

'Inequality in the public basic education system: The role of the South African courts in effecting radical transformation'

Tuesday, 28 September 2021

12:30 to 14:30



UNIVERSITEIT VAN PRETORIA
UNIVERSITY OF PRETORIA
YUNIBESITHI YA PRETORIA

Faculty of Law

Fakulteit Regsgeleerdheid
Lefapha la Molao



The Department of Jurisprudence in the Faculty of Law of the University of Pretoria cordially invites you to a virtual and attendance **research seminar** presented by

Dr Lorette Arendse

on

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Date: 28 September 2021

Time: 12:30 to 14:30

Platform: meet.google.com/ozv-pjdn-sqk

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ABSTRACT

Inequality in the public basic education system: The role of the South African courts in effecting radical transformation

The legacy of educational inequality created by the former colonial and apartheid administrations has persisted beyond the historic regime change of 1994.

A recent World Bank Report confirms that a low level of quality education among primarily the black youth is one of the main drivers of inequality in South Africa, which has been classified as one of the most unequal countries in the world in 2018.

In response to the inequality in the public basic education system, the South African Constitutional Court, invoking the transformative mandate of the Constitution has called for the radical transformation of public education. Against this background, this seminar seeks to interrogate the role of the South African courts in heeding this important call from the apex court.

The South African High courts through their application of a substantive-based approach to the right to basic education, have embarked on incrementally 'filling out' the content of the right by ordering provincial education departments to provide concrete outcomes to schools, for example textbooks, teachers and school furniture. However, the substantive-based approach in itself is not capable of effecting the radical transformation of public basic education.

To this end, the seminar will examine how the pattern(s) of disadvantage towards black and poor learners are, in part, perpetuated through the decentralised system of school governance which empowers school governing bodies from predominantly former white schools to use their autonomy under the South African Schools Act to sustain their inherited privileges, and thus perpetuate systemic inequality in the education system.

This seminar further engages with the Constitutional Court's failure to effectively interrogate the role of the decentralised school governance system (and the governing bodies' manipulation of the system) in impeding the radical transformation of the public basic education system. Finally, this seminar engages with the question whether the Constitutional Court is advancing a conceptualisation of 'education' that is rooted in a white, Eurocentric paradigm, which, in turn, negates the culture of black learners in our public school domain.

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