Social justice and inclusion in education and politics: the South African case

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Abstract

How successful has South Africa been in overcoming injustice in education and the larger social injustices that result from it? And how shall we judge – by assessing justice in outcomes or justice in procedures or both? In this article we propose criteria for judging accomplishments in social justice and evaluate some facets of South Africa's progress towards achieving an ambitious agenda for social justice in and through education in the first decade of democracy. We conclude that social injustice persists despite an impressive suite of policies for a more just education system. We also argue that educational inclusion and political inclusion are interdependent and lie together at the core of social justice. Justice in procedures and the achievement of socially just outcomes are intricately related.

Introduction

Recognition of past injustice animates South Africa's Constitution, whose Bill of Rights establishes the right to basic education, among a wide range of rights. But how successful has South Africa been in overcoming injustice in education and the larger social injustices that result, in part, from it? And how shall we judge – by assessing justice in outcomes, or justice in procedures, or both?

Social justice is generally understood as largely about distributive justice. From an educational perspective, this raises crucial questions about the distribution and – in the case of post apartheid South Africa – redistribution of educational goods and access to them. However, an account of social justice that focuses narrowly on the distribution of goods may lose sight of the meaning of those goods, and a preoccupation with simple equality (Walzer, 1983) may obscure the real issues at stake in the pursuit of social justice. Also if we treat distributive justice as a strictly formal rather than a substantive

notion, we may neglect the ways in which domination and oppression (Young, 1990) operate to exclude people from the recognition and social goods necessary for human flourishing.

A central purpose of this article is to evaluate some facets of South Africa's progress towards the achievement of an ambitious agenda for social justice in and through education in the first decade of democracy.[1] As we pursue our central purpose, two related others come into play. One is the logically prior purpose of proposing criteria for judging achievement towards social justice in education. In the course of proposing and applying the criteria, we argue that educational inclusion and political inclusion are interdependent and lie together at the core of social justice. While a full and cogent argument for this claim calls for more detail than is possible here, our third purpose is to sketch some lines in its defence. Taking educational and political inclusion as central to the achievement of social justice does not entail forfeiting a distributive conception but enables a richer understanding of the goods at stake when we talk about social justice in and through education.

In pursuing these three purposes we move between abstract, normative theorising and descriptions of real cases and empirical facts. Facts, figures and statutory declarations are all pertinent to an assessment of basic constitutional arrangements for a more just society and of the extent and manner of their implementation. But it is the individual cases, the *petit recits* or little stories (Walker, 2001) that draw attention to those features of people's everyday lives that are salient for an account of justice that is not merely formal. We begin with two *petit recits,*[2] to which we return several times, later adding two more.

'*No Entry*.' Nkululeko completed his primary schooling in 2002, the year his mother died of HIV-AIDS. His father had abandoned them when Nkululeko was a baby. Nkululeko lives in one of Gauteng province's townships with an elderly pensioner who had been a friend of his mother's. Early in 2003 he tried to register first at one township high school and then at another. Both schools

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1 It is not possible to undertake a comprehensive assessment here. Many of the chapters in Chisholm (2004), although they do not specifically address questions of social justice, indicate how far South Africa still has to go in achieving the kind of educational change needed for a more just society.

2 Nkululeko's story was reported in the local press. The other stories emerged during a study of out-of-school learners in the Rustenburg district (Kiely and Pendlebury, 2002).

refused to admit him because he arrived without a parent to accompany him. When his story appeared in a local newspaper, one of the schools relented. Generous readers came to his rescue and donated funds for his fees, books and uniform. While Nkululeko's story turned out well, his battle for admission signifies a discriminatory practice commonly built into the institutional procedures for school admission. If other discriminatory practices operate within the school, Nkululeko may find himself excluded from full participation in the activities of learning.

'*Mother-minder.*' Ten-year old Sentle is one of the 20 000 inhabitants of Freedom Park, a sprawling informal settlement near the Rustenburg Platinum Mines in the North West province. Her mother, who is from Lesotho and came to this place 'a long time ago', has six living children, all from different fathers. She is HIV positive and is in the last stages of dying. Sentle doesn't attend school because she is caring for her dying mother. Neighbours help with bread and tea occasionally, and have taken in Sentle's older three siblings. Health care workers from a grassroots community group also provide food and clothing when they can. Two younger siblings are living at a shelter in Rustenburg until foster homes can be found for them.

Educational inclusion, capability and the demands of justice

While Nkululeko and Sentle both live in a society in which basic education is a constitutionally established right, their access to schooling has been impeded – in Nkululeko's case by school admissions procedures; in Sentle's, by force of tragic circumstance. But are their stories about failures of social justice?

We approach this question through a brief critical sketch of three recent accounts social justice, namely, those of David Miller (1999), Iris Young (1990; 2000), and Martha Nussbaum (2000). Whatever their differences, all three provide normative accounts that avoid the method of abstraction and attempt to specify principles to guide the development of more just social institutions. Also, all three take seriously the conditions necessary for living a fully human life and link these, in one way or another, to social justice.

Miller (1999) proposes three substantive principles of social justice – need, desert and equality – each linked to a mode of human relationship, regarded as an ideal type. In a relationship of 'solidaristic community' the principle of

justice is distribution according to *need*. Each member of such a community (a family or a religious group, for example) is obliged to assist in meeting others' needs, in proportion of ability to do so. Sentle tends her dying mother's needs as best she can and neighbours rally round to share what little they have – food for Sentle and her mother, shelter, food and care for her siblings. In a relationship of instrumental association, *desert* is the principle for just distribution. Typically, Miller argues, the purposes of an organisation set the criteria for desert, and justice is done when each member of the organisation receives a reward equivalent to the contribution s/he makes. While schools and their internal practices may be viewed from this perspective, desert does not come into play in either Sentle's or Nkululeko's story. Desert is also not pertinent to our larger argument in this article, so we set it aside without further comment. *Equality* is the primary principle of just distribution in a relationship of citizenship. This is not to disqualify need as having no bearing on citizens' justice claims. Citizens who lack resources necessary to play their part as full citizens have a just claim on the provision of those resources. Education is surely among those goods necessary for the full exercise of citizenship. Institutional impediments to Nkululeko's access to high school would, on these grounds, constitute an injustice.

Miller's account of *need* as a principle of justice relies on a conception of human capabilities and functioning. For the precept 'to each according to his or her needs' to serve as a justice principle its interpretation must respect two constraints. Miller establishes the scarcity constraint on cue from Hume's observation that "the cautious, jealous virtue of justice would never once have been dreamed of" in an abundant world (1999, p.205). As a principle of justice, need must be able to function under circumstances of relative scarcity, where not every need can be met and where needs will compete with other demands. The interpersonal constraint is necessary for need to serve as a practical principle that a society or group can use to guide its institutions. This requires interpersonal agreement on what constitutes need, as idiosyncratic or partial conceptions can have no currency in a principle of justice.

Intrinsic, as opposed to instrumental, needs are the ones that count from a social justice perspective. Someone has a need in the intrinsic sense, when "it is necessary for that person to have X if he or she is not to be harmed" (Miller, 1999, pp.206-207). Intrinsic need refers to what is minimally necessary to prevent harm to the person. Sources of harm may be related to biological facts, to individual aims and purposes, or to a shared set of social norms concerning a minimally decent human life. In taking the third route to conceptualising

harm, Miller proposes an account of need akin to Sen's (1993) notion of capabilities. Over and above a biological minimum, intrinsic needs include the full range of resources for each person in a community to live a normal human life. Where scarcity prevents people from functioning in the ways necessary to a minimally decent life in their society, anyone so affected may be judged in need. This goes beyond physical or material impediments to proper functioning because if one cannot enter a public space without shame or disgrace, "a whole range of activities from work to recreation to political participation will be inaccessible" (Miller, 1999, p.210). In Sentle's neighbourhood, Freedom Park, many parents of other out-of-school learners said they did not send their children to school because "our poverty is our shame. . . we cannot disgrace our children by sending them without school fees and uniforms".[3]

Equality is a principle of social justice only under limited circumstances, according to Miller. Although justice and distributive equality share a logical grammar, justice does not always require equal distribution. What is more, equality is not a singular concept. Unlike *distributive equality*, in Miller's view *social equality* (or equality of status) is not directly connected to justice, for while it identifies an ideal, it does not specify any distribution of rights or resources. Under what conditions, then, does social justice require an equal distribution of goods or advantages? Miller sketches three justice-based arguments for equality, of which only the third is pertinent to present purposes. This is the argument that the members of certain social groups are entitled to equal treatment simply by virtue of their membership. Most crucial from the perspective of social justice is citizens' membership in a political community and by virtue of which they have just claims to equal treatment over a wide range of rights and benefits including, in many societies, equal access to education and health care. Whether Sentle and her family count as members in the relevant sense is a moot point. Her mother is an illegal immigrant and who knows her father's status – dead or alive, South African or unregistered alien? Miller's account appears to bar undocumented migrants from the category of those who can make claims to just treatment on the grounds of membership in our society. Also, his dismissal of social equality as not directly relevant for justice claims is not consistent with the spirit of his arguments about the intrinsic need for the respect which is required for people to be able to appear in public without shame.

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3 Recorded in field notes for Kiely and Pendlebury (2003).

Equality of status, at least in the deliberative domain, is a crucial feature of Iris Young's account of justice. Whereas just outcomes are the concern of Miller's distributive theory, Young (1990; 2000) is as concerned with just procedures as with just outcomes. For her, a theory of social justice that recognises human agency, and so gives primacy to doing rather than to having, must start with an account of social injustice (Young, 1990). By prioritising *doing* over *having* she casts doubt on distributive accounts and shifts attention to the role of just procedures as a way of achieving more just outcomes under initial conditions of structural inequality in which the social positions of some people constrain their freedom and well-being. Young's more recent work aims to advance principles that "best express ideals of a democratic politics in which citizens try to solve shared problems justly", acknowledging the real world starting point of structural inequality (Young, 2000, p.10).

Ideally, social justice requires the establishment of institutional and other structural conditions for promoting self-determination and self-development of all members of society (Young 2000). These two ideals of social justice are pitted against the two general conditions of injustice, namely, domination and oppression, which are the main impediments to the achievement of genuine agency. Oppression, with its five 'faces',[4] inhibits people's capacity for self-development. Marginalisation and powerlessness, the faces most pertinent to present purposes, are structural forms of oppression resulting from institutional relations that constrain people's material lives by restricting their access to resources and to concrete opportunities for developing and exercising their capacities. Marginalisation occurs when a whole category of people is excluded from meaningful participation in social life and is thus potentially vulnerable to deprivation and even extermination. Marginal groups include old people, single mothers and their children, people with disabilities, and the rural poor. Migrants, like Sentle's mother, are also marginal groups in many societies, as are children – like Nkululeko – orphaned by the HIV-AIDs pandemic. Powerlessness inhibits the development of people's capacities and the scope of their decision-making power, and exposes them to disrespectful treatment because of their status. (Notice that, in contrast to Miller, Young takes social equality to be directly relevant to justice.) Structural inequalities may be built on cultural as well as bodily differences. Social structures and the built environment, for example, may systematically place people with physical

4 The five faces of oppression are exploitation, marginalisation, powerlessness, cultural imperialism and violence.

disabilities in positions of powerlessness.

Oppression results in people's exclusion from participating in deliberation that affects their own lives and the possibilities for their self-development. Political inclusion is thus a touchstone for social justice. In conditions of structural inequality (as continue to exist in the old democracies as well as relatively new ones like South Africa), Young argues, widened and deepened democratic practices provide our best means of promoting social justice. This requires inclusion in public deliberation that affects people's lives and opportunities. Genuine inclusion has to overcome *external* and *internal exclusion.* Externally excluded groups remain outside of both the distributive domains for public goods and the arenas of public deliberation. External exclusion can be variously imposed; for example, through policies like apartheid or social practices such as the domestic confinement of women and severely disabled people. Internal exclusion can be much more insidious. Under pretence of inclusion (or a naïve or insensitive understanding of it), previously excluded groups may be brought into a public deliberative domain but remain on the margins of deliberation, silenced or ignored by dominant terms of discourse and privileged styles of action and expression.

Young (1996; 2000) proposes a communicative model of deliberative democracy precisely to addresses the injustices that result in, and from, the interplay of external and internal exclusion. In addition to critical argument, she endorses greeting, rhetoric and storytelling as means of expanding democratic discussion. Narrative enhances the possibility of understanding across difference by conveying the experiences, values and cultures of differently situated people. In the deliberative sphere, narrative has an epistemic function, providing access to social knowledge from the points of view of particular social positions. Narrative also plays a role in practical argument, providing a way to demonstrate need or entitlement in debates about policy or action, and shows the likely effects of those policies and actions on groups with different social locations. For example, narratives may help in revealing and correcting the all too common situation in which people with disabilities must contend with the assumption that "their lives are joyless, that they have truncated capabilities to achieve excellence, or have little social and no sex lives" (Young, 2000, p.74). Inclusive democratic communication can enable participants to enlarge their social understanding by learning about the specific experience and meanings of those in other social locations.

Although Young's concern is with political inclusion, and despite her *caveats*

against deploying the notion of inclusion as a catch all, we see her work as having direct bearing on issues of justice and inclusion in education. Inadequate access to education almost invariably reproduces other modes of exclusion, most significantly exclusion from deliberative arenas in the political domain. Genuine political inclusion requires a heterogeneous public that is open to "a plurality of modes of communication" in which attention to social differences aims to achieve "the wisest and most just political judgements for action" (Young, 2000, p.12). Education of the right sort, we would argue, has a role not only in enabling marginalised people to achieve access to public decision-making domains, but also in developing in *all* children personal characteristics, such as openness and reciprocity, that are crucial to deliberative efficacy and democratic inclusion. If so, education has a two-directional role in enabling the kind of political inclusion necessary for deep democracy and a more just society (see Enslin, Pendlebury and Tjiattas, 2001).

Martha Nussbaum's version of the capabilities approach to development provides a complementary vantage on the interdependence of educational and political inclusion. What is more, her list of capabilities serves as a set of criteria for judging a society's progress towards achieving social justice. For Nussbaum (2000), capability to function above a certain threshold is a mark of functioning in a fully human way, and a socially just society is one whose public political arrangements provide a basic level of capability among the society's citizens. Working from a series of cross-cultural discussions, she proposes a universal set of capabilities that together mark what we as human should be able to be and do in order to meet at least the threshold for living in a fully human way. Each of the capabilities is crucial and each is qualitatively different from the rest; yet they are also related to each other, in a variety of complex ways. The capabilities are:

1. Life, living a fully human life of a normal span;
2. Bodily health, adequately nourished, and with shelter;
3. Bodily integrity, including freedom of movement, security from various kinds of assault, and opportunities for sexual expression and reproductive choice;
4. Using one's senses, imagination and thought, with freedom of expression and conscience;
5. Emotions, in freedom of attachment and association;
6. Practical reason, including forming a conception of the good and a life plan, with liberty of conscience;
7. Affiliation with others in forms of social interaction like friendship and

work, protected against discrimination;
8. Relating to other species;
9. Play;
10. Control over one's environment, both political and material.

(Nussbaum, 2000, pp.78-80)

With the right support – educational and material – human beings can acquire all the capabilities. Nussbaum speaks of education in elaborating the fourth capability ('senses, imagination and thought'). But most, possibly all, of the others are more likely to be developed optimally through education. What is more, some capabilities are themselves ingredients of or prerequisites for education. Practical reason, in particular, is especially amenable to fuller development with proper schooling. Literacy, which Nussbaum mentions in relation to 'senses, imagination and thought', promotes political participation and control over one's environment, and can contribute dramatically to bodily health and integrity, especially among girls and women. This is not to say that political participation is not possible for the illiterate. But it is more likely to be exercised effectively where literacy enables wide access to information, effective lobbying and large-scale organization, which are bound to be more effective if agents are literate.

The relationships between capabilities are especially significant when considering education as both a means of promoting some capabilities and also as dependent on a minimum level of others. Without bodily health and integrity, for example, it is less likely that capabilities like practical reason, senses, imagination and thought, and affiliation will develop to the threshold required for living a fully human life.

Governments cannot be expected to deliver all the capabilities. Nonetheless ". . .in the political arena. . .certain human capabilities exert a moral claim that they should be developed" (Nussbaum, 2000, p.83) and, where resources are sufficient, failure to develop central capabilities is a problem of justice. In any case, some governments are constitutionally committed to promoting certain capabilities. South Africa is a case in point – our Constitution places an obligation on the state to provide shelter and education. While governments cannot be expected to ensure that all citizens are educated to a specified level, Nussbaum argues, where resources are sufficient governments can be expected to provide the social basis for all to be least literate, numerate and capable of practical reason at a level necessary for political participation.

Capability rather than functioning should be the political goal, for citizens

should be allowed to exercise choice in the exercise of their capabilities (Nussbaum, 2000). Public policy is also obliged to address those environmental factors that prevent functioning and to ensure that children develop the capabilities they will need to live a full adult life. Often, this will mean requiring certain types of functioning in children so as to produce a mature adult capability. Compulsory primary and secondary education is thus not only legitimate but also required by justice as education fosters the capabilities necessary for adults to choose between types of functioning.

Sentle's story and Nkululeko's are emblematic of failures of social justice. Each is a story of educational exclusion; yet each also reverberates well beyond the domain of education. The stories serve as points of reflection not only in initial evaluation of South Africa's progress towards a more just society, but also in the later arguments we make for placing educational and political inclusion at the centre of a substantive account of social justice.

Social justice and educational inclusion in the first decade of democracy

The accounts sketched in the previous section suggest that a socially just system of education is one that:

- takes human agency seriously and enables the self-development and self-determination of all citizens;
- provides opportunities and support for all children to exercise the range of functions necessary for developing their mature adult capabilities (and so meets a crucial set of intrinsic needs);
- reduces or, better, abolishes structural forms of oppression that restrict peoples' access to resources and opportunities for developing and exercising their capacities or capabilities for living a decent human life;
- excludes no children from access to schooling (that is, respects the equal right to education for all);
- excludes no children from access to learning within schools (thus guarding against internal exclusion).

Parsimony bids for combining these indicators into one comprehensive standard. Kept separate, they provide a useful checklist for different kinds of changes required for progress towards social justice in and through education.

In its patterns of exclusion, domination and oppression, apartheid South Africa

epitomised a state of social injustice where structural inequalities severely restricted access to resources and opportunities to develop and exercise capabilities for the majority of the people. The continuing challenge of post-apartheid education is "to ensure that South Africans have the knowledge, values, skills, creativity and critical thinking required to build democracy, development, equity, cultural pride, and social justice" (Ministry of Education, 2000, p.9).

The first phase of transforming the education system has rightly focussed on dismantling structures that maintained and policed privileged inclusions and mass exclusions during the apartheid era. Other related tasks have been to create a more equitable system of financing education and to build a policy framework to give 'concrete expression' to the democratic values underpinning the post-apartheid state. Achievements have been impressive in the realm of legislation and policy formulation, and in the reconfiguration of the education system. As the official opening move in developing educational policy in a post-apartheid state, the White Paper on Education and Training (Department of Education, 1995) casts the draft Bill of Rights as its moral framework and affirms basic education (including adult education) as universal right. In addition, the state is constitutionally required to take reasonable measures to make further education progressively available and accessible to all. The policy framework for education reflects a substantial commitment to social justice both in and through education (see, for example, Department of Education, 1997; 1998; 2000; 2001a; 2001b; 2002 and Republic of South Africa, 1996; 1998; 2000).

Together these policies protect the principles of non-discrimination and non-repression (Gutmann, 1987) and in so doing go a considerable way towards establishing conditions that discourage both external and internal exclusion. Non-discrimination requires the education of all educable children and prohibits selective repression that excludes groups of children from schooling or denies some children access to the kind of education needed for promoting their deliberative capacities. Non-repression forbids the use of education to constrain rational deliberation about rival conceptions of "the good life and the good society" (Gutmann, 1987, p.44). The principle of non-discrimination has its clearest expression in the South African Schools Act (Republic of South Africa, 1996), which makes school compulsory for children between the ages of seven and fourteen, and guarantees learners equal access to education. Other policies establish opportunities for access for out-of-school youth and adults previously excluded from the formal education system.

While education policy across the board accentuates distributive justice, legislation also establishes structures and guidelines for procedural justice. For example, a primary purpose of the South African Schools Act is to ensure just procedures in school governance. From the perspective of more just institutions, this is an important piece of legislation even if the consequent establishment of School Governing Bodies (SGBs) has not enhanced equity and democracy except in resource-rich contexts (Grant Lewis and Motala, 2004). Policy also underscores the role of education as a means to social justice in other spheres, particularly employment and poverty alleviation. Many discriminatory practices have been removed or at least curtailed through systemic restructuring and reform, although in practice much of the school system remains mono-racial (Soudien, 2004). There is now one national curriculum for all schools and there have been moves towards more equal expenditure on school per capita between the provinces.

Policy has enabled some significant achievements in institutional access and related human and material resources, although a varied picture emerges from different sources of information. By 1998, the national Department of Education claimed to have achieved close to universal primary enrolment and 86% enrolment in secondary schooling. But data collected during an inclusive education pilot project between 2001 and 2002 suggests that universal primary enrolment may be something of a chimera (Kiely and Pendlebury, 2002). Poverty, inadequate transport, the devastating effects of the HIV-AIDS pandemic and discriminatory practices against linguistic minorities, migrant families, and people with disability all play a part in keeping children out of school.

The *2000 School Register of Needs* (Department of Education, 2001c) also presents a complex picture of progress and decline in the route towards equal access and a more just resource distribution. For example, although the country had 414 more ordinary schools in 2000 than in 1996, five provinces reported a decrease in the number of schools in 2000, and nationally the number of primary schools decreased from 17 466 in 1996 to 16 816 in 2000. How this uneven pattern of school development and closure affected educational access for different communities is not clear. The number of platoon schools decreased from 1198 in 1996 to 1023 in 2000. Classroom overcrowding also decreased, with an average of five fewer learners per classroom in 2000 than there had been in 1996. Six years after the establishment of the democratic state, facilities and educational equipment at many schools were still far from adequate. By 2000, 78.2% of state schools still had no media centers; over 70% had no computers. Despite some

impressive improvements in access to basic facilities, by 2000 a little over one quarter (27%) of South Africa's state schools still had no water; 43% were still without electricity; and 16.6% (with some 1.9 million learners) had no toilet facilities of any form. Of the 1 201 schools (i.e. 4.4% of schools in the country) that had footpaths as their only access, 451 were schools in the Eastern Cape, KwaZulu-Natal and Limpopo, and were more than a kilometre away from the nearest road and had no telephone.

During the first six years of democracy, South Africa had made substantial progress towards achieving only three of the six targets specified in the *International Guidelines for Implementing the World Declaration of Education for All (EFA).* Each EFA target relates to a dimension of education considered as crucial for the achievement of social justice (and each can be linked to one or more of Nussbaum's list of capabilities):

> DIMENSION 1: Early Childhood Care and Development
> *Target*: Expansion of early childhood care and development activities, including family and community interventions, especially for poor, disadvantaged and disabled children.
>
> DIMENSION 2: Primary Education
> *Target*: Universal access to, and completion of, primary education by the year 2000.
>
> DIMENSION 3: Learner Achievement and Outcomes
> *Target*: Improvement of learning achievement such that an agreed percentage of an appropriate age cohort (e.g. 80% of 14 year olds) attains or surpasses a defined level of necessary learning achievement.
>
> DIMENSION 4: Adult Literacy
> *Target*: Reduction of the adult illiteracy rate, particularly female illiteracy, in order to reduce disparities.
>
> DIMENSION 5: Basic Education and Training in Other Skills
> *Target*: Expansion of provisions of basic education and training in other essential skills required by youth and adults.
>
> DIMENSION 6: Knowledge and Skills for Better Living
> *Target*: Increased acquisition by individuals and families of the knowledge, skills and values required for better living and sound and sustainable development, made available through all education channels (Department of Education, 2000, pp.1-2).

In his EFA report, former Education Minister Kader Asmal acknowledged that ". . .we are still far from having made good progress on our own constitutional duty to respect, protect, promote and fulfil everyone's unqualified right to a basic education" (Department of Education 2000: iii). South Africa's main achievements towards meeting these targets have been in primary education and in learning achievements, as indicated in improved pass rates in the grade 12 school leaving examinations. Also, learning areas such as Life Orientation and Mathematical Literacy could – if properly taught – go a considerable way in enhancing capabilities for better living. At least at the level of rhetoric, the curriculum attends to the values underpinning a commitment to social justice. The new national curriculum for Grades 10-12 (Department of Education, 2002) follows the democratic vision for curriculum proposed in the *Manifesto on Values, Education and Democracy* (Department of Education, 2001d). Social justice and equity, equality, democracy, and the rule of law are among the ten fundamental 'values' to be promoted in and through education.

But across the system, social justice in educational access, participation and outcomes is far from achieved, especially for rural children, the poor, illiterate and semi-literate youth and adults, and children with disabilities (see Chisholm, 2004). By 2000, fewer than 9% of South African children between birth and six years had access to early childhood development (ECD) facilities. *Education White Paper 5: Early Childhood Development (*Department of Education, 2001a), identifies five-year olds as the focus of provisioning, with minimal attention to services for children below Reception Year. Yet the South African Constitution is perhaps "the most assertive affirmation of the rights of child citizens anywhere in the world" (Porteus, 2004, p.362). At primary and secondary levels, actual participation for children in school remains very unequal. Outcomes are just as problematic, as is evident in analyses of participation rates among different groups, matriculation pass rates and access to further education.

World wide, the now predominant discourse of inclusion assumes a nexus between inclusive education, human rights, democracy and social justice (see, for example, Lipsky and Gartner, 1999). This is why the constitutional commitment to providing basic education for all South Africans has one of its most stringent tests in the extent and type of provision made for children with disabilities. Apartheid practices and local tradition fostered many layers of exclusion, usually with disabled black people cast at the bottom of the heap. Although Education White Paper 6 (Department of Education, 2001b) now requires ordinary schools to accommodate learners with disabilities and other barriers to learning, ELSEN (Education for Learners with Special Educational

Needs) schools will still have an important role. Under apartheid, ELSEN provision reflected some of the greatest distributive disparities, with wealthier white communities taking the lead in establishing state-aided and independent schools, often with prohibitively expensive fees. An increase in the number and distribution of public ELSEN schools represents a substantial shift to more equitable provision in the first six years of democracy (Department of Education, 2001c). By 2000, public and state-aided the number of ELSEN schools had increased from 248 to 369. School conditions have also improved. By 2000 most had potable water, all had toilets, only ten 'special' schools were still without electricity and all could be accessed by road, with the exception of two schools in the North West with footpath access only. Crime – including violent crimes such as rape and other forms of physical attack – remains a worry, with ELSEN schools reporting a much higher incidence than ordinary schools.

The idea of inclusive education provides a useful focus for an account of social justice. Inclusive education means overcoming the barriers to participation of all in education, so as to extend to all learners the human right to education and the right to participation in an inclusive polity. Clearly, this right remains unrealised for learners who – by circumstance or choice – remain outside of the school system or other structured opportunities for systematic learning. Even a limited study of out-of-school learners shows how far South Africa still has go to meet the challenge from the 2000 Dakar World Education Forum to attend to the patterns of educational exclusion arising from poverty, disease, conflict and associated conditions. Over a period of two weeks and through a small sampling of clinics, shelters and households in the vicinity of inclusive education pilot project schools in the Rustenburg district, researchers collected the names of 1178 children of school-going age who were not attending school (North-West Inclusive Education Pilot Project Report, 2002). While poverty is a primary reason for non-attendance, so too is marginalisation on the grounds of physical or cultural characteristics, as two further *petit recits* illustrate:

'*Hidden from view*.' In Ledig, an apartheid resettlement village a few kilometres from the luxury gambling resort of Sun City, severely disabled children are kept from school and hidden from public view. Some were born disabled; others mutilated in the endemic violence that is a feature of life in poor and dislocated communities. They are hidden because their families and communities are ashamed of them. When a local school agreed to admit them, they disappeared. Their caregivers had moved them 'to another place', so as to retain the income earned from looking after them.

'*They do not speak our language*.' Freedom Park, on the outskirts of Rustenburg, has a surprising number of isiXhosa-speaking children and youths not attending school. Theirs is a case of self-exclusion, apparently in response to internal exclusionary practices of local teachers. They do not attend school because the teachers "do not speak our language. . . they explain in their language. . . then they shout when we can't understand".

Inclusion, human flourishing and social justice

These stories, and those of Sentle and Nkululeko, exemplify how South Africa's children and youth continue to be excluded from social goods associated with education. Each marks the persistence of social injustice despite an impressive suite of policies and the high moral ground of political declaration. All the young people who feature in these stories are likely to suffer multiple failures of capability and of functioning as they become adults and as they age. In two of the stories, HIV/AIDS and the limitations of the state's response to the epidemic through its various departments – Health, Education and Social Welfare – prevents some form of access and participation in schooling and makes capacity-developing outcomes a remote possibility. The internal exclusion of isiXhosa-speaking learners points to failures of justice that reside in the ethnic practices of some communities and the education system's failure to deal with them. Other stories – not included here – point to failures in gender justice. Perhaps most troubling of all, the children hidden from view stand little chance of developing those capabilities that their particular disabilities could allow under the right circumstances.

Young's arguments for self-determination and self-development and Nussbaum's account of the conditions for human flourishing both suggest that promoting the capacity for control over one's political environment is crucial to the achievement of justice. If so, those excluded from schooling – by choice, design or force of circumstance – are less likely, individually and collectively with others similarly placed, to be able to overcome their powerlessness to influence policy and resource allocation so that it addresses their exclusion and the likely consequent exclusion of their children. This poses a conundrum. The somewhat daunting ideals of self-determination and self-development that Young (2000) proposes for social justice are exactly what are required for marginalised people – such as those with disability, for example – to break out of the cycle of oppression and exclusion. As people whose lives and well being are critically affected by public decision-making, marginalised people must have authentic opportunities to influence the

outcomes. Yet educational exclusion – both external and internal – serves as a barrier to genuine political inclusion and participation, as well as to self-development.

Political and educational inclusion are interdependent and lie together at the heart of social justice. Without educational inclusion, groups and individuals are deprived of opportunities for developing those capabilities essential to living a fully human life. But this very condition makes it harder for these people to use political structures, including the electoral system, in order to demand and achieve educational inclusion. Procedural justice and the achievement of social justice in outcomes, it seems, are intricately related.

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