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South African Citizens have a right to 'a basic education, including adult basic education and to further education, which the state, through reasonable measure, must make progressively available and accessible.'

-Constitution of the Republic of South Africa (1996)

ABSTRACT

Arguably, apartheid policies such as the 'reservation of jobs for whites' and 'bantu education' further entrenched the disenfranchisement of the majority of the South African populace. Unfortunately, very little seems to be improving for the poor even today, notwithstanding government efforts to provide basic services to people whom the apartheid regime gave little consideration. We will argue and attempt to demonstrate in this article that if South Africa is to have any hope of taking significant strides in achieving economic emancipation, firstly; the government needs to lead decisively in the actual provision of quality education at all levels and not simply pay lip service to this ideal. Secondly; ensure that access to higher education, in particular, is guaranteed as a right to all who qualify on merit regardless of socioeconomic backgrounds. We also will argue that it is in fact unconstitutional and retrogressive for any South African to be turned away from an Institution of higher learning based solely on their inability to pay for their studies. While Government efforts to fund students through the NSFAS system are acknowledged, we propose that this is insufficient and that

twenty-one years into democracy necessitates the exploration of different strategies in order to ensure that education becomes a right that is accessible to all who seek and desire it and not only a matter of rhetoric.

INTRODUCTION

Whilst the right to education is enshrined in the South African constitution, many South Africans remain undereducated. The 2011 census results, for instance, indicated that less than a third of South Africans have completed matric and that only 12.1 per cent have completed a post-matric qualification¹. In addition to this, it is noteworthy that South Africa's expenditure on higher education, in particular, is below the African continental average of 1.4 per cent of Gross Domestic Product (GDP).² These figures are cause for concern given the high unemployment and poverty rates in South Africa: Africa's second largest economy. Studies have shown that there is a high correlation between levels of education, employment and poverty. Generally, the more educated and skilled a society is, the less likely it is to experience high levels of unemployment and consequently, poverty. UNESCO (2014) affirms that education is an essential human right which is critical for the exercise of all other human rights. It stimulates individual freedom and empowerment and yields significant development benefits. However, there are masses of children and adults globally that remain deprived of educational opportunities, primarily as a result of poverty. Hence, the United Nations and UNESCO implemented normative international legal obligations for the right to education. These instruments endorse and advance the right of every individual in society to access good quality education without discrimination or exclusion.³

It is evident that in this modern day of complex economic systems and material existence, an education has become invaluable

¹ Statistics South Africa 2011.

² SABC News 2015.

³ UNESCO 2014.

in ensuring that one is able to secure a decent living and also able to participate equally in the socio-economic and cultural activities of society. For instance, the level of success an individual is seeking to achieve in life is usually dependent on their level of education. Although the nature or discipline of education may vary, education itself is often a prerequisite for a decent life. It offers the educated individual greater job opportunities, earning potential and avenues to engage in socio-economic and cultural activities in society. Therefore, access to higher education, in particular, has become a significant determining factor in terms of whether one is likely to secure employment.⁴ The National Centre for Public Policy and Higher Education (2000) confirms that society considers providing individuals with opportunities for higher education as a mechanism for promoting economic and social development.

This paper will begin by providing a context for our argument by briefly discussing education under apartheid in South Africa followed by a brief account of education under democracy for comparative reasons. The paper will then discuss the three normative approaches to education which allows us to frame our argument as we begin to delineate the inextricable nature of the relationship between education and human rights. Subsequently, we discuss the tension that exists between the rhetoric of human rights, access for all and lived experiences.

2. EDUCATION IN SOUTH AFRICA DURING APARTHEID

Education, like other aspects of South African society, was not immune to the effects of apartheid. The two policies that possibly had the most profound impact on education, at the time, were the Bantu Education Act no 47 of 1953, which was later, renamed the Black Education Act, 1953 and the Extension of University Education Act, 1959. The former applied to primary and secondary schooling while the latter applied to higher education. Essentially, both policies resulted in the deepening of racial segregation and

⁴ Statistics South Africa 2014.

inequality in education. In as far as higher education is concerned; Wangenge-Ouma (2010: 832) notes that:

Consistent with apartheid's philosophy of 'separate development,' access to higher education by non-white communities, especially the African population group, was naturally neglected as reflected, *inter alia*, in the pre-dominant apartheid era higher education funding mechanisms, which did not regard equity of access as an important higher education funding consideration.

A statement made by Dr Hendrik Verwoerd, who was then the Minister of Native Affairs, accurately reflected the views and attitudes of government towards black education, in particular, when he said, 'there is no place for the Bantu in the European community beyond certain forms of labour. . . what is the use of teaching the Bantu child mathematics when it cannot use it in practice.'⁵ The apartheid education policies also resulted in the government taking over the provision of education increasingly from missionary schools. The fear was that the missionary schools were offering black children a quality education which could result in a significantly large and well educated black population that would begin to increasingly question the existing unequal social relations accentuated by apartheid.⁶

In addition, the apartheid policies ensured that educational programmes made available to non-whites, were restrictive as they were 'defined by apartheid beliefs about the roles considered appropriate for different social groups.'⁷ In the higher education sector for instance, Historically Black Universities (HBUs) would offer nursing as opposed to medicine and public administration as

⁵ Clark, Nancy, Worger and William 2004.

⁶ Christie and Collins 1982.

⁷ Bozalek and Boughey, 2012: 691.

opposed to political philosophy.⁸ In the primary and secondary levels, the quality of education for the black population declined in the early 1950's as a result of the poor funding and resources made available. This trend continued unabated for some time, but what is ironic, is that although the quality of schooling for black children could not compare with that received by white children, black parents had to pay for their children's education while white parents did not.⁹

3. EDUCATION IN SOUTH AFRICA UNDER DEMOCRACY

Indeed, the post-apartheid government since 1994 has recognised the need and importance to redress the injustices incurred as a result of apartheid policies in the education sector. Oppressive policies have been replaced by policies that seek to widen access to education and ultimately, promote equity. In spite of the advent of democracy and the accompanying rights enshrined in the current and much lauded South African constitution, there is a disjuncture between expressed rights and reality. The South African constitution, for instance, states that 'Everyone has the right to an education, including adult basic education; and to further education, which the state, through reasonable measures, must make progressively possible.'¹⁰ South Africa has done well in terms of ensuring that children enter the schooling system; 60% of public schools are no fee schools attended primarily by the black poor. However, the major challenge at the primary and secondary levels is that of access to quality education.¹¹ The poor quality of public schooling in South Africa has been most notably evidenced by the various benchmarking tests that compare South African learners with those from other countries. In the areas of Mathematics, Science and English proficiency, tests have produced dismal

⁸ *ibid.*

⁹ Bozalek and Boughey, 2012.

¹⁰ (Constitution of the Republic of South Africa, chapter 2, section 29, subsection 1 (a) and (b).

¹¹ Christie, 2009; Spreen and Vally, 2006.

results.¹² The concern here is that previously disadvantaged communities are the ones most affected because they are the ones most dependent on what seems to be a failing public schooling system. The middle class are able to send their children to private schools or to previously white schools where exorbitant school fees are charged. The exorbitant fees ensure that the resources required to offer quality education, such as qualified teachers and the necessary facilities, are made available. Schools solely dependent on government funding struggle to attract quality teachers and often do not have resources such as libraries and science laboratories. In this way, the inequalities are reproduced and reinforced, if not amplified and thus social justice is deferred if not denied.

Access is a major hurdle for students from previously disadvantaged backgrounds at the tertiary level. This is evidenced by the student protests witnessed at the beginning of each academic year 2009, calling for more funding from the National Student Financial Aid Scheme (NSFAS).¹³ Each year thousands of students qualify academically to enter university, however, due to a lack of finances, are unable to register and thus denied their right to higher education. It is noted that the NSFAS bursary and loan budget for university students has increased from R1.561-billion in 2010/11 to the current R4.094-billion.¹⁴ Unfortunately this is not enough as many students are still unable to access higher education. The Mail and Guardian reported that 4378 students at the University of Johannesburg alone were not funded in 2015. This figure includes returning students as well as students applying for funding for the first time. In addition, a report of the Department of Higher Education and Training ministerial committee on the review of NSFAS (2014) indicated that 'NSFAS has less than half of the funds it needs to meet the demand for financial aid from qualifying applicants.'¹⁵ The committee concluded that NSFAS suffers from

¹² see Christie, 2009, Reddy, 2005.

¹³ SA History, 2015.

¹⁴ Mail and Guardian, 2015.

¹⁵ DHET Ministerial report 2014.

chronic underfunding. With such persistent challenges, transformation has proven extremely slow with many South Africans growing increasingly impatient.

Having provided a brief context, we will now discuss the three models of education so as to outline some views on the role and contribution of education to society.

4. MODELS OF EDUCATION

The view of human rights, human capability and human resources as a form of capital may not be new, but it has only recently received, more attention in South Africa specifically as a result of increasing unemployment and poverty. According to Robeyns (2005: 69-82), these three governing accounts, namely; (1) human capital, (2) rights discourses and (3) capability approach, are what primarily underpin educational policies.

Education as Human Capital Development

The most valuable of all capital is that invested in human beings.
--Alfred Marshall, Principles of Economics

The Human capital theory was pioneered by a group of University of Chicago economists, including seminal economists, Gary Becker and Theodore Schultz in the 1960's.¹⁶ As quoted by Alfred Marshall, the theory of human capital places humanity at the centre of all production processes and identifies society as an imperative element that determines the wealth of a nation.

Onorato Grassi (2004:18-20)¹⁷ defines human capital as 'the bringing together of individual resources and acquired knowledge, which are then used to put together theories, projects, solutions and plans of action within a dimension of social interaction and a system of inter-relations. Gori, Vidoni, Hanushek and Glenn (2006: 5-25), affirm that this definition expresses the integrated and collaborative nature of society, where individuals of society collaboratively invest,

¹⁶ Becker 1993; Schultz 1963.

¹⁷ cited in Gori, Vidoni, Hanushek and Glenn, 2006: 5-20).

engage and apply their resources in the acquisition of knowledge, which enhances to the development of society. Robeyns (2005: 72) adds that in today's society the human capital theory is a well-established component of the economic theory and considers education as an integral aspect in terms of creating skills and knowledge acquisition that are fundamental investments in the productivity of human beings as economic production factors. Consequently, it is apparent that education plays a vital role in the human capital model. In addition, Shrivastava and Shrivastava (2014: 812) argue that 'Higher education is essential to developing countries if they are to prosper in a world economy where knowledge has become a vital area of advantage.'

It is therefore critical that building human capital should be a fundamental development strategy for the South African government. The literature reviewed thus far, accentuates the notion that investment in human capital has significant constructive outcomes for society in general. The United States of America (USA) is a case in point. The USA saw significant economic growth during the first half of the twentieth century, a time in which the level of commitment by government to education was high. Goldin (2001: 263-290) argues that the rapid growth of secondary and higher education in the USA was facilitated by, *inter alia*, public funding. This rapid growth in education through public funding is what contributed to high levels of economic growth, an increased middle class and a decline in levels of inequality.¹⁸ In the 1970's, however, levels of inequality began to rise and this coincided with a period in which government began cutting down on public funding for education. Other studies have also noted similar trends in as far as the correlation between widened access to higher education and economic growth is concerned.¹⁹ It seems clear that by aiding the development of human capital specifically among the marginalised and previously disadvantaged in South Africa, government together with significant partnerships in society can impact on the stark

¹⁸ Shrivastava and Shrivastava, 2014: 809-820.

¹⁹ see Borat, Mayet and Visser, 2010: 97-123.

inequalities that plague South Africa. In spite of this, improving access to the opportunities for human capital development remains a major challenge.

Robeyns (2005: 75) has however argued that although economists tend to view education in terms of human capital, individuals and organisations whose values are entrenched in a human rights framework tend to find it more useful to frame education as a human right that should be afforded to all individuals in society.

Education as a Human Right

Robeyns (2005: 75) asserts that an education framework, based on human rights, affirms the notion that every human being, is entitled to a decent education, even when the individual cannot be guaranteed that the education will pay off in human capital terms. Tomasevski (2003: 33) an independent rights-based advocate proposes: 'Education should prepare learners for parenthood and political participation, it should enhance social cohesion and, more than anything, it should teach the young that all human beings, themselves included, have rights'.

Education aims to empower individuals and promote individual freedom.²⁰ However, there are millions of people who remain deprived of educational opportunities, many as a result of poverty. UNESCO (2014) maintains that education is a powerful instrument through which economically and socially marginalized individuals can extricate themselves from poverty and participate equally in socio-economic activities. In addition, for individuals to be economically and socially empowered to participate, access to higher education becomes imperative.

The following six principles are identified by the National Economic and Social Rights Initiative website²¹ as imperative

²⁰ UNESCO 2014.

²¹ NESRI 2015: <<https://www.nesri.org/programs/what-is-the-human-right-to-education>>

human rights principles that are fundamental in guaranteeing the right to education:

- **Individual Rights:** Every individual child must have equal access to a quality education adapted to meet his or her needs.
- **Aims of Education:** The aims of education must be directed toward the development of each child's personality and full potential, preparing children to participate in society. To also secure employment that is gratifying and reasonably remunerative, and to continue learning throughout life.
- **Dignity:** Schools must respect the inherent dignity of every child creating an environment of respect and tolerance in the classroom, preventing practices and disciplinary policies that cause harm or humiliation to children, and promoting self-confidence and self-expression.
- **Equity:** There must be equitable distribution of resources in education across communities according to need.
- **Non-Discrimination:** The government must ensure that the human right to education 'will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.'
- **Participation:** Students, parents and communities have the right to participate in decisions that affect their schools and the right to education.

Although the principles identified by NESRI (2015) appear to be directly related to children, these principles are and should be applicable to all. Evident in the aims of education is that the right to education affords individuals the development of their personality and full potential, thereby preparing individuals to participate in society and to secure employment that is gratifying and reasonably remunerative, and to ensure that individuals continue learning

throughout life. Hence, the right to education, more explicitly higher education is deemed necessary specifically to the South African context. According to the IRIN news website,²² although South Africa has made some impressive gains since the end of apartheid, widespread poverty and the growing gap between the rich and poor continue to hamper social development.

Kingdon and Knight (2004: 01) add that unemployment is a matter of great concern as it has significant effects on economic welfare, production, erosion of human capital, social exclusion, crime, and social instability. The increasing levels of unemployment are the most severe threat facing South African society and its governance.²³ It appears that the increasing levels of unemployment result from the fact that an increasing number of young South Africans reach the legal age to work or be economically active, only to find that they are not adequately educated, particularly in the scarce skills fields, resulting in these individuals being unable to secure meaningful employment. Inevitably, being adequately skilled and educated in order to successfully compete in the job market, requires a higher education intervention. However, coming from previously disadvantaged backgrounds may deny these individuals access to tertiary education as a result of their financial deficiency.

It is well known that there is a significant correlation between levels of education, employment and poverty. It can, therefore, be concluded that the more educated and skilled a society is, the less likely it is to experience high levels of unemployment and subsequently, poverty. As identified by the National Economic and Social Rights Initiative,²⁴ imperative human rights principles that are fundamental in guaranteeing the right to education aims to ensure that education must be directed toward the development of each individual's personality and full potential, preparing that individual

²² IRIN 2015: <<http://www.irinnews.org/report/49768/south-africa-poverty-and-unemployment-remain-key-challenges#sthash.ezyHiUyE.dpuf>>

²³ *ibid.*

²⁴ NESRI 2015: <<https://www.nesri.org/programs/what-is-the-human-right-to-education>>

to participate in society and to do work that is rewarding and reasonably remunerative, and to continue learning throughout life.

Education as a Capability

According to Sen (1992: 51-58, 1999: 68-82) the capabilities approach refers to the various functioning's that a person can attain. In this context, functioning is referred to as the constitutive elements of living, that is, doing and being. Examples of functioning are being healthy, being educated, sustaining a job, being a part of a caring and nurturing home and developing and maintaining close friendships.²⁵ Functioning can therefore be viewed as the outcomes of the achievements whereas capabilities are the actual opportunities that create the platform to achieve valuable conditions of being and doing. Dreze and Sen (2002: 102-120) confirm that education is fundamental in the capabilities approach for both core and influential purposes that aid the development of society. The general consensus in society is that being educated and having access to an education allows individuals opportunities to become prosperous and is generally viewed as a valuable capability or skill. Thus, universal access to education in any society appears to be a necessary requirement for the proper functioning, growth and success.

RHETORIC AND REALITY: TENSIONS BETWEEN EXPRESSED HUMAN RIGHTS AND LIVED EXPERIENCE

While we may argue that education is a right and should be reflected in society as such, we must also acknowledge that there are a variety of political and socio-economic machinations that stand in the way of this. Christie (2009: 6-7) argues that while there may be agreements in principle about rights, and in particular the right to education, the rights often have to be preceded by a struggle before they can be realised in any form, if at all. Christie (2009: 5) puts it well when she says, 'one of the major shortcomings of formal statements of rights is that when they encounter the texture of lived experience, they easily prove to be abstract and empty.' These words

²⁵ Robeyns 2005: 78.

ring true for many poor young South Africans who have been turned away from the doors of higher education institutions because they could not afford the tuition fees. This is in spite of the fact that the South African Government has committed itself to improving access to higher education as stated in the constitution. Interestingly, in 2012 the National Assembly's higher education and training committee was reported to have said 'no university should exclude academically deserving students on financial grounds.'²⁶ The Minister of Higher Education and Training, Dr Blade Nzimande, on a number of occasions has been quoted in the media as saying that the government is committed to assisting academically deserving poor students with funding for university.²⁷ The Minister has also acknowledged though that there is a major shortfall in funding, highlighting the point that 'in order to fully fund all poor and working-class university students, allocated funds needed to increase to R36 billion from the current R4.094-billion.'²⁸ The utterances of the National Assembly's higher education and training committee as well as Dr Nzimande's aptly encapsulate the tension that exists between the rhetoric of support and commitment to assisting the poor to access education while at the same time the reality for many academically deserving young South Africans is that higher education remains out of reach.

There are a number of reasons why this tension exists. Poor countries for instance, may simply be unable to financially afford the costs related to bringing to realisation the rights promised in policy statements. Cultural beliefs and practices as well as political instability are some of the factors that may also stand in the way of the realisation of rights.²⁹

In South Africa, the difficulty in achieving universal access to higher education can be attributed to a number of factors. The legacy of apartheid cannot be ignored in this discussion. During

²⁶ *news 24* 2012.

²⁷ (Nkosi, 2015: <http://mg.co.za/article/2015-03-11-blade-funds>)

²⁸ *ibid.*

²⁹ *ibid.*

apartheid, the government focused the national resources and efforts on a minority of the population at the expense of the majority resulting in deep inequality. This effectively limited the potential of many black South Africans and invariably deprived the country of great economic growth potential due to limited human capital development. As a result, today, the poorly educated black majority has become a major burden on the country's economy. It must be understood of course that South Africa faces a crisis of a generational cycle of socio-economic deprivation. To break this generational cycle of deprivation, major sacrifices need to be made. Having mentioned the above, it may seem that we are simply arguing for free education. However, we must acknowledge Wangenge – Ouma's (2010: 836-840) and Ntshoe and de Villier's (2013: 71-78) point when they argue that calling for free education is unrealistic and would more than likely result in a sharp decline in quality and standards in the Higher education sector.

The point therefore is that someone must pay so that there are sufficient funds to employ qualified lecturers and ensure that the necessary resources required to manage quality institutions are available. The question then becomes; who must pay? There may be a number of options and strategies and one of these could be the imposition of an educational tax on the business sector as well as the upper and middle classes. However, as demonstrated by Shrivastava and Shrivastava (2014: 809-820), although increased access and provision of quality higher education can have a significant impact on economic growth, and more importantly on the reduction of the levels of inequality, such ideas are not necessarily compatible with a neoliberal outlook. Neoliberalism is commonly viewed as an economic doctrine that seeks to limit the scope of government and some even consider it a form of predatory capitalism with adverse effects on the Global South.³⁰ Neoliberalism has been a global trend now for some time,³¹ and South Africa has also taken the neoliberal route to a large extent in terms of its

³⁰ Ong, 2006: 152-165.

³¹ Shrivastava and Shrivastava 2014: 809-820.

economic policies. This places the South African government in a difficult position because, on the one hand it has been compelled to sympathise with the previously disadvantaged in an effort to bring about redress, but on the other hand, there exists the reality that the government's domestic economic policies are influenced by global capitalism. So the tension between rhetoric and reality intensifies and the remaining question becomes: how then can this tension be broken?

As mentioned by Christie (2009: 6), the realisation of expressed rights requires social action. There must be struggle because those that may have to pay the price for the realisation of those rights may not always be willing to do so. A recent example of this struggle is the *#Fees must fall!* campaign that began towards the end of 2015. This is a student-led movement that was born out of a response to the announcement of fee increases. Students initially protested against fee increases in all public South African Universities. So intense was the student's resolve that after much protest and meetings between various stakeholders, President Jacob Zuma announced that there would be no fee increases in South African Public Universities in 2016. While this was a victory for the student movement, this was not sufficient, and the struggle continues now for the complete eradication of fees in higher education institutions. So while there may be a gap between expressed rights and reality, the expression and recognition of rights as such, is a useful step forward because they at least provide a basis on which one confronts government.³²

TOWARDS A FRAMEWORK FOR SOCIAL JUSTICE THROUGH ACCESS TO HIGHER EDUCATION

In confronting government, it becomes particularly important to recognise the exclusion of the marginalised from higher education as a social injustice that must therefore be addressed as a matter of urgency. The government and society in general cannot continue as normal where social injustice persists. There needs to be an outcry

³² Foucault 1994: 471.

from all sectors of society followed by the necessary action to address it. Bozalek and Boughey (2012: 689) articulate the idea of the exclusion of the poor as a social injustice through Fraser's (2008: 273-291) Normative framework on social justice. Fraser (2008: 273-291) equates social justice with the ability to participate as equals and full partners in social interaction and she identifies three dimensions that affect participatory parity. These are the economic, political and cultural spheres. From an economic perspective, the distribution of material resources should enable people to participate as equals. Fraser makes the point that 'Participatory parity would be prevented or constrained by economic structures where there is a maldistribution (*sic*) of resources or where there is deprivation, marginalization, exploitation, disparities in wealth, income, labour and leisure time.'³³ From a cultural perspective, Fraser (2008: 273-291) argues that social arrangements should ensure that there is equal respect for all participants and that there are opportunities for achieving social esteem.³⁴ The political dimension addresses the importance of all people having access to a political voice and promotes the idea that all people should be able to influence decisions that affect them.³⁵

In attempting to apply Fraser's framework to the higher education sector in as far as access is concerned, it becomes clear that from an economic perspective, there has historically been a 'maldistribution' of resources which has led to deprivation and marginalisation, which in a predominantly neoliberal (free market) environment, leads to unequal participation. From a political perspective, the marginalised do not seem to have much of a political voice in that they have little say in how the policies that will have a direct impact on them are shaped and influenced. One may argue that the Student Representative Councils (SRC) at the various institutions of learning, for instance, are an avenue for the expression of political voice. However, this speaks directly to those

³³ Bozalek and Boughey 2012: 689.

³⁴ *ibid.*

³⁵ *ibid.*

already in the system. The SRC represents students of the university, although they do tend to be at the forefront of advocacy for widening access into higher education. Another challenge with regards to the SRC is that they are heard at the university or institutional level. They seldom have influence in the formulation of policies for instance on the role out of NSFAS funding. For many years, the SRCs at the different institutions around the country have raised concerns about how the NSFAS funds are administered. Most recently, it was decided that NSFAS funding would be centralised and applications to NSFAS for funding would be done online. It would seem very little consultation was undertaken with the various student bodies most affected by such decisions because there have been complaints from the SRC's regarding the challenges brought on by the changes. The consensus from the student representatives is that the centralisation of NSFAS processes should never have taken place without the provision of satellite offices at the various universities because it creates distance between the funding institution and the academic institution at which the student is based. This makes it difficult for the applicant to make enquiries and follow up on the application processes.

Ultimately Fraser's framework of social justice highlights the notion of the exclusion of the poor from the right to make social justice claims, which she refers to as misframing, a form of social injustice.³⁶ So the fact that many students are denied access to higher education solely due to the fact that they cannot afford it is a form of misframing. This is so because the boundaries that have been set, frame the students that cannot afford the fees in a manner that excludes them on a basis that is contested (finances) and has not been agreed to by the group most affected. For instance, one could argue that if standards are set, in as far as minimum academic entry requirements into particular academic programmes, and all affected parties agree that these are necessary, then the exclusion of those that do not meet these entry requirements should not constitute a

³⁶ Fraser 2008: 273-291.

social injustice. Of course it must be acknowledged that even the issue of minimum entry requirements is a controversial one on the backdrop of significant disparities in the quality and provision of primary and secondary schooling. Fraser also argues that interventions in addressing social injustice need to go beyond the affirmative (changes that may address the inequities, but do not disturb the underlying structure that reproduce the inequities) and move towards the transformative (approaches that address the underlying root causes or underlying generative framework).³⁷ One of the key elements about this approach is the view that the marginalised should not be made to feel as supplicants in whatever interventions are introduced because this undermines their right to participate as equals and thus undermines human dignity. This is a significant point since many consider the protests by students for access to education for the poor as the manifestation of a misguided sense of entitlement.³⁸ We concur with Fraser's (2008: 273-291) view and believe that instead, such protests should be seen, as suggested by Christie (2009: 6-9), as the necessary struggle for the realisation of a human right.

Based on the above, it becomes clear that the current funding model dictating access to higher education in South Africa, particularly for the indigent, is not adequate and it requires urgent redress as it undermines basic human rights. The major question of course becomes, what can/must be done to remedy the situation? The answer lies in the fact that this is a societal problem and therefore society as a whole must contribute towards the solution, especially because it is clear that government alone cannot address the problem. Ntshoe and de Villiers (2013: 71-78) argue for what they refer to as cost-sharing. This suggests that funding of higher education should be sought from various sources such as the business sector and other sectors of society such as philanthropic organisations and civil society. While we agree with Ntshoe and de Villiers (2013: 71-78) we argue that cost-sharing should be done in a

³⁷ Bozalek and Boughey, 2012: 689)

³⁸ see Ntshoe and de Villiers, 2013: 71-78 and Wangenge-Ouma, 2010: 836-840.

strategically integrated manner. That is to say, the funds from the various sources ought to be pooled together through various financial networks in order to supplement the NSFAS shortfall.

Addressing the issue of universal access to education, particularly tertiary education, has become an urgent and desperate need. Indeed, a tertiary qualification has become a minimum requirement in the possible improvement of future prospects for any individual. Studies³⁹ have indicated that graduates from tertiary institutions stand a much better chance at securing a job or means of earning an income that could lead to some level of financial independence. While it may be argued that finding a job even with a tertiary qualification has become challenging with numerous reports on many jobless graduates, it is also true that the tertiary qualification holds an individual in better stead. If South Africa is to have any chance of bridging the wide gap between the 'have's' and the 'have nots,' quality education (and particularly tertiary) must be made available to all who seek it. While the level of quality of public primary and secondary schooling has been the source of lament for numerous commentators, scholars and the ordinary South Africans, access to the primary and secondary schooling is available. Indeed, quality must be improved and efforts by all sectors of society are required to help in achieving this.

CONCLUSION

The paper has attempted to highlight the fact that although access to education is an inalienable right, as entrenched in the constitution of South Africa, and justifiably so, reality dictates that education continues to be a privilege to be enjoyed primarily by the elite in South African society. This is an injustice that persists from the days of apartheid and has arguably become more entrenched. It is untenable in a democracy because in order for one to experience a sense of dignity, also a constitutionally held right and principle that underpins the constitution, one needs to have a sense of self-respect

³⁹ See Borhat, Mayet and Visser 2010: 97-123.

and in order for that to take place, an individual must be in a position to participate equally in the socio-economic activities of the country. In order to experience a sense of dignity, one must be able to provide for themselves and their families. Poverty, for instance, strips away at one's sense of human dignity, because one becomes dependent on the mercy of others and can also become vulnerable to abuse of all forms. However, more importantly, societies all around the world seem to impose on the poor among them a subaltern status and this does not bode well for human dignity and the enjoyment of basic human rights. We argued therefore, that education, particularly higher education must become a right not only in principle and rhetoric but also in practice.

While the challenges to realising this are immense, we argued that it is time that government in partnership with various entities pursue different strategies since current approaches do not seem to be adequate. The contributions of NSFAS must be acknowledged, however, they have proven insufficient, and perhaps, a strategically integrated cost-sharing public funding system that draws funds from various sources and pooling them together to offer a much larger public funding resource may be an option that could ensure that, indeed, education does become a right and not a privilege.

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