examinations Board which could establish curricula and set examinations for private schools which preferred an independent (non-racial)

examination to the examinations set by the various racially-based departments of education.

Increased levels of subsidisation especially in the past five years also bear witness to a more favourable attitude on the part of the government to private schools. The increase in the total subsidy allocations for private schools registered with each Department of Education; the increase in the number of subsidised schools in each department; the decrease in the proportion of schools subsidised at the lower of the two levels provided for in the Private Schools Act; the subsidisation in some cases of private schools established for financial gain; and the high levels of indirect subsidisation of private schools, such as state payment of private schools' municipal rates, all bear witness to the shift in state policy.

The tensions which adversely affected the relationship between the state and private schools in the past have dissipated. The National Party has abandoned its policy of apartheid, and indeed, in 1994, all South Africans will participate in their first democratic elections. With the removal of these sources of tension, other factors have come more into play. The government has undoubtedly been heavily influenced by the 'New Right' politics of its major trading partners. Conservative governments in these countries emphasise a declining role for the state, privatisation of public services, and a Liberal democratic emphasis on individual human rights. In many countries, this has led to policies favouring private schools. Evidence of the influence of 'New Right'' politics on the South African government is to be found in the 1987 government white paper on privatisation, in the privatisation of state enterprises, such as ISKOR, and in the conversion of most white government schools to "state-aided" model C schools, which charge fees and give parents greater control of schools. The government's Education Renewal Strategy also emphasises accommodation of diversity and the principle of free choice, in keeping with Liberal democratic values. Furthermore, ever-increasing support for private schools in general, and for black (DET) private schools in particular, is consistent with a strategy of co-option of a black middle class so as to protect middle-class and market interests.

The reasons for the change in the government's attitude to private schools can be summed up as the result of Reformist political strategies, the influence of New Right thinking, the claimed shortage of skills which was, in the government's view hampering the economy, political unrest and violence, and the educational crisis caused mainly by the lack of provision of public education for blacks. Private schools fit neatly into the state's overall strategy. From the state's point of view, private schools make a small, but nonetheless significant contribution to resolving the crisis in black education, by providing additional resources and by providing an alternative to state schooling for middle-class blacks. Increased state support for private schools in the 1990s could perhaps also be connected to the probable onset of majority rule in 1994. Many members of the National Party's traditional constituency will be looking to private schools in future. The government has committed itself to the maintenance of "own-culture" schools, and it may be possible to honour this commitment only in private schools. It is this perception which underlies Right-wing demands for fully subsidised private schools.

A comparative perspective.

In chapter three, present state policy for private schools in South Africa was compared with state policies for private schools in various countries. It was demonstrated that South Africa is not unique in having a private schooling sector. Indeed, the number of pupils enrolled in private schools in South Africa is relatively small as compared to most other (historically) non-communist countries.[354] The clearest trend to emerge from this comparison is the support for private schools on the part of political parties which favour the free market, and Liberal democratic politics, and the antagonism of Socialist and Social Democratic parties to private schooling. Despite this dichotomy, it was seen that a Socialist ruling party does not necessarily imply lack of financial support for private schools, although a free market ideology usually implies fiscal aid to private schools unless other factors (such as the

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354 It was shown in chapter six that private schools in South Africa enrol approximately 1% of all pupils in the country. According to Table 10 in the 1993 UNESCO report, *op cit.*, there were 33 countries (mostly communist or formerly communist states) which had no private sector. Incomplete or no figures are given for an additional 32 countries (including South Africa). Of the remaining 99 listed countries, only twelve countries have primary school private school enrolments of approximately the same magnitude as in South Africa (ie. approximately 1% of the overall school enrolment). Only Benin, the Central African Republic, Mauritania, Oman, and Sweden have overall private schooling sectors which enrol approximately 1% of pupils.

separation between church and state in the USA, or lack of resources) intervene. In South Africa, political considerations during the apartheid era (especially those considerations centering on racial issues) outweighed the government's support for free market principles as regards private schools. It is only as these considerations have altered, and as the politics of the 'New Right' have ascended to prominence that support for private schools in South Africa has become rooted. Despite huge increases in fiscal support for private schools in South Africa, the levels of support are still well below those given to private schools by parties which support market ideologies in other countries. The trend is, however, one of ever-increasing support and it is to be assumed that if the present government were to remain in power, this trend would continue. A change in government does not necessarily imply a reversal in policy for private schools, but it does offer an opportunity to re-examine the status quo. Chapter seven, in particular, is intended as a contribution to that re-examination.

Conclusion.

South Africa's transition to democracy is a unique opportunity for rethinking state policy in every sphere. This paper cannot prescribe policy, nor even advise a future government as to what policies to adopt. By providing an international and historical perspective, and by analysing some policy options in the light of this perspective, and in the light of democratic values, it is hoped that this paper can contribute to informed policy formulation.

Table 1

Enrolments in private schools 1986-1992:

	1991	1990	1989	1988	1987	1986
Total	100 287	94 323	92 708	86 263	83 265	62 265
Whites	48 138	45 991	47 662	44 143	43 881	32 742
Coloureds	7 108	6 991	6 546	7 160	6 541	4 460
Indians	5 821	5 711	5 289	5 020	4 596	790
Blacks	39 220	35 630	32 130	29 940	28 247	24 633
SGT	7 970	7 415	6 835	7 181	7 176	6 667
Rest of SA	31 250	28 215	25 295	22 759	21 071	17 966

Enrolments in private schools 1992:

Africans	47 606 (including 8 660 in "national states")	43%
Coloureds	5 279	6%
Indians	6 943	4%
Whites	51 233	46%
Total	111 061	

The above figures (1986-1991) are drawn from pages 5.2-5.4 in the CSS survey which list the annual breakdown of enrolments, and from pages 5.9 and 5.10. Somewhat different figures are given in the tables which give enrolment figures by province and by standards:

	whites	coloureds	Indians	blacks	total (not given)
1991	46 819	6 909	3 285	36 316	93 329
1990	44 533	6 574	3 307	33 190	87 604
1989	46 269	6 376	2 856	31 879	87 380
1988	42 549	6 999	2 801	29 811	82 160
1987	42 905	6 467	2 530	28 197	80 099
1986	21 329	1 471	4 250	24 121	47 600

With the exception of the discrepancies in the 1986 figures and in the figures for Indians, however, the differences are not significant. The 1985 figures (not given here) are, however, puzzling. Refer to footnotes for chapter 6.

Sources: For 1986-1991 figures: SA Statistics 1992.
CSS (Central Statistical Services), RSA.
Pretoria. Chapter 5.
For 1992 figures: Department of National
Education,Preliminary Educational
Statistics for 1992.

Table 2.

Number of private schools and total enrolment in House of Assembly schools in the four provinces in 1991 and 1992 excluding preprimary schools).

	schools		number of pupils	
	1993	1992	1992	1991
Cape	68	61	13 933	13 309
Natal	59	58	12 265	12 198
OFS	10	8	1 370	1 197
Tvl	140	115	35 756	35 561
TOTAL:	277	242	63 324	62 265

There are variations on these statistics within the reports. The reports of the provincial departments in the 1992 Annual Report of the DNE gives the figures used above, but according to Tables 3.1 and 3.5, in April 1992, the Cape had 13 390 pupils, the OFS 1380, and the Transvaal, 33 874, making a total of 60 909. The figures for 1993 were supplied in a response to a question asked by Roger Burrows in the House of Assembly. Hansard, column 1482 10/11 May 1993.

Table 3

Enrolment and type of private schools registered with the House of Assembly in 1992/3.

	No. of schools**	enrolment	Approx.% enrolments
Catholic	64	19 906	29
Anglican	28	13 800	20
Interdenominational	35(inc.7 remedial)	9 460	14
Jewish	25	7 787	11
Commercial colleges (for-profit)	24(inc.4 remedial)	4 199	6
Christian Schools	31	2 754	
Christian Schools (Natal)	8	estim.700#	5
Methodist	6	3 023	5
German	6	2 504	4
Baptist	2	439	0,6
Protestant	1	750	1
Greek Orthodox	1	774	1
Waldorf	4	952	1,3
Seventh Day Adventist	8	746	1
Rhema	2	322	0,5
mine school	1	382	0,5
NEST	2	310	0,4
Drakensberg choir	1	100	0,1
Gerofermeerde	3	186	0,2
Montessori	1	26	0
Church of New Jerusalem	1	29	0
Chinese	1	45	0
Japanese	1	72	0
Jockey school	1	25	0
Boys Town	1	48	0
ACVO	4		

Total 69 329

New schools.
Volkskool Orania, Multimedia Akadamie (Danielskuil), Oakhill, Christelike Volkseie (Olifantshoek), Middelrivier.

Most of these schools are connected to the ACE movement.These schools tend to be very small, and this estimated figure is based on the average for the other 31 schools.

Note: As these figures come from a variety of sources, (which are not always in agreement)*, these figures should be regarded as estimates. In addition, in some cases, the figures are for 1992, and in others for 1993. Note also that preprimary schools were not included, but that the pre-primary enrolments at the listed schools are included. In the Cape, this adds only 428 pupils to this table. In the other provinces, it was not possible to distinguish on the basis of available information.

* Enrolment figures supplied telephonically and in the ISC pamphlet (see below) tend to be greater than those supplied in the departmental reports. For the sake of consistency, the figures are based primarily on the Departmental Reports (notwithstanding the fact that in some cases, the telephonic information and the ISC listings are more updated).

** Note that these figures are also not completely accurate, because primary and secondary schools are listed as separate schools in some sources, but not in others.

Sources: Hansard c1481-1488, 10/5/93 for a complete list of private schools (excluding pre-primary); Cape Education Department Annual Report for 1992; Transvaal Education Department computer printout (1993); Independent Schools Council of South Africa, An Overview and Details of Member and Associate Member Schools; W HMacAlister and K Everingham, (1991) A Comprehensive Guide to Independent/Private Schools in South Africa; Telephonically supplied information from various schools. (The latter three sources were especially useful in the determination of which community each school serves).

Table 3.1

House of Representative and House of Delegates private schools comprise the following:

Representatives.

	schools	enrolment	% enrolment
Catholic	5	1 325	40
Muslim	2	578	18
Seventh Day Adventist	4	670	20
Anglican	1	349	11
Prison schools	2	226	7
Other			
John Wycliff Primary		86	
Renata Opleidingskool		40	
Total		3 274	

Delegates.

Muslim	8	approx.2 500*	55
other**	19		
Total	10	4 576	

* This was estimated from the figures supplied in McAllister and Everingham, op cit.

**This includes 17 commercial colleges, mentioned in Hansard separately from "private schools".
Sources: For House of Representatives: Statistics Section, Department of Ecucation and Culture, House of Representatives, telephonically supplied information.
For House of Delegates: Hansard, c.8530, 17/5/93 for total number of schools; Statistics Section, Department of Education and Culture, House of Delegates; Race Relations Survey 1992/3 (SAIRR, Johannesburg 1993) for total number of pupils.

Table 4

Regional Breakdown of private primary and secondary schools registered with the DET or SGTs in 1990 and 1992, and enrolments for 1990-1992.#

	Tvl	OFS	Nat	Cape	Lebowa	KwaZulu	KwaNdebele	Total
No.schools								
1990	28	9	18	12	14	6		83
1992	65	9	18	13	14	8	1	128
Enrolments								
1990	10117	2127	4041	2766	4332	2861		26 244
1991	16028	2197	4009	2712	4560	3365	198	33 069
1992	25127	2379	5710	2760	4872	3203	221	44 272*

Note that the DET has more regions than provinces, but for the purposes of this table, the regions were consolidated into provinces to allow for easier comparisons with the other education departments.

*According to the DNE Report, "Preliminary Educational Statistics for 1992", the 1992 enrolment was 47 606.

Sources: DET Reports,1990-1992.
(Tables 3.1 and 3.4)

Table 5

Number of subsidised private schools registered with the DET
(excluding homelands)

1989 13
1990 15 (and 48 registered, unsubsidised schools)*
1991 67
1992 95 (and 10 registered, unsubsidised schools)
1993 123 applied.

* The figure for unregistered schools is drawn from Table 4. Note that this figure excludes homeland (SGT) schools.

Sources: DET Reports for 1990 (page 68) and 1992. (page 86)

Table 6.

Grants to private schools. Estimates of Expenditure for financial years 1992/3 and 1993/4 in all departments other than House of Representatives (in Rands).

	1992/3	1993/4
House of Assembly		
(excluding pre-primary)	R105 783 000	R106 945 000
(including preprimary)	R141 959 000	R151 675 00
House of Delegates		
(including preprimary)	R1 269 000	R3 225 000
D. E. T.		
(excluding pre-primary)	R18 309 000	R65 512 000
(including preprimary)	R19 287 000	R66 376 000
House of Representatives		
Figures not available.		
Total:		
House of Assembly and DET		
(excluding preprimary):	R124 092 000	R172 457 000
Assembly, Delegates, DET		
(including preprimary):	R162 515 000	R221 276 000

Sources: Administrations House of Assembly and House of Delegates respectively, "Estimate of Expenditure for the financial year ending 31 March 1994" (RP6-1993 and RP12-1993). For the DET: "General Affairs Budget-Estimate of Expenditure to be defrayed from the state finance account during the year ending 31 March 1993" and for the year ending 31 March 1994. The figures for the House of Delegates are also confirmed in Hansard, 1993, column 8530, and Hansard, 1992, c.7088.(4/5/92).

Table 7

Calculation of subsidies for all Departments of Education in 1988/9 and 1989/90 according to the subsidy formula, and suggested allocations for 1991.

	1988/9	1989/90	1990/1(proposed)
Assembly	R15 916 000	R42 340 000	R57 606 000
DET	R 2 410 000	R 4 962 000	R9 9331 000
Delegates	R 63 000	R 362 000	R 1 033 000
Representatives	R 954 000	R 703 000	R 1 033 000
Kwazulu	R 329 000	R 568 000	R 982 000
Lebowa	R 325 000	R 736 000	R 1 257 000
Qwa Qwa	0	R 68 000	0
Total	R19 997 000	R49 739 000	R71 317 000

Source: DNE "Financing of Education statistics", 1990. Tables 13-15 and 50-52.

Table 8

Subsidies for 1992 in House of Assembly schools according to number of schools in each province.

	Applied	Granted	Refused	No applic.	Late reg	TOTAL
Cape	52	52	0	10	6	68
Natal	53	53	0	6		59
OFS	6	4	2*	4		16
Tvl	129	129	0	2		131
Total	240	238	2	22	6	274

* These were Bethlehem Christian and Agappe Christian School, Bloemfontein.
One Cape school (Jeffrey's Bay Christian) closed at the end of the year, and one (Jean Cole) offers only postmatric as of January 1993.

Source: Hansard, 10/11 May 1993. (c.1482)

Table 9

Subsidisation levels for House of Assembly private schools in 1987/8.

	Tvl	Cape	Natal	OFS	Total
15%	49	9	0	0	58
45%	19	27	40	4	90
none	9	10	11	0	30
total no of pt schools:	77	46	51	4	178
subsidy in millions:	13 592	6 584	7 245	1 590	29 011

Source: Hansard, H,13,1988

Table 10.

Subsidisation levels of private schools registered with the Cape Education Department in 1992 and 1993

	1992	1993
45% (now 50%) level	39	45
15% (now 25%) level	6	6
None	16	18
total	61	69

Sources: For 1991 and 1992: DNE report for 1992 and Hansard, 1482, 10 May 1993.
For 1993: Mr Horn, Cape Education Department.

Table 11.

Subsidisation levels of Schools registered with the Transvaal Education Department 1986/7-1992/3.

Year	No. of schools subsidised at 15%	No. of schools subsidised at 45%
86/7	61	23
87/8	68	27
88/9	16	74
90/1		101
91/2		119
92/3		131

Note: The Transvaal introduced subsidies in 1985. According to the TED Report for the year ending 31 December 1985, page 26, in that year only 11 out of 107 private primary and secondary schools received a subsidy.

Source: Letter from Dr M.M.E. Mattheus (6/9/93).

Note that there are some variations in these figures as given in other sources. These variations and the sources for them are summarised in the following table.

Year	unsubsidised schools	subsidised schools	15%	45%	total	source
1991	31	103	3	100	134	*
1991	27	92			129	#
1991	30	85			115	**
1992	20	85			105	*

*Hansard, (c1482, 10/5/93) 1991,

#TED annual report for 1991, (page 20). Figures for the 10th school day. According to Dr Mattheus, in 1991/2 only the nine schools which did not apply for subsidisation, did not receive subsidies.

** 1992 Annual Report of the DNE

Table 12.

Subsidies to DET private schools:

	excluding preprimary	including preprimary
1988/9	R 2 410 000	
1989/90	R 4 962 000	
1990/91	R 9 180 000	R 9 965 000
1991/2	R13 652 000	R14 621 000
1992/3*	R18 309 000	R19 277 000
1993/4	R65 512 000	R66 376 000

* The 1992 DET Report says that R22 087 000 was actually paid to private schools by the DET in 1992.

Sources: For 1988/9 and 1989/90, DNE "Financing of Education" Table 13. For 1990/1 and 1991/2 Hansard,1991, p726, 20/3/91. For 1992/3 and 1993/4 figures,"Estimated expenditure to be defrayed from the state Revenue account during the financial year ending 31 March 1994" , General Affairs Budget. (RP2-1993). (Refer also to Table 7).

Table 13.

Subsidy allocations-House of Delegates.

1987/8	--------		
1988/9	--------		
1989/90	R	362 000	(all to Lockhat Islamia College).
1991/2	R	454 000	
1992/3	R1	269 000	
1993/4	R3	225 000	

Sources: For 1987-1990, Hansard, 1990. 1989/90 figure confirmed in DNE, "Financing of Education" Table 13. For 1991/2 Hansard, 1991. col 9658. For 1993/4 Hansard c.8530, 17/5/93. For 1992-1994, "Estimates of Expenditure for the financial year ending 31 March 1994", Administration House of Delegates. (RP12-1993). Refer also to Table 7.

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Other sources of information. (Personal contacts).

i) Information was supplied by Mr Horn, Private Schools Section, Cape Education Department at a meeting held in his office on Thursday morning 5 August, 1993.

ii) Information on catholic school enrolments was obtained telephonically from Ms Bernie Mullen, Deputy Director, Catholic Institute of Education.(Friday 6 August,1993.)

iii) Information on Muslim schools was obtained telephonically from Mr E. M. Salojee, secretary of the Association of Muslim Private Schools.

iv) Information on private schools registered with the Department of Education and Culture, House of Representatives, was obtained telephonically from Ms. Donough of the Statistics section.

v) Statistical information on private schools registered with the House of Delegates was obtained telephonically from the Education Department, House of Delegates on Tuesday 10 August.

vi) Information concerning the type of school and current enrolment figures for schools where information was not otherwise easily accessible was obtained telephonically from the schools.

vii) Information on private schools registered with the Transvaal Education Department (Department of Education and Culture, House of Assembly) obtained by correspondence. Letter dated 6 September 1993, signed by Dr M.M.E. Mattheus, for Executive Director: Education.

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