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The University of the Witwatersrand

Grounds for boarding:

Shifting responsibilities in the education and care of children living on farms

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A thesis submitted to the Faculty of Humanities of the University of the Witwatersrand for the degree of
Doctor of Philosophy

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Declaration

This research has not been previously accepted for any degree and is not being currently considered for any other degree at any other university. I declare that this thesis contains my own work except where specifically acknowledged

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Signed……..

Date……..

Abstract

The establishment of boarding schools for the children of farmworkers is a logistical solution to the difficulties of delivering education to children living in sparsely inhabited spaces. But boarding schools also appear to solve at once problems related to the welfare and personal development of children growing up in remote rural areas. The state, therefore, justifies moving children living on farms into boarding schools (also called hostels or *koshuise*) on the basis that it is protecting the rights of children: to education, to welfare and to personal development.

The main aim of this thesis is to assess the validity of the state's justification. Is the state correct in prioritising the rights of children over the rights and responsibilities of their parents and the community more generally to determine the norms and values children are raised with? Since boarding schools separate children from their families for lengthy periods of time from the age of 6 years, the arguments against a liberal education take on a particular intensity. The state takes the role of *loco parentis* and so there is little pause from the state's socialising and modernising influence.

Three possible objections are therefore raised in this thesis against the boarding schools. The first is that as institutions (and especially as total-life-encompassing institutions), boarding schools are unable to protect two central conditions relating to children's right to future autonomy: their need for privacy, and for their participation in decisions that affect them. The second objection is that boarding schools violate parental rights (or responsibilities) to direct their children's upbringing by physically separating parents from their children and by making parents beholden to the state for the patronage of educating and caring for children. Thirdly, communitarian theorists might also object to state boarding schools for failing to respect or adhere to the cultural norms in raising children.

I will argue that although each of these objections can be collectively answered (perhaps the communitarian objection is most difficult to counter), they seriously challenge the state's justification for boarding schools. A children's rights reasoning is not sufficient as a justification. It fails to take into account that children cannot be isolated as subjects from their links to parents and communities.

In conclusion, I will argue that a better justification for boarding schools is one drawn from feminist literature which links theories of care with theories of justice. In this way, the boarding school can explain what it does in practice – care for children – while also recognising the wider impact the upbringing of children can have in terms of justice within families and for communities.

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Section 1

Chapter 1: Introduction

"Education is the great engine of personal development. It is through education that the daughter of a peasant can become a doctor ... that a child of farmworkers can become the president of a great nation. It is what we make out of what we have, not what we are given, that separates one person from another"
Nelson Mandela, A Long Walk to Freedom (1994, p144)

The right to education in South Africa was a hard-fought battle. Out of the humiliations of Bantu Education, the post-apartheid government promised to turn the trenches of schools into fertile ground for the cultivation of future generations. Education is now a Constitutional Right and all children between the ages of 6 and 15 years are compelled to be in school (Department of Education, 1996). The state is therefore under an obligation to ensure schooling is accessible to all. Research projects over the last few years have looked into the factors that exclude children from schools, followed inevitably by policy recommendations for improving access to education (Fleisch, Shindler, & Perry, 2012; Lewin, 2007; Social Surveys Africa, 2010). Often, securing universal entry to education is treated as a technical process of finding the most efficient ways of allocating resources, teachers and desks. But how are we to evaluate which strategies are justified? Does the fact that learners are in educational institutions always justify the means to get them there?

This thesis is intended to test the limits of the state's obligation and authority to ensure access to education. To do this I will use a hard test case – that of hostelling farm school children in South Africa. In boarding schools for disadvantaged learners, children come under the exclusive tutelage of the state from morning to night for extensive periods of the year from the time they enter primary school until at least the end of compulsory education. It is a strategy in which the state takes extraordinary measures to ensure that children have access to

schooling. The boarding schools are justified on the basis that they are a vehicle through which the state can protect the rights of children in its care.

Yet, boarding schools must confront at least three logically compelling objections. The first is that placing children in residential schools in order to educate them is not in the interests of the child and may in fact violate children's right to family – and potentially put them at risk to violations of other rights. Second, hostelling violates parental or family liberty to determine the upbringing of their children. Finally, residential schools sever children from their communities and culture. It therefore limits the liberty of a community to reproduce its norms and values.

These three objections are arrived at through existing literature that critiques the role of the state in education more generally, though in the case of boarding schools the objections are magnified and the implications go well beyond the setting of the school into the terrain of child rearing. At least two of the objections (the first and the third) are also echoed in a large body of historical literature critiquing boarding schools for aboriginal and first nation children in the US, Canada and Australia.

The three objections invite an interrogation of the balancing act between the rights of children to education and care, and the responsibilities this entails for families, communities and the state. Children's rights (to education, welfare and family) derive from international protocols (UN Charters) and are set out in section 28 of the South African Bill of Rights which protects children from abuse, neglect, maltreatment and degradation and provides the right to social services. But exactly who is responsible for upholding those rights is not always clear-cut. The Children's Act of 2005 ("Children's Act,") ensures that state services to protect children's rights are in place. It, however, explicitly leaves boarding schools out of its regulations. Parental rights and responsibilities are dealt with in the Children's Act. The Act says that parent/s must: take care of their child, maintain contact with the child, be a guardian to the child, and make sure that the child has financial support.

The precise nature of the norms and values that future generations should hold sets the interest groups apart. The state has a specific interest in developing citizenship (understood in political-economic terms) in young people. A children's rights perspective aims for their

future autonomy. Parents may hope that their children will inherit their own particular beliefs. Communitarians favour cultural reproduction. The state-run boarding school provides the locus for a perfect storm of these interest groups. Here the state holds exclusive authority, but whirling around it are the oppositional currents of children's rights, parental interests and communitarian ambitions.

The impact of the hostelling strategy resounds beyond the schooling of children to encompass broader notions of childhood and the processes of development to adulthood – and the power and space families and communities have to shape both of these. The arguments for compulsory education are not sufficiently strong and compelling to explain or justify state strategies that reach beyond the public (educational) sphere. Such arguments only justify the state's authority over public schooling whereas the boarding institution encompasses the upbringing of children traditionally sited in the private sphere (i.e. it extends beyond the provision of formal education to include care). What we need, therefore, is a theory that can justify state authority in both the public and private domains. I will argue that feminist theorists provide us with the most fruitful way of thinking about state responsibilities and limits in relation to the private sphere. The feminist theorists I draw on recognise that the public and the private are not dichotomous spheres but related to each other – they are mutually constitutive. Public policy affects how the private operates and the delineation of roles and responsibilities of the private influences public policy. Mapping the grey areas between the two spheres offers opportunities for thinking about the democratic basis of social justice, and the need for a hostelling policy that encapsulates the interests of children, parents and communities – as well as that of the state. It also needs to provide direction on how to achieve a *just* balance should these interests come into conflict.

The thesis is therefore primarily a philosophical inquiry into the justification of boarding schools for the children of farm workers. Of empirical interest is how the post-apartheid state understands and acts on its responsibilities towards poor children and how it reconciles this with the expectations of their families and communities. The practical context of the inquiry is situated in the farm lands of rural South Africa. I begin therefore in setting out the background to this area of research.

Background to the study

One of the more intractable difficulties with fulfilling the right to education is accommodating children on farms. The low population density means farm schools tend to be multi-grade and learners have to travel long distances to get there. As farm labour has been increasingly casualised, with seasonal labour travelling in to farms rather than living on them, the pool of live-in farm labourers and their children attending farm schools shrank by 60 per cent between 1996 and 2000 (Ministerial Committee on Rural Education, 2005, p. 6).

Moreover, the new government's policies to secure tenure and recognise land claims strained relations between white farm owners and the remaining labourers with owners retracting from paternalistic practices which had previously provided a degree of social protection (du Toit, 1993). An early casualty was the farm school. Farmers retaliated by punitively preventing children and educators from entering schools on their property (Human Rights Watch, 2004). The schools fell into disrepair and policy attempts to clarify ownership and responsibility were never effectively implemented.

Yet, on principles of post-apartheid redress and equity, farm school children appear to be a priority constituency. Historically, farms schools are among the most disadvantaged and often not extending beyond the primary grades. Rather than providing people with marketable skills, farm schools under apartheid were never intended to provide an education that would help children living on farms to move away and to find alternative employment. Instead, restricting schools to low-level skills would (along with an array of other apartheid measures controlling movement and settlement to urban areas) keep young people tied to labouring on farms. Christie and Gaganakis explain that the farm schools were part of "the particular form of racial capitalist development in rural South Africa" (Christie & Gaganakis, 1989, p. 92). Under the Bantu Education Act, farmers were compensated with a range of state subsidies to have schools located on their land and to manage the schools. It was an arrangement that tied farm labourers into paternalistic relationships with their employers, dissuading them from leaving farms in search of better opportunities in urban areas. Provision of schooling was the prerogative of the farm owner – a 'gift' which asserted relations of power between the giver and recipient who had to show appropriate gratitude.



Picture 1: Abandoned farm school, Free State province

Bill Nasson points out that schooling had no impact on employability and was accorded "low priority" (1984, p. 12) by farm workers. He turns to theories of cultural deprivation to explain the apparent grinding psychological impact of poverty that "generates its own distinctive and mostly autonomous subculture amongst the poor – dominant fatalistic, passive and low motivational values" (1984, p. 13). For parents in his study, educational opportunities on farms had not resulted in any improvement in employment and so there was little in the way of their own experience to encourage their children to study. The result, Nasson points out, was that educational failure was blamed on the poor themselves. He writes: "the experience of these wounding images, the subjective feel of condescension of being caricatured and marginalised as a dunce, living out in the sticks, cannot but be numbing" (1984, p. 18). At the same time, he argues, the curriculum helped reinforce the rightness of apartheid ideology in the minds of the school children.

Expenditure on farm schools was often at the barest minimum to make the school function. As a result, farm labourers have the lowest levels of education and literacy of all labour groups. Of those surveyed by Social Surveys-Nkuzi, 71% of evictees between the age of 16 and 65 years had either no education or, at best, some primary school education (Wegerif, Russell, & Grundling, 2005). Access to secondary schools on farms was extremely limited and the facilities in primary schools were meagre. Data presented at the Farm Schools

Conference in 2000 showed that buildings in 19% of farm schools surveyed were described as ‘weak’ or ‘very weak’, just over 80% had no telephones, 76% were without electricity, 43% had no water on site and 17% had no toilet facilities at all (Wegerif et al., 2005, p. 136). A Social Surveys-CALS survey in 2008, showed that 30.6% of those aged 16-18 living on farms were out of school, the highest of any geographic location (see table below) (Social Surveys Africa & Centre for Applied Legal Studies, 2009, p. 44).

Table 1: Attendance rates by Census sub-place type

	Ages 7 to 15			Ages 16 to 18		
	In school	Out of school	Completed Matric /Diploma	In school	Out of school	Completed Matric / Diploma
Farms	94.8%	5.2%	-	66.3%	30.6%	3.1%
Informal	96.9%	3.1%	-	84.3%	14.0%	1.7%
Formal	99.2%	0.8%	-	88.2%	9.1%	2.7%
Tribal	99.1%	0.9%	-	90.8%	7.2%	2.1%

For 7 to 15 years: n=6556, for 16 to 18 years: n=2204

Source: (Social Surveys Africa & Centre for Applied Legal Studies, 2009, p. 44)

Initially, post-apartheid government policy was to transfer ownership of farm schools into government hands – “public schools on private property” (section 14 of the South African Schools Act (1996)) – and to improve conditions on farm schools. But it had already long been clear that agreements with farmers had not been signed (Human Rights Watch, 2004). One of the main reasons was that private land owners were loath to accommodate state presence in the face of increasing tensions over legislation to secure tenure for farmworkers (Ministerial Committee on Rural Education, 2005, p. 50). In effect, the provincial departments of education were powerless to move in and improve the physical infrastructure on farms. Conditions in farm schools either stayed the same or deteriorated. A 2004 Human Rights Watch Report concludes that: “The South African government is failing to protect the right to a primary education for children living on commercial farms by neither ensuring their access to farm schools nor maintaining the adequacy of learning conditions at these schools” (2004, p. 1).

Research conducted by the Centre for Applied Legal Studies in 43 farm schools in Mpumalanga and the Western Cape (2005) argued that while lack of resources and poor implementation of school governance and curriculum policies were characteristic of farm schools, the primary obstacle to social and economic mobility of learners was the continued role played by these schools in serving the labour needs of agricultural capital. The findings point to contrasting conditions in the schools in the two provinces but this made no discernable difference to the prospects of the learners. The report argued that: "although adequate funding is essential, it is not sufficient to promote the broader socio-economic aspirations of farm school learners" (2005, p. 31).

Facilities at the twenty schools researched in Mpumalanga were rudimentary and most had no access to clean water or electricity (Centre for Applied Legal Studies, 2005, p. 23). Government feeding schemes were in place, but food was often insufficient and irregular - though for some learners this was the only meal of the day. While a few of the farmers assisted with building renovations and equipment, others were reported to be hostile, amounting at times to "constructive eviction" (2005, p. 30). Evictions from farms and casualised and seasonal work opportunities led to highly mobile populations which resulted in poor attendance and high drop-out rates in farm schools (2005, p. 26). The parents interviewed by CALS worked between nine and thirteen hours a day, six or seven days a week making "it almost impossible for parents to involve themselves in their children's education, either by helping with school work or developing a relationship with their children's educators" (2005, p. 27). Given that many of the farm workers lived in abject poverty, opportunities to earn extra income (through child labour) or the need for household labour meant that children were often kept from going to school. Girls were usually the first to drop out in order to take on household chores. Rarely would children stay in school beyond grade 9. Because educators lived far from schools (between 50km and 130km), organising parents' meetings after working hours or over weekends was near impossible. School Governing Bodies were generally non-functional. Farmworkers' households too are scattered over some distance from schools so that, on average, children walk from seven to twelve kilometres each way – sometimes lucky to hitch a lift on a tractor or passing vehicle. Bad weather would dissuade many from the journey. Two of the twenty schools CALS visited in Mpumalanga had government subsidised transport, but service was sporadic. Although all the teachers interviewed by CALS had been trained in outcomes-based (OBE)

teaching methodologies, it appears few were actually implementing it: “many educators argued strenuously that poorly resourced classrooms leave little room for anything other than traditional rote learning and ‘chalk and talk’ methods” (2005, p. 26). Corporal punishment was reported to be rife and arbitrary. But such severe discipline was also a feature of the private sphere. Home life was often taken up with chores with little time for play or socialising. Few of the children saw a future on the farms and instead had ambitions for careers in the cities.

The 23 farm schools visited by CALS in the Western Cape were far better resourced than those in Mpumalanga, having adequate buildings, toilets, water and electricity supply and even computers for use by learners. Scholar transport was provided for all learners who lived beyond a 5 km radius. All the schools, however, were multi-grade which, according to educators, impacted negatively on the performance of learners. A primary problem afflicting the Western Cape context was the relationship between the schools and the maintenance of the agricultural labour. The CALS report notes: “Our research indicates that farm owners, principals and educators draw a strong link between reproduction of the farm schools and the perpetuation of future farm labour. Accordingly, they do not encourage learners to strive towards other visions” (2005, p. 35). Indeed, educators expressed extremely pessimistic attitudes of the capacity and ability of their learners to learn and were equally disparaging of parents as negligent and uninterested in their children. Learners, themselves, appeared to reflect their home life as a series of physical and emotional abuse. According to the CALS researchers: “It is important to locate any critique of farm-based home life, and indeed of farm-based school life too, in the context of an enmeshed, almost feudal, farm labour system. … The insular and static nature of this poorly paid, but relatively secure, lifestyle militates against alternative modes of life, and contributes to cycles of perpetuation and reproduction of farm labour” (2005, p. 39). In the Western Cape, a paternalistic relationship has been established over many generations between the farmer and the labourers, who are often at least partly remunerated in kind with the provision of housing, water and electricity and, more notoriously, alcohol (the so called ‘dop’ system). Schools help cement these relations and, perhaps as a result, “all the farmers we [CALS] interviewed are positive about the existence of farm schools on their properties” (2005, p. 40). The children receive basic education at the largesse of the farmer, and the farmer in turn is sure of a supply of (semi) literate labour in the long-term – and in the immediate term too (even if illegally). For

CALS: “the degree of entrenchment in the reproduction of agricultural capital suggests that, until farm schools are removed from the physical environs of the farm, learners will continue to be viewed by farmers, principals, educators, and, perhaps, by their parents too, as nothing more than a source of ready labour” (2005, p. 41).

The only solution, then, to take the ‘farm’ out of farm schools is to take schools out of farms. According to the CALS researchers, as long as children remain herded and fenced in on farms, their education will always be tied to the interests of commercial agriculture. The structural history of patronage, the limited opportunities for labour advancement and cyclical poverty combined with the racist and classist demeaning of children’s ability to learn, cap any promise of educational progress. Farm schools can never be transformed or regenerated simply with an injection of resources as long as they are contained within these broader contextual impediments. The optimistic force of education to open up the world of knowledge is restricted by the counter-force of insularity, the known world of the farm and its socio-economic ties.

The same conclusion had already been reached by Bill Nasson who, in his classic study *Bitter Harvest,* claims: “Maps, wall charts and biology diagrams may enlarge the scope of children’s imaginative lives, but are insufficient to liberate the mass of the young from the confines of physical isolation, and the enervating poverty of local life. The general lack of outward mobility, even to create and maintain a more dispersed network of regular contact with fellow pupils, compounds the educational deprivation of the already disadvantaged. Localism remains powerful” (1984, p. 37). Christie and Gaganakis (1989) similarly argued that the particular conflation of agriculture and capitalism with apartheid, meant that farms schools are entwined in oppressive relations that can only be solved through moving them out of farms.

So it seems there was a strong case made by academics that farm schools were untenable. The 2005 Report of the Ministerial Committee on Rural Education (MCRE (2005)) suggested a three-tier system for dealing with small schools in dispersed settlements. The youngest learners (Grade R – Grade 3) would attend foundation phase schools close to their homes where an integrated curriculum could be handled by a single educator and parents could help enlarge the learning programme with sports, recreation and cultural events etc. In the second

tier, learners in the intermediate and senior phases of the general education and training band (up until the end of grade 9) would attend schools that because of "judicious placement" (2005, p. 29) could be easily reached by foot or taxi (likely along main roads). A few of the outlying learners might need hostel accommodation. But it is only at the third tier – "large 'nodal' FET [Further Education and Training] schools (of at least 600 learners) and colleges (of at least 1000 learners)" – that the MCRE recommends hostel accommodation. The MCRE advised that farm schools be closed or merged, though it predicted that "this cannot take place in the short term as it is a considerable undertaking requiring clear mandates and guidelines and to establish the management and administrative machinery required for it to succeed. In addition, the process must be supported by targeted funding to ensure that no learner is denied access to school through this process" (2005, p. 48)[1].

Provincial departments had already begun rationalising farm schools from 2002. In the Free State, for example, schools identified as "non-viable" (typically with enrolments below 20 learners) were targeted on a priority list for closure. (Pictures 1 and 2 show a 'rationalised' farm school in the Free State, standing empty with just the litter of textbooks and learning materials as evidence of its former use.) A rationalisation committee, made up of different departmental divisions was set up, parents consulted and learners either transported by bus or taxi up to 30 kms to the nearest school or placed in hostels. The hostels were located in former whites-only schools and were vacant (white learners appear to have moved to hostels in Bloemfontein or had transferred to private schools). The department had to negotiate with the schools' SGBs often leading to protracted legal wrangles (the Free State Department of Education lost at least one case in the high court). The department renovates the hostels and employs supervisors and workers and covers the costs of meals and transport. Parents are bussed in to view the hostel and their consent is required before learners are admitted.

At face value the hostelling schools policy appears to solve the socio-economic and educational problems of children living on farms. The residential school is a practical

[1] In the meantime, the Rural Education Directorate was established within the Department of Education in 2005. It formulated the *National framework for quality education in rural areas* which had five key focus areas, "improving quality of teaching and learning in rural and farm schools; attracting and retaining learners at rural schools; planning, restructuring and improving infrastructure at rural and farm schools; promoting advocacy and sustainable partnerships; and building effective school governance and management of rural and farm schools" (2009, p. 3).

solution to the problem of schooling access for children in remote areas[2] and an answer to providing children a welfare package to enter schools and complete the full 12 years of schooling. It feeds into powerful discourses on equality of opportunity – the promise that given a relatively equal starting point and having sufficient resources for children's physical and mental upkeep, children can compete on merit for the rewards that come with educational achievement.

Historical precedents

The hostelling solution is not a new one for children living in the *platteland*. There is a historical precedent to how the problem of distance and access to rural schooling are resolved and so like a palimpsest, the hostelling schools project of the 21st century has echoes all the



Picture 2: Books and learning debris litter a former classroom

[2] At least it is one possible solution of several others. Home schooling with ICT support could be an alternative but it would still need an educated adult to provide supervision. A mobile teacher such as the temporary tent structures that travel with the nomadic pastoralist people living in the Kunene region, Namibia (Hailombe, 2011) could provide itinerant support. The costs and logistics of these would need to be weighed up against the hostelling option.

way back to the 19th century. The experiences of mission schools, elite boarding schools and the *koshuis*e of outlying rural towns provide the parameters in which the 'new' policy finds its bearing. History has guided what alternatives are possible.

The earliest boarding schools for black children were established by mission societies (and predated similar residential institutions for white boys). The mission schools were mainly intent on evangelising and modelling the Christian home (Healy, 2010). Healy (2010) points out that boarding schools had the advantage over day-schools of extracting young children (and Healy's example is specifically of girls) from 'unchristian' environments so that they could be properly converted into Biblical subjects. Molteno also notes that it was by "physically removing them to the world of white colonists" (1984, p. 68) that the early schools attempted in shaping young workers-to-be into dominant social relations. At the same time, African converts were willing to leave their daughters in the boarding facilities because parents' authority over their adolescent children seemed to have waned since they could not rely on the norms, traditions and customs they themselves had grown up with. Hughes, writing about Inanda Seminary, explains that "here was a happy coincidence between the rigorous routine deemed necessary by the mission and the control over their daughters' sexuality which Christian parents desired" (Hughes, 1990, p. 206). Life at Inanda Seminary was strictly regulated – but that did not always have its intended effect. Records show that the girls seemed apathetic and many ran away (Hughes, 1990). But education at the Seminary also provided space for girls running away from marriage and oppressive social expectations (even in the face of family / community resistance). Interestingly, in the early part of the 20th century it was also boarders, rather than day-students, who were at the forefront of resistance and rebellion in schools often sparked by the quality of food and forms of punishment (Molteno, 1984).

Some of the mission boarding schools eventually turned more elitist (such as Inanda). Lovedale College, which was established in 1841, would become a model for other institutions including Healdtown, St Matthews, Salem and Blythswood (all in the Eastern Cape). These focused on industrial education with girls being trained for domestic service, while boys learnt a trade. The schools were meant to have both a 'civilising' role and contribute to government's programme of social control (Cock, 1990).

Aside from mission schools, before any real education system had developed, local boarding schools were a limited option for white colonial boys (such as in the colony of Natal) (Hughes, 1990). But by the early years of the last century, when education for white children was made compulsory, boarding schools were established to house the many thousands of children of *bywoners* (poor farmers) living outside the radius of everyday travel to school. Small farm schools were closed down as a policy of centralisation came into effect after World War I. In the Transvaal province, children were initially housed in private lodgings but abuse of bursary cheques by boarding houses led to a policy of concentration in approved school hostels (Pells, 1954, p. 104). Between 1936 and 1948 the number of boarders in the Transvaal increased from 1,560 to 13,265 (Pells, 1954, p. 104). In the Orange Free State province, the number of one-teacher schools halved from 400 in 1934 to 200 in 1948 while the number of boarders reached over 5,000 (Pells, 1954, pp. 112-113). In the Cape Province, farm schools were almost eliminated, with the number of schools dropping from 2,340 to 1,300 between 1934 and 1950. Pells writes: "Yet this is a symptom of healthy growth and not decay!" (1954, p. 92). Larger centralised schools were better equipped and resourced than a scatter of small, inefficient schools.

These boarding schools played much more than a logistical role. They were part of constructing the white colonial state (Duff, 2011). Schooling had become an important means of trying to pull poor white families from penury in the second half of the 19th century, and at the same time ensure that white children stayed a step ahead of their black peers as racial hierarchies were marked out (Duff, 2011). Pells writes: "The progressive elimination of poor-whitism [in the Cape Province] that has occurred during the last quarter-century is attributable, in part at least, to this vigorous and generous policy of bringing the rural and indigent child to a good school" (1954, p. 92).

Even well into the 20 century, lurking under the policies of the nationalist state of the 1940s was the belief that it could corral people living on the agricultural fringes more firmly into the capitalist system. Duff quotes F.W. Reitz, an expert on colonial agriculture as saying: "What we want is to get the lads away for two or three years from the unobservant, listless existence of a back-country farm, and to train them where all their faculties will be awakened and kept awake" (2011, p. 236). The boarding school, then, was a benign way to jostle the children of a white agricultural working class into capitalist production, from peasant toil into agri-

business or urban labour. As long as children stayed with their parents in a rural backwater, they would be forever mired in an uncivilised condition. Duff explains that: "if parents were unable to rear their sons to be conscientious, ambitious and self-controlled young men, then teachers at boarding schools were to take over this role" (2011, p. 266). The centralisation policy was not without criticism for its impact on outlying rural areas. Pells quotes Inspector N.H. Schoute-Vanneck (Standerton District) bemoaning: "as the result of the closing of country schools, the cultural centres of the surrounding farms are wiped out" (1954, p. 105).

Today, the formerly all-white *koshuise* of apartheid's rural towns serve the nutritional and housing needs of some of the country's most disadvantaged children. It is a post-apartheid transformation coup. And yet the policy is also a palimpsest. (Many of the themes discussed above will be returned to throughout this thesis).

The typical boarder who was the subject of government beneficence has metamorphosized from rural Afrikaner to black farm worker but there is continuity in the promise of modernity. For the children of black farm workers, the boarding schools of the 21st century are far more than an educational opportunity – they are a break from the "localised capital and property relations" that, in part, kept their parents in subjugation (Nasson, 1984). Nevertheless, the faith in the liberal importance of education as a social equaliser has been undiminished. The education system was central to getting people upskilled and knowledgeable in the context of the globalised world at the frontier of the 21st century. At the same time, it needed to 'dress up' in the current educational technologies of developed countries. In other words, South Africa's education system had to be both modernised and modernising.

Whereas post-apartheid attempts to transform schools in other areas has arguably been mired in difficulties over capacity and the complexity of negotiations with interest groups and school governing structures, the rationalization of farm schools and the relocation of children into boarding institutions has been relatively smooth. This may be because the scale of the hostelling project is relatively small, both in terms of the numbers of schools and learners involved. Selection of learners is relatively uncomplicated. The capacity of the state is therefore not unduly stretched and in fact brings into play existing under-utilised capacity in terms of buildings. In addition, the farm workers impacted directly by the policy tend to be on the fringes of society, geographically spread out and without politically organized voice.

So even if there were complaints against the policy, they would be less likely to be heard. Nevertheless, the boarding school can be regarded an example of the state acting decisively to transform the delivery of education to children living on farms.

If anything then, the boarding school is a bold response – filling in the gaps when policies affecting farm labour still need to find their feet and the hostel seemingly solves several problems at once. It is a recognition that dwindling numbers of farm workers will not be reversed and the promise of tenure security for workers is difficult to keep. With fewer stable job opportunities in farming, the families of workers struggle to sustain basic livelihoods, pushing able-bodied adults to towns and cities in search of wages. While those who remain on farms may have legal backing to be there, in practice there is rarely immediate recourse against eviction. The boarding school is therefore a radical solution to the difficulties of sustaining families in the countryside where social networks have unravelled in the move to urban areas but it also accepts the need for modernisation. And if the middle-classes – indeed, the children of farm owners – have long enjoyed the benefits of boarding schools, then in a post-apartheid era of redress and redistribution it was time that the same privileges were extended to labourers.

Early appraisals of the boarding schools

Although these policy developments are still relatively new, there have been two reports on the hostelling schools policy that provide very different conclusions to its successful implementation. Both are small studies and draw on different case studies as evidence. Their findings, summarised below, provide benchmarks and indicators against which to assess the policy.

The Catholic Institute of Education's research study in 2009 of four Catholic Schools affected by the rationalisation policy in the Free State argues that:

> "while the policy directions have good intentions to improve the education of learners on farm schools … learners have been adversely affected and in some cases serious infringements of human rights along with violations of legislation have taken place" (CIE, 2009, p. 1).

Consultations with the schools and parents on the decision to move learners to another school appear to have been rushed and wholly inadequate. In one case, parents were given just 24 hours between their meeting with a department official and buses arriving to take their children 120 km away to a boarding school. Despite parents being promised better quality education, one of the farm schools reported that not all the learners were able to be accommodated in the receiving school, with as many as 258 learners excluded, largely because they were deemed over-age and therefore referred to Adult Basic Education and Training (ABET). The Grade 12 learners from another school had to take new subjects, including a different first language. According to the CIE report: "The needs of linguistic communities have been ignored. Learners were moved between Zulu, Sotho and Tswana speaking communities with no consideration of the effect this would have for the learners experience and performance" (2009, p. 19). Even where the quality of education at the receiving school is good (as with one of the CIE's case studies), the farm school learners continued to perform poorly. They had to adapt to a new language of teaching (Sotho instead of Tswana) and since they arrived with no documentation, it was difficult to place them in the correct grade. Perhaps as a result, educators complained that they were quite disruptive.

The provincial department motivated the move to parents on the grounds that their children would be given food and that the teachers would polish the children's shoes and wash their clothes (CIE, 2009, p. 10). But at least two of the four CIE case study hostels were not all that was promised. They were in a bad state of repair and there was no security and little supervision. Children were reported to be roaming the streets, begging for money and even frequenting a tavern. In one reprehensible incident, the hostel appears to have run out of food and as a result, learners were evicted from the hostel at night. They hitchhiked along national roads back to their homes on the farms. Unable to return to the farm school, infuriated parents lashed out, threatened to burn a municipal building and a death threat was made against a department official. Both the police and the education district office had to intervene and promises were made to improve learning conditions at the farm school, but learners in grades 10 to 12 would have to return to the boarding school (2009, pp. 10-11).

Based on its findings, the Catholic Institute of Education recommended that: "the movement of all learners from Catholic schools must be put on hold immediately" and "the rights and

responsibilities of parents, SGB members and school communities should be acknowledged and upheld" (2009, p. 21).

A more recent study by the Centre for Applied Legal Studies (Cowley, Keightley, Moyo, & Mushohwe, 2011) strongly supported the hostelling schools policy. Indeed it argued that: "There is an urgent need to expand the project into more areas within these [three] provinces and naturally to the 6 other provinces in SA" (2011, p. 5). This conclusion is based on research carried out in one residential school in three provinces: Free State, North West and KwaZulu-Natal (i.e. three schools) and 102 interviews conducted with provincial and school staff as well as parents. The research found that "learners were grateful for the opportunity" and that "parents were supportive" (2011, p. 80). Parents talked of their children showing more interest in learning and even noted that their children looked healthier.

The CALS report noted that while the Hostel Schools Project was communicated with school principals, their opinions were not sought. It was conducted mainly as a top-down policy and without guidance on public participation. Moreover, where consultation did take place, parents may have been a little misled: "The emphasis on only the benefits of the hsp [hostel school project] to parents in discussion meetings suggests the government officials were campaigning for acceptance of the project. In so doing, they may have raised high expectations, some of which the government can no longer meet" (2011, p. 76). But once the initial hurdles were overcome, and the children settled into their new accommodations, it was by and large well received by parents. According to CALS, the hostels run smoothly. Infrastructure and sanitation and ablution facilities[3] at the hostels were good and, in one case, an ex-army base was put back into use. Security arrangements appear to be tight with guards patrolling the properties, fencing (even razor wire around the girls' rooms at one site) and burglar bars. Pilfering amongst learners appears to be the main problem. Menus were approved by the provincial education departments to ensure correct nutritional standards were met and generally children were satisfied with the quantity of food. The CALS report does recommend that the hostels support local economic development by sourcing catering and cleaning supplies from neighbourhood businesses. As enrolments shot up, there were cases of shortages in furniture and laundries needed to be established. In addition, the schools

[3] Though regular municipal water cuts as a result of poor maintenance of the reticulation systems was often unbearable.

lacked the extra add-ons, such as computer labs, psychological and health services. While there were sometimes staff shortages, generally children were supervised during study and at meal times. The report also notes teachers acted as confidantes and offered guidance to learners, though this could become a burden especially when personal problems needed professional help.

The best marker of success of the hostelling project is the significant improvement in terms of learning. This is after all its primary mission. That success has meant there's been an increasing demand to get placed in a boarding school and the CALS report does warn overcrowding may become an issue in future (Cowley et al., 2011, p. 87). The authors raise concerns over the long-term sustainability of the project given the costs of establishing and maintaining the infrastructure as well as the day-to-day running costs[4]. Moreover, the return home over holidays sees the children back in "the conditions of rural poverty" and so the CALS report argues:

> "Unless the benefits of hsp for learners is coupled with general programmes and policies aimed at rural development and rural poverty alleviation, the overall benefit of the hsp for rural society will be limited. Many learners may finish school with a better standard of education, but could find themselves nonetheless condemned to a future of rural poverty" (2011, p. 82).

These two studies reflect contrasting findings on the implementation of the hostelling schools project. Possibly this is simply a result of improvements made between the time of the CIE research (in 2009) and the CALS study (in 2011). Such improvements, with the guarantee of access to quality schooling, appropriate care and decent accommodation facilities, would certainly go a long way in justifying the hostelling policy. However, to understand the hostelling of farm school learners as simply a technical solution to a problem of educational access on farms misses out on the wider ramifications of such a policy for the structural inequalities of the family, the farm and the state. It blindsides us on questions of the broader spectrum of children's rights, parental and community rights and state obligations. In what follows, I set out the main philosophical and empirical questions that need to be asked and

[4] The funding for the project is entirely covered by the Free State DoE. In 2011/2012, the budget came to R44 million (including day to day running costs of R28 million, maintenance and renovation of hostel stock at R3 million, security and transport). (FSDoE official report to CALS conference, December 2011).

answered when such policy decisions are taken with major implications for the lives of farm school learners. I begin with a statement on the central policy tension that the thesis is concerned with addressing before turning to why I think the hostelling policy is an important issue for research.

Stating the problem

With the hostelling[5] project a group of children is selected to receive additional resources and care from the state. Selection is based on their parents being farm workers and the impossible physical distances to reach a school. These create the logistical difficulties for the state to comply with its Constitutional obligation to ensure that "everyone has the right to a basic education, including adult basic education." (Section 29(1) (a) of the Constitution). Hostelling also ensures that the state has oversight to guarantee children's rights "to basic nutrition, shelter, basic health care services and social services" (Section 28 (1)(c)).

The rationalisation of farm schools and the hostelling of farm school learners can be justified on grounds of economic efficiency. Farm schools not only provide poor quality education but are also expensive to maintain. In contrast, the model of hostels appears to offer both a cost-saving approach to schooling and is a politically expedient way of by-passing an intransigent white agricultural sector (though schools on church land are also caught up in the political stalemate). But to see the hostelling project only as a logistical solution, fails to recognise the ethical issues at stake. We should not only judge whether the hostelling policy is a good strategy on how economically efficient it is – for it may not be – but also on whether it is fair, equitable and just. Hostelling learners does appear to comply with two fundamental principles – it guarantees access to basic education and it does so through redress mechanisms, in that the state spends more on learners from disadvantaged backgrounds. In other words, the notion of 'fair discrimination' can explain why one

[5] It is worth pointing out here that the term 'hostel' might conjure undignified, unhappy spaces. As the CIE notes in a submission to the Free State Department of Education, the word 'hostel' is associated with dehumanising migrant labour on South Africa's mines: "It brings to mind the mine hostels which required miners to live in poor circumstances which demeaned their human rights. Using such a word allows for people to accept poor living conditions. **Boarding** describes living away from home in a dignified manner" (Baker, 5 February 2010). (I have, nevertheless, throughout the thesis I used the term 'hostel' inter-changeably with 'boarding school'. It makes for expressive diversity and it is a dominant term in South Africa for 'boarding school'.)

particular group of children – those of farm workers – should be allotted extra attention by the state.

Still, what is unclear is whether state authority over children should have precedence over a family's right or a community's right to determine the norms and values that children are reared with. The Ministerial Committee on Rural Education's (2005) recommendation was only for hostelling from the senior levels (grades 10 to 12). Removing younger children from their families in order to ensure that they are educated raises a number of ethical issues – especially if we rephrase this by focusing on its logical conclusion, which is that in hostels, the government takes over the role of parent to children who are not orphans. At issue is whether, or under what conditions, the state ought to legitimately act *in loco parentis*.

How should the competing rights of the state, parents and communities over children be balanced? Since children have both immediate needs and inherit the current hopes of adults for the future, the struggle is over who carries responsibility for children's welfare as well as who can determine the values they grow up with. Should children be brought up in the traditions of and interests of a democratic state or can the family diverge from those norms and choose to bring children up with religious and cultural beliefs practiced in the private domain? As Woodhouse notes:

> "The idea that any public involvement in child protection, education, health and income support must inevitably erode the powers and unity of the family is not new – only the battlegrounds have changed. The myth remains powerful that the allocation of rights and responsibilities amongst children and parent and the state is a zero sum game – with any gains for either children's rights or the state's interest coming at the expense of the traditional family" (1996).

Both feminist and, increasingly, liberal theorists have argued in favour of greater state intervention in what has traditionally been parental (or even more traditionally, paternal) oversight of children. For feminists, the practice of keeping childcare a private responsibility traps children into situations where they are dependent on the economic ability of parents to see to their needs and so maintains cycles of poverty (and wealth) (Folbre, 1994). At the same time, childcare commits mothers to domestic labour, which is often unpaid and may exclude or disadvantage them in securing paid employment. Luxton argues: "policies aiming

to ensure children's social inclusion must continue the trends of the last several decades by working to reduce or eliminate the central role that the family form currently plays in determining children's legal and social status" (2002, p. 12).

Liberal theorists (Callan, 1997; Amy Gutmann, 1999) have argued that the state has prerogative over parental preferences when it comes to the nature and content of educational decisions. It can do this in order to secure children's autonomy and their right to an open future (J. Feinberg, 2007) and in order to entrench democracy.

The hostelling policy throws these arguments into a new perspective because it goes beyond simply state support for day-care and the nature of the curriculum confined within classroom walls to include the care and upbringing of children in boarding institutions. Is the hostelling policy therefore an instance of the state over-reaching its authority?

One concern is that boarding institutions simply cannot 'care' for children. The worry here is whether in institutionalised settings, those charged with caring for children can ever provide the time, energy and differentiated support to young people over an extended time period. Is the state able to take responsibility for the rights and interests of children – not just in terms of financial bursar but also the emotional and affective needs of children? For liberals, the fear is that institutions can warehouse, control and regulate children, but they cannot properly provide the environment in which children develop autonomy.

International literature (reviewed in Chapter 6) gives a mixed picture on the success of boarding schools. In countries such as the UK, the trend had been to scale down the numbers of institutions of care (including boarding schools) for youngsters in favour of family-based settings (such as fostering). Institutions are usually ring-fenced for troubled youth. In China, where boarding schools are a relatively recent phenomenon, concerns have been raised about lack of facilities, inadequate supervision and discrimination against ethnic minorities (Zhao, 2011). Sexual abuse in boarding schools raises alarm bells internationally. Arguably, institutionalised care will never be a satisfactory replacement for family.

A second concern is that hostelling denies parents both their rights over and obligations regarding the welfare of their children. If parental identity is bound up with their

relationships with children, then a hostelling policy which reduces the time parents can spend with their children may have profound psychological consequences.

A third problem area for boarding schools is where questions are raised over the seemingly benign nature of state interests. Although the state may claim to be standing in for children's rights, exactly how those rights are defined and who determines them can be contentious. Communitarian theorists for example, have contested the liberal state's over-riding the rights of communities to cultural reproduction and to allowing communities to hand over the religious and cultural baton to their off-spring. There is scepticism too over the nature of state authority in the context of neo-liberal dominance. While state welfare support has increased, this is often accompanied by greater measures of control and surveillance. The concern is that within the framework of neo-liberal policies, state welfare is motivated less by the needs of children and more with protecting capital accumulation.

While pointing to these three bodies of objections to boarding schools I also hope to show that they are not homogenous units that can be simply aggregated and then balanced with each other. Each of the objections is complicated by their own internally competing claims over rights and obligations. Each actor in the boarding school – state, parents, communities and children – breaks down from the abstract into particular forms and reveals unequal power differentials within their aggregated position.

Take for example, the way in which gender cuts through parental identity. A gender lens helps show that parental rights are not benign and that mothers usually take on a disproportionate share of the care burden of children. Parental rights cannot therefore simply be aggregated and balanced with children's rights. While many feminists would be loath to support policy that privileges motherhood or women as the primary caregivers[6], a policy centred on children's rights that by-passes its impact on the general status of women in society is also questionable. As Luxton points out: "it is impossible not to recognize that children's well-being is closely linked to the specific status of their mothers, and thus, to the more general status of women in the society as a whole" (2002, p. 13). The assumption that the interests of mothers are coterminous with those of children is supported by statistics that show that in South Africa 'parent' mostly means that a woman is responsible (Richter, 2006).

[6] Except, of course, for maternalist feminists such as Koven and Michel (2013).

It may therefore be just as advantageous for children – perhaps even more advantageous in the long run – if policy focussed as much on supporting gender equality as on children's rights. It is not clear whether the hostelling policy (inadvertently) frees mothers up to take-up employment and other interests or whether there is a loss of status and self-worth without (or reduced) child-rearing duties.

In addition, the state is not a homogenous entity, a benign provider of children's rights. I will argue, in part, that the state's expectations of children are not *necessarily* directly connected to the best interests of children and that there are other aspirations for children at stake. While much of the western liberal literature is anxious that the state allows too much lee-way to parents to indoctrinate their children into dangerous, anti-liberal norms and values[7], I use the hard case of boarding schools to show that the opposite concern may be just as worrying – that is where the liberal state takes on overwhelming authority over children in its care. The state is implicated as both player and referee in the field of children's rights. It has both a vested interest in how children turn out, yet it appears to want to stand as a neutral arbitrator in negotiating between parental and children's rights. Thus while the hostel may be a pragmatic solution to getting rural children into schools, the immediate problem is whether the state can respect parental rights and at the same time be a normative actor in the investment of children's citizenship. The central question for boarding schools is whether it ought to maintain even-handedness in relation to the rights of children and parents or whether children's rights can only be implemented if current parents give up parenting rights.

Challenges to state authority, especially in relation to the upbringing of children, arise from a number of theoretical positions: liberal, libertarian, socialist, anarchist and Foucauldian. A common thread amongst them is the scepticism on the question of whom the state represents and a tendency for the state to favour one set of interests and engineer policies in support of those. Since children have yet to reach a level of autonomy, they are easy subjects to be shaped by state propaganda. Foucault's exposition on governmentality reveals this process. Where once populations were controlled through force, modern techniques rely on more subtle uses of power. Foucault has specific things to say about institutions and power – and uses boarding schools as an example when coining the term 'heterotopias' (1986). This

[7] See for example, the enormous body of literature generated in assessing the merits of the Wisconsin v. Yoder case in the US which granted the Amish exception from compulsory education (including (Arneson & Shapiro, 1996; Amy Gutmann, 1995; S. F. Peters, 2003).

thesis does not, however, follow the post-structuralist line that all states are by nature involved with social engineering and domination. Instead, I will assume for the purposes of this thesis that the state is legitimate and can do good in part. I will argue, however, that there are limits on state authority and that this is illuminated in contestations between different sets of rights.

The boarding school is a prism through which the state's interests in governing children are refracted into a wider spectrum that touches parents and other community interests. With the staff of boarding schools holding place for biological parents, the ordinary duties of the private sphere are thrown into question and who has the power to decide on the correct upbringing of children is open to challenge. Boarding schools raise central issues on the relations between state, parents and communities on how the best interests of children are to be defined. Narrowly confining ourselves to what goes on within the walls of institutions, argues Michael Ignatieff, "is likely to end in an antiquarian cul de sac" (1983, p. 169). Rather, he notes, "The essential question about the 'total institution' is what part it plays in the reproduction of social order in the world beyond its walls" (1983, p. 169). The hostelling schools project is just one small policy intervention, but it raises fundamentally large questions about the aim of public education and the degree to which the state has authority to script the lives of young people living on farms. That begins to point to the value of researching this topic, which I expand on next.

A modest intervention

The thesis is an investigation into whether boarding schools for children living on farms can be justified. It aims to probe the relationship between competing liberties and rights of children and adults – and to then apply this in an empirical investigation of hostels.

The establishment of boarding schools raises concerns over whether they can protect the rights of children, while at the same time integrating and balancing these with the rights and obligations of parents and the community. This balancing act is as much about whether the state recognises these other rights as legitimate and enforceable as it is about whether the state is able to include them in the hostelling project. While I want to describe the nature of the hostelling project, it is hoped it will in turn amplify the nature of rights and relationships

between rights holders: parents, children and the state. More specifically, does the state follow a utilitarian approach and over-ride the interests of some with the promise of wider benefits? Is the state justified in prioritising the rights of children over the rights of their parents and communities?

A detailed exploration not of the implementation issues – but crucially of the ethical issues – related to boarding schools should provide a better basis for the justification of such institutions and should furthermore spell out what conditions would have to be in place before boarding schools can be established. I argue that the boarding schools are not just technical solutions but part of a particular modernising project that has wider implications for how we understand the reproduction of rural society. It is a case study of justice in practice. Justice (in its liberal framework) implies that principles of distributing public resources are checked or balanced by the rights and liberties of individuals. It is also a case study of care. As I shall argue towards the end of the thesis, raising children cannot only be about teaching them the norms and values of citizenship and justice. It includes nurture and attention to emotional well-being. The hostelling policy crosses public and private sphere and the needs of present day citizens and future ones too.

The hostelling schools project is but one, admittedly small, government intervention to ensure educational access[8]. Boarding schools do not grab headlines nor spark upheaval or resistance. It is a rather quiet government intervention. Although large amounts of money are channelled into the projects (R80 million was the announced figure for a 'mega-farm school' in Lykso near Vryburg in the North West; SANews, 4 December 2013), it takes the presence of a premier at a sod-turning ceremony to gain news-worthiness. It is an exceptional contrast to the protests that have erupted ever more frequently over lack of service delivery. There's no underlying stench of corruption, privatization or neo-liberal tendencies. It seems in every way important evidence of the government delivering services to children in perhaps the most marginalised of communities – workers living on farms.

[8] In the Free State Province in 2011, there were 22 hostels (with another 4 in the process of being established) accommodating 2044 learners (Mr B, CALS Conference, December 2011, transcribed from audio-recording).

Boarding schools, nevertheless, present an interesting instance to probe wider issues: of the balancing of sectoral rights; state authority and the impact of welfare; socio-economic context of agricultural production; reproduction of family and culture; children's rights vs parental rights. The thesis will attempt to cover these issues and assess just how robust the justification for hostelling is.

Although hostelling is not a new phenomenon, it is something of an experiment in the post-1994 era – if not for the democratic state, then for the families and the children themselves. It is essential therefore that we understand its impact on child beneficiaries, their families and communities. This thesis, however, is not intended as an evaluation of the policy implementation. Rather the purpose is to ask some of the prior questions underpinning the policy: how it is justified; whether it can be justified and what are the possible objections to the policy? What are the proper limits to the welfare state in relation to the care and upbringing of children in the context of post-apartheid South Africa? This is therefore largely a philosophical piece of work but the lens is always on the rural boarding schools for children living on farms. The application of theory to a test case allows us to see beyond the gloss of the official discourse on the institution to other possible interpretations of what the boarding school is doing or achieving in the current socio-economic and political context. Finally, an understanding of the weaknesses of different theoretical justifications can point to how the policy might best be defended – and by implication, how it might be better implemented.

This thesis hopes to contribute to knowledge in the field in three ways. First, it aims to advance thinking about the issues and principles that need to be taken into account when formulating policy. Twenty years into democracy so much attention is placed on monitoring the implementation of policy that questions over whether the policy is justifiable in the first place are neglected. Yet, with the hindsight of experience in implementation, the opportunities to rethink the principles that form the basis of policy are often not taken. This thesis intends to close that gap in the policy cycle on the hostels. Second, the thesis asks new questions about boarding schools that go beyond a focus on children's rights. The thesis queries what impact the boarding schools have on families and communities and how that is accounted for in the justification of the policy. The thesis challenges the idea that children's rights alone are sufficient to justify a policy on boarding schools. Third, the thesis offers an

original justification for boarding schools. It draws on feminist theory that fastens together justice and care and applies it to a novel situation.

Chapter outline

The thesis covers three main areas: the first explains the state's rationale for boarding schools; the second section contains three chapters each detailing an objection to the boarding schools; and the conclusion offers an alternative justification.

In the following chapter (Chapter 2) I outline the methodological approach taken in this study. The thesis relies heavily on philosophical arguments but these are tested against empirical work conducted in two hostel sites in the Free State province. The chapter describes in detail the rationale for the qualitative method used as well as how the data was collected and answers ethical issues.

Section 2 (after the introductory chapters) contains three chapters describing the state's reasoning for boarding. In Chapter 3 I describe how the state justifies the hostelling of farm school children. The state's case rests on three claims: that it is responsible for ensuring access to education, the welfare of children as well as their personal development. I argue that the state has a public interest obligation to ensure that all children acquire the necessary capacities to become citizens and therefore has authority to coerce schooling. Since citizenship is crucial to such a justification, more will be said of the norms and values expected to be inculcated by education. Secondly, I argue that boarding institutions can play a redistributive role in ensuring that children born into households characterised by poverty are not unduly disadvantaged in accessing educational opportunities. The policy is considered within the wider social welfare context and whether it can be seen to go beyond current poverty alleviation strategies. Though the policy is motivated on efficiency grounds (as a solution to the inefficiency of farm schools) it is nevertheless possible to check whether it is embedded in a broader transformative impulse and whether its outcome undoes the inequitable educational access patterns of the past.

In order for the state's justification to make sense, it must explain two further conditions: first, why the state should prioritise children's rights and second, why the state (rather than

some other institution, such as the family) should take responsibility for guarding children's rights. (What theory of the state gives the state this responsibility?) Chapters 4 and 5 cover these two points respectively.

Once the rationale for boarding schools is stitched into a theory, the thesis can begin to test the strength of its justification with counter claims. The rationale must be measured not against its own benchmarks – whether or not access has improved, welfare has been provided or personal development has been successfully achieved – but against criticisms external to its own justification. Can the policy answer hardnosed critics who say it should not be implemented – not because it cannot meet its aims – but because the policy is normatively distasteful? It dis/empowers the wrong people or distributes resources unfairly. These problems cannot be wished away through better implementation. The problem is hardwired into the policy.

Section 3 (Chapters 6-8) outlines the objections to the boarding school policy. Chapter 6 looks at whether children's rights are adequately accounted for in the hostelling project. While clearly children's right to education is foregrounded, the worry here is whether boarding institutions undermine rights to family and to autonomy. At issue is whether institutional care is by its very nature able to provide the conditions necessary for children to become independent adults. Does oversight of many children by a few adults lead to over- or under-regulation, either of which could compromise children's growing autonomy? Findings from two boarding institutions in the Free State will be drawn on as illustrations.

Chapter 7 assesses problems for the hostelling schools project raised by the idea of parental liberty to direct the upbringing of their children. Does the physical distance between parents and children make it difficult for parents to influence the values of their children? And if so, the philosophical question is whether this is necessarily a problem. The chapter also reviews whether democratisation has provided the necessary conditions for farm labourers to overcome the historical subordination of class in order to participate as active citizens in decisions that affect their lives. At issue is whether the social welfarism that underpins the hostelling policy is sufficiently underscored by a political civic discourse that gives those affected a voice in how the service is delivered. The chapter also reports on interviews conducted with parents of learners in the two boarding schools visited.

Chapter 8 reviews possible communitarian concerns with boarding institutions. Although communitarian issues usually overlap with parental (or family) rights in political literature, I treat them separately; looking specifically in this chapter at whether boarding institutions disrupt cultural reproduction.

Finally, in the final section, Chapter 9, I return to the issue of justifying boarding institutions and evaluate how best to explain the purpose or role played by hostels in rural farming communities. Both the theories of justice and care will be shown to have limitations for justifying residential schools but in combination they help us re-imagine the purpose of boarding schools. The new purpose includes the rights and responsibilities of families and communities in the upbringing of children rather than only needing to protect children's rights. As a result, the joined up theory of justice plus care provides a stronger justification for boarding schools than that currently used by the state.

Chapter 2: Entry to the boarding schools: Methodology

Boarding school
noun
1. a school at which the pupils receive board and lodging during the school term (distinguished from day school).
Origin: 1670-80[9]

This research project primarily addresses a philosophical subject – but the topic is very much a practical policy problem. The policy issue is the closure of farm schools and the consequent need to house children living on farms in boarding institutions so that they can access education. Despite increasing demand for evidence-based policy, the idea to place children on farms into boarding schools has remarkably little research to back it up. In fact, it was never a policy preceded by research – in which a rigorous methodological approach was used to count out baseline data and measure out intended impact. Although the policy repeated practice from the earlier part of the last century when boarding schools were set up for the children of white farmers, there is not much research on that process either to help inform the current policy. While the Ministerial Committee on Rural Education deliberated in 2005 on what should be done with farm schools and recommended boarding institutions in the Further Education and Training phase, its recommendations had already been overtaken by practice. The closure of farm schools and the opening of boarding schools were proceeding apace.

So why then a (largely) philosophical take on boarding schools when clearly the empirical data is very thin (and necessarily the first port of call for policy makers)? This chapter is an explanation of why I have chosen to throw a philosophical lens on what some may consider a topic more appropriate to a social science study – especially in light of McLaughlin's claim that "the contribution which philosophy can offer is a modest one" (2005, p. 18). Boarding schools appear as only having 'surface' significance to philosophical reflection. It does not seem directly related to the most common philosophy of education topics, for example on the

[9] boarding school. (n.d.). *Dictionary.com Unabridged*. Dictionary.com website: http://dictionary.reference.com/browse/boarding school; accession date: 16.1.2015

aims of education, or values education, or citizenship education and nor is it concerned with epistemology. Indeed, it has very little to say about education content or classroom practice.

Carr describes the "two separate spheres of professional activity":

> On the one hand, we have a small academic community of educational philosophers whose members examine these issues in accordance with the canons of rational inquiry but whose arguments and conclusions have little practical effect. On the other hand, we have a diverse group of politicians, policy makers, teachers and other educational professionals who make and implement practically effective educational decisions but do so in a way which generally lacks intellectual rigour and in which serious and systematic reflection on the fundamental philosophical standpoint that informs their decisions is conspicuously absent." (2004, p. 57).

Perhaps the easiest approach to explain why I have chosen the philosophical method is to show the limitations of sociological approach – and that philosophy can help remedy these. Specifically, I think a monitoring and evaluation exercise of the boarding school policy fails to ask foundational questions of the policy. Such an approach to research checks the degree to which policy has met its objectives but the objectives themselves are rarely put to question.

This chapter therefore provides a defence of philosophy of education as a way of asking the first and primary questions of the hostelling policy. The impact of the policy is clearly important, but as I will argue in later chapters, it is exceedingly difficult to know what the long-term effects will be on children (these may be positive overall even if immediately the going is tough). In addition, if the impact of hostelling is found to be negative, it may simply be that it is poorly managed or not adequately resourced. Those issues do not undermine the idea of hostelling altogether, only that it should be better implemented. This thesis puts the stress on the prior questions of whether the policy can be justified at all. Only then will it be possible to test the structures and procedures of the boarding institutions themselves. The philosophical answers are not to be found to questions on impact – but to the normative conundrums. "Analysis," explains McLaughlin, "is concerned not merely with the meaning of beliefs, but also with their justification and truth" (2005, p. 21).

The sociological approach to the study of boarding schools and its limitations

Sociology of education obviously has much to offer but in this section I want to cache out some of its limitations and so defend using a mainly philosophical approach to a policy issue.

The sociology of education is defined as "the study of educational structures, processes, and practices from a sociological perspective. This means that the theories, methods, and the appropriate sociological questions are used to better understand the relationship between educational institutions and society, both at the micro and macro levels" (Saha, 2008, p. 300). The aim of this thesis is to test whether the initial motivation for boarding schools could be justified. Since this must include how the state legitimates and communicates its decisions about improving educational access with citizens, it would make sense to use a sociological approach and draw on the theorists of bureaucracy and social functions to evaluate and explain the policy.

The methodology therefore initially appeared to fall into an interpretive / constructivist frame in that I was interested in the state's rationalisations and how people make sense of their relationship to state policies, the impact it has on their lives and how they respond to it. The implementation of hostelling policy balances the rights and liberties of children and parents with the obligations of the state to ensure access to education. It touches on the upbringing of children, shattering any division between public and private, between distant government and the family. It offers an ideal opportunity to understand how a 'welfare' policy positions claimants (in this case, both parents and children) and how those claimants understand their choices, their social and political identities.

It started out, therefore, as an empirical investigation, to ask questions such as:

- Has the hostelling policy been a success? Has it improved access to quality education for children from farms? Has the policy ensured the dependency rights of children as well as secured their ability to use rights in future?
- Do conditions in hostels adequately cover the demands of children's rights to care? Are hostels in the best interest of the child?
- What (if any) gendering stereotypes are reproduced in hostels?

- How has the policy impacted on farm worker families? How has the policy impacted on mothers (or primary caregivers) in particular?
- Is there a dissonance between the school / hostel culture and what children learn at home?
- Have parents been sufficiently consulted on the closure of farm schools and the transfer of learners into boarding schools?
- Who makes these decisions in the family (on the hostelling of children)? (Are the children consulted by adults in the family?)
- Is care by the state measurably different from care at home?

These are important questions – and their answers should help to determine whether boarding schools are meeting their objectives and provide recommendations on how they might better do so.

I began, therefore, with visiting boarding schools. The empirical data was collected from two sites (boarding schools) in the Free State, the first province to systematically implement a boarding school policy for children living on farms. One boarding school was considered a model boarding school and the other was one about which the Catholic Institute of Education (CIE) had made several complaints (CIE, 2009). While two such divergent case studies would not present a picture of what conditions are ordinarily to be found, it did provide an opportunity to scope out the pros and cons of boarding institutions more clearly.

The first boarding school is situated in an ex-Model C school in (that is, a former whites-only school) a rural secondary town. The boarding school was opened in 2005 after extensive renovations. I visited the school at the end of November 2011 and conducted interviews with the head of the hostel, an educator and the matron (all living in the hostel). I also interviewed the school principal and an educator who had been transferred from one of the farm schools that had been closed down. Learners were returning home for the December vacation and I followed the bus as it dropped children off along the main roads. Then bumping over gravel farm roads, we approached parents for an interview. I was accompanied by an interpreter who explained the reasons for the interview and secured consent. The interviews with 12

parents were conducted in SeSotho (though I have no understanding of it), voice recorded and later transcribed and translated.

The second boarding school is situated in a former bantustan. Located on the grounds of a primary school, the children living in the boarding facility attend several schools in the vicinity. Ten long buildings stretch in parallel lines and divide the children up by gender and age. Seven of the boarding houses are in use. It was visited 25-26 April 2012 and the research process followed a similar approach to the first visit. Buses were returning children home for the long Freedom Day – Worker's Day weekend with the longest trip taking up to 2.5 hours. Accompanied by an interpreter, we found our own way to a farm just a few minutes on the outskirts of the sprawling ex-homeland settlement and interviewed seven households in close proximity to each other (in SeSotho, with one interview in isiZulu). Prior to this visit (January 2012), I had conducted interviews with a Catholic-affiliated farm school whose secondary school learners had been moved into the boarding school. I interviewed the principal of the school (in English) and the SGB chair (who answered in IsiZulu). The voice recordings were transcribed and (in the case of isiZulu) translated.



Picture 3: A visit to a farmworkers' household in the Free State

Interviews with head teachers, matrons and staff at the two boarding schools (in a mix of English and Afrikaans) were lengthy and covered rules and procedures, management and governance issues. I interviewed them in their living quarters and offices in the boarding schools, amongst heaps of clothes being mended and with the smell of lunch or supper for the boarders wafting in.

Parents were questioned on their views on the farm schools, the decision making process to close down the farm schools and their opinions on the boarding schools. The parent interviews were guided by a questionnaire (see appendix). Their main purpose was to not to get in-depth, longitudinal data but simply a dip-stick survey on whether they had been consulted on the process to move children into boarding schools, whether they were happy with the move and what improvement they would like to see. The interpreters would follow the questionnaire I had prepared, stop and translate the answers given every now and again which would allow me to ask for clarification. It was explained that I was not connected to the boarding schools or the Department of Education but that their responses could be reported (anonymously) in a report (thesis) that would be publically accessible. While certainly we arrived by car as outsiders and I have the privileges of being white, urban and from an elite academic institution, the interviews were conversational. The parents were in general positive about the boarding schools, but they were also comfortable enough to add critical comments. All interviewees were appraised on the purpose of the research, assured of anonymity and asked to sign consent forms.

Children living in hostels were not interviewed since I was not directly concerned with their opinions on or experiences of the hostels (though this would be interesting research). Data on the well-being of children was indirectly assessed by observations on the conditions of hostels, daily routines and by questions directed at hostel staff and parents. In addition, I asked about the performance of learners in school (especially improvement or drop in performance) as a proxy for whether hostels provide suitable conditions for learning.

I took photographs on the fieldtrips. Permission to take the snapshots was always sought from the principals of the schools, matrons at the hostels and parents at the homesteads – and anyone who was in the proximity. The pictures I have used as illustrations in the thesis have been chosen so that no-one is identifiable.

I also conducted a semi-structured interview with the provincial director in charge of boarding schools in the Free State Department of Education on general policy and day-to-day management of boarding schools and future plans in relation to children living on farms. At a conference organised by the Centre for Applied Legal Studies (CALS) in December 2011, I had a further opportunity to engage with him as well as hear a presentation delivered by the principal of a mega-boarding school in the North West Province. (These were recorded and transcribed).

The visits to the boarding schools and to the farms were enjoyable. The eastern Free State (one of the site visits) sits on the backdrop of the Drakensberg and the snapshots from my time there are sliced in two by a horizon of blue sky and sandstone mountain (see picture 3 as an example). People invited me and the interpreter into their homes and keenly – and sometimes forthrightly – shared their opinions. They provided me with the quotable quotes and colourful incidents that pepper this thesis. But the social science and the philosophy never quite worked in tandem. How the policy was being implemented was a separate field of inquiry from why it was being implemented.

There are two main predicaments with relying on empirical data: the first was that it was difficult to interpret the data in relation to whether or not the boarding school policy is justifiable; the second, is that the social sciences approach was not asking the underlying principled questions.

In the first place, a limitation with using empirical research to answer questions on the justifiability of policy is that whereas rationalizing policy is theory-dependent, empirical data can precede theory. Answering the sociological questions was always intended to improve the implementation of the boarding school policy. Evidence-based policy is concerned to show that policy is not blithely based on whim or ideology – that it can logically follow from a carefully drawn up methodology. But it is a technicist approach to policy making. It implies that all the evidence can be neatly gathered and evaluated in a positivist way to give the correct answer. But that is rare. Trying to prove that a policy is justified is harder still. For example, parents' positive or negative perception of government's approach to the welfare of their children was not necessarily a definitive indication of whether parental rights

had been infringed in the move to boarding schools, because parents may not have been fully aware of what they could legitimately expect or demand from government or what alternatives are potentially available to counteract children's poverty. Empirical studies that rely on what third parties tell the researcher will need to be triangulated with other sources since perceptions are not normally sufficient to allow researchers confidence that the full picture is presented. Neither was it possible to hear or observe a communitarian objection to the justification for boarding schools. At the time of my study, only the CIE had petitioned against the process by which hostels were established and the conditions in some of them. But even the CIE's protests (and Catholicism is closely related to communitarian thinking) did not go as far as rejecting the rationale for boarding schools.

Second, the trouble with an empirical study is not only with the evidence but with the questions asked. The most important issues may not be found in facts and datum but in ethical quandaries. As Bridges points out: "empirical studies of the processes of policy making in education can tell us about the considerations which do, as a matter of fact, influence policy decisions. It is important to be aware of the political realities of such processes, but that is not the end of the argument. Here – no more than in any other sphere of public reasoning – can we simply derive an 'ought' from an 'is'" (2009, p. 178). CALS (Cowley et al., 2011) make this mistake when they allow their recommendation to overshoot the empirical evidence. Based on research on the successes and weaknesses in the administration and functioning of three boarding schools, CALS advocates that the policy be expanded rapidly across the country to include all farm schools. But the fact that the state can run boarding schools successfully, does not mean that they should do so.

An investigation into the operational strengths and weaknesses of boarding schools cannot answer foundational questions on whether the policy is justifiable or not since those foundational questions are based on wider moral debates. As Conroy et al note, where we are interested in "the flourishing of students" (such as we would be in the boarding school), "accounts that are rooted in a range of philosophical and cultural antecedents [...] would leave us hard pressed to unearth any connection to empiricism" (2008, p. 168). Observed data can be used to show that a policy's aims are being met – that children are being fed, for example, or that their marks are improving. But justifiability is measured on abstract criteria – love maybe, or care or justice or solidarity. That is not easy to find practical evidence for. Rather,

it is theory that provides the criteria and argument for why one course of action is favoured over another, why one policy is more valid than another. And it is through philosophy, as I shall argue next, that the criteria for judging policy can be defined.

In sum, social science research may be able to tell us the extent to which policy is meeting its goals, but philosophy will tell us how those goals were devised in the first place and on what values they were based. It is not enough to say the policy works as it should. We need to know whether principally it is the right policy to begin with. My claim here is that simply by basing policy on economic indicators of efficiency and effectiveness is insufficient. While a policy may score high on both, it might still be the wrong route to take if it does not have moral roots. We need to be able to distinguish between policy as it is and policy as it ought to be (Bridges, 2009, p. 178). So we have to ask the normative questions and not only the empirical ones. As Smeyers and Depaepe note, "Policy judgement has to be thought of as a form of practical judgement (*phronesis*), which can be informed by research but relies on a much wider range of understanding" (2009, p. 7).

What philosophy of education can offer to the study of policy on boarding schools

If the thesis was planned as applied philosophy, it was the moral and ethical questions of the boarding school that needed to be asked. The empirical evidence was insufficient to get to the "wider range of understanding" Smeyers and Depaepe (2009, p. 7) write about. I wanted to know whether the policy to place children of farm workers in hostels was justifiable.

The main research question was then phrased in the following way: Does the hostelling policy (both in text and implementation) meet the demands for the care, well-being and education of children without threatening the freedom of parents and communities to make decisions over how their children are raised?

It seemed that having identified the political tension – between state care and parental and communitarian rights – it would be a simple matter of testing it in practice. But it is incredibly difficult to do (as described above). The CIE (2009) had documented cases of gross neglect – but even these might be indications of the failure of management and governance rather than pointing to any inherent tension in the model of hostelling. I wanted

to get at the intrinsic nature of boarding schools, to see whether the very heart of the institutional make-up would hold up to challenge.

If a study of the implementation of policy judges success or failure on how well the intervention meets its objectives, it will always be limited as far as those objectives go. The values and principles of the policy are taken to be correct. Yet it is precisely that which needed testing. Analytical philosophy's contribution to policy is its unending questioning to see if the foundation holds. Bridges states the argument in this way: "where the beliefs we hold have consequences for the welfare of other people, ensuring that these beliefs are well founded (which in Clifford's terms means that they have stood 'in the fierce light of free and fearless questioning', but we may have other requirements) is not just a functional requirement of a utilitarian character or an *epistemological* condition for claiming true belief: it is a *moral* duty" (2009, p. 179).

The decision to do this rather than that in terms of policy is most often intended to solve a practical problem efficiently and effectively but then it may also be a pragmatic, even cynical, ploy of getting votes. Unravelling political motivations from economic ones is not easy. Rarely is the evidence for choosing one policy intervention over another clear-cut. The evidence on boarding schools is particularly fuzzy. That's because the long-term consequences on children are difficult to track; because the impact outside of the boarding school gates is tricky to assess and because the benefits of alternative policy options cannot always be seen.

Part of what this thesis is intended to do is work out whether the boarding school is justifiable without looking for evidence of its success or failure *post facto*. The idea is to test the validity of the principles on which boarding schools are based in the antecedent phases of policy development. 'Analytic philosophy' comes into its own when it asks questions about the conceptual basis for certain actions. It is meant to pick out the criteria against which to evaluate institutions. Philosophy does the preliminary work before any proper evaluation can take place. The philosopher unpacks the reasons behind the reasons in a systemic way. It is a style of argumentation, explains McLaughlin that seeks: "clarification of concepts, premises and assumptions, the consideration of counter-examples, the detection and elimination of

defects of reasoning of various kinds, the drawing of important distinctions, a particular spirit of criticism and the structured development of argument" (2005, p. 23).

The task, therefore, is to compare the relative benefits of potentially competing values. The boarding school is an institution that overlaps several spheres – public and private, school and home, the world of adults and that of children, education and welfare. Each of those spheres tend to be governed by discourses and values that do not transpose easily and, in some cases, may even strain against the values of another sphere. The value of privacy that defines the private sphere, for example, does not have as much weight in the public arena. The job of the political philosopher, explains Brighouse and Swift, is: "to sort these values into principles which can guide the design of institutions" (2013). The values settle the nature of the institution.

The philosophical questions could therefore be listed as follows:

- What is the appropriate basis for the policy on boarding schools?
- What are the limits of state (or alternatively, the obligations of the state) to push children into schools?
- Are parent's rights over their children violated by a policy in which the state takes over the care of children? (Or, under what conditions would it be legitimate for the state to interfere in the upbringing of children by removing them to a boarding school?)
- Who decides what is in the best interests of the child and on what basis? What role do children have in that decision making?
- What justificatory principles would be a basis for a hostelling policy?
- Should policy be motivated by the best interests of the child or in the best interests of broader political / national goals?

The answers to these questions depend very much on clarity of definitions and the persuasiveness of an argument. For example, the appropriate basis for policy could include any number of principles that need to be weighed up against each other. The philosophical questions can be answered from two main directions: either through democratic reasoning or through philosophical reasoning. The latter finds faith in logical, abstracted argument, the

former in the opinions and experiences of citizens. Grounded (or applied) philosophy tends to be caught up between the two.

Democratic procedure uses a bottom-up approach. Democratic decision making assumes that decentralising choice and allowing those who will be most impacted by policy to work out its form and shape will result in better policy – and more legitimate policy. In other words, policy that has democratic assent (and better yet if it has had thorough deliberation) is more likely to practically solve problems because voters with direct experience of a policy issue are considered to be the experts on it. Democracy is also argued to be a value in itself – good simply for being democratic.

But while democratic procedures may be an important consideration in making policy, we cannot always be sure that they result in the correct outcomes, the ones most likely to make a meaningful difference to the policy problem.

In contrast to using democratic procedures to make policy decisions, the advantage of the philosophic method is that, as long as the logic can be sustained, it ought to be convincing. The argument is not swayed by the shifting tides of personal opinion. Moreover, the argument ought to be universally accepted. If the reasoned argument can outlive academic attacks, then it must be shown to have concrete feet – at least on principle. Philosophical reason is meant to clarify terms and thereby resolve confusion.

But the idea that its logic raises philosophy beyond dispute, that it can escape the messiness of the everyday, has been met with scepticism. Carr points out: "philosophy of education was able to define itself as a quasi-technical, value-free discipline primarily concerned with elucidating the meanings of basic educational concepts by analysing the logical conditions governing the terms used to express them" (2005, p. 2). Underlying Carr's point is a rather biting critique – that it is neither technical nor value-free and that it does not get you much further than circular word-play. Philosophy of education therefore has little relevance to cut-and-thrust of policy. Carr explains that analytical "analyses were constantly exposed to the accusation of offering spurious logical necessity to interpretations of educational concepts that were both historically contingent and culturally specific" (2005, p. 4). The pretence of philosophy of education is that it springs up in academia in the 1960s without recognising its

antecedents in earlier periods before the certainties of liberal reason trumped communitarian theories. For Carr, the triumph of analytical philosophy is a capitulation into conservative politics – its effect is to uphold the status quo.

If analytic philosophy of education is read as a way to escape bias, to hold preconceived claims, then perhaps this is an apt moment to come clean. I had a rather unpleasant stay in a white boarding school under apartheid. My family lived far away and so, like the children of farm workers in the boarding schools today, I spent weekends confined to the *koshuis*. I have had to be conscious not to allow that familiarity with home-sickness cloud the conceptual line of reasoning I hope develops through this thesis.

One line of defence is to clarify that the aim of this thesis is not to reject (or accept) the hostelling policy. Instead, the hostelling policy is used as a vehicle, a case study, to address larger questions on the relationships and tensions between the state, children's rights, parental rights and communitarianism. It is a microcosm in which extreme examples of race and class and government and transformation are concentrated. We get to see through a microscope how social reproduction is played out and how the state relates to families in crisis. Smeyers & Depaepe advise that: "The scholar or researcher, having come to terms with the problems of generalizability, cannot simply indulge herself in either relativism or particularity. She should in one way or another deal with the tension (that is always there) between the particular and the universal, and between *this* case and what generally demands to be dealt with – the problems posed by human life in general or education in particular can neither be ignored nor left alone" (2009, p. 1).

A second guard against the attack that the thesis is partial is to admit that the argument is unrepentedly preconceived. But it is hoped nonetheless, that the line of reasoning is persuasive. The thread of argument throughout the thesis is meant to convince the reader of the imperative for a public responsibility for long-term child care – even as it attempts to shake confidence in that possibility. The thesis therefore swings between argument and counter-argument but the idea is to provide the best possible line of reasoning – not the definitive one. For Conroy et al: "confidence is to be seen as trust; trust in one's own instincts about the capacity to make normative judgments where the rules have, at best, been left a little ragged. This further entails the invocation of two fundamental philosophical

principles: the demand for a richer sense of what constitutes 'evidence' and the introduction of the sceptical pause in the face of that evidence and the conclusions it may appear to prompt" (2008, p. 171). While philosophy may be judged as inference towards a valid conclusion rather than as a science, the "primary task of philosophical analysis might be to question the steps by which any conclusion determinant of educational policy was reached and, more importantly, to require that the richest possible understanding of the known – with all its variables – has been assured in advance of any formulation of conclusions" (Conroy, Davis and Enslin, 174). So philosophy should at least be aware of the many intersecting factors that direct and divert evidence towards a policy outcome. It is the precision of the philosophical procedure that makes for a well-founded claim. As Conroy et al point out: "if philosophical reasoning is to enjoy a substantial measure of confidence it must be seen to be an integral part of the total process of policy development, critique and instantiation" (2008, p. 176).

Conclusion

To do a comprehensive study of boarding schools, a study that captured process and impact, would require some multi-tasking across a variety of disciplines. The ethnographer would need to be around for morning to night observations over the seasons to understand the rationale of daily routines, to see the compliance and defiance of rules and to take in the under-currents of relationships that explain how boarding schools function. The sociologist would be taking notes on the role of the boarding school in social reproduction and how it plays its part in the building blocks of a socio-economic discourse. The psychologists might be interested in boarding schools as hot-houses of human social development (and the psychiatrist may search for explanations of future mental health). Students of education will likely be interested in the supportive function boarding schools play in educational access – both physical and epistemological.

I dabbled in some of these areas for this thesis. I visited three boarding schools and interviewed the school management, the staff, did some observations of children (though not to any degree of an ethnographer) and I interviewed parents. Those visits were intended to reveal how the policy was being implemented and whether the state was behaving

unilaterally in making decisions on the care of children without taking into account the views and interests of parents and communities.

In the end, I fell back on philosophy as a way of asking questions of the boarding school that empiricism deals with differently. So, I was not only interested in the observable impact of the hostelling policy but also on the ethical issues – those abstract questions related to whether the boarding school could be defended *a priori* to its actual outcome. A full study of the boarding schools would need all approaches - empirical evidence, philosophical reasoning and phronethis (practical judgement). As Brighouse and Swift point out: "While the work of establishing the values is philosophical, conjectures about collateral effects themselves must be informed by social science" (2013).

It may seem odd to question the ethical basis of a policy in retrospect when it already appears to have had positive outcomes. The boarding schools have already matriculated a few learners. The horse has bolted, the beds have been made, and so the questions on the justifiability of the policy are perhaps being asked too late to have any real influence. Yet it is precisely whether the policy can ever really get out of the starting blocks which is missing in the policy discourse on hostelling. The public needs to have confidence that policies are designed from the outset so that they can be normatively as well as procedurally defended. Moreover, ethical and normative issues should not be seen as elitist, privileged issues to be considered only when the economic pressures have been dealt with. They need to be considered from the start – not only because to rectify injustice is costly damage control but because of the importance of treating everyone with ethical and moral worth.

Finally, although the thesis broaches broad questions on the justifiability of policy, the answers must be necessarily modest. This study is based on a very small segment of South Africa's population and on just one intervention to deal with educational access for poor learners. A more general assessment of South Africa's policy approach to the education and care of children cannot therefore be extrapolated from this.

Section 2

Chapter 3: Fertile grounds: Justifying hostels

Jongintaba had offered to become my guardian. He would treat me as he treated his other children, and I would have the same advantages as they. My mother had no choice; one did not turn down such overture from the regent. She was satisfied that, although she would miss me, I would have a more advantageous upbringing in the regent's care than in her own."
Long Walk to Freedom: The Autobiography of Nelson Mandela, Little Brown and Company, 1994, p.16

We were slowly working our way back along a winding, bumpy farm road after interviewing farmworkers about the hostelling project. The low-slung car was taking a hammering from loose rocks. As we picked our way towards the freedom of the tar, the exit gate was barred by a 4X4 bakkie. A man, tall and wide, stepped out and beckoned me. "What are you doing on my *plaas?"* he fumed. The explanation given in my halting Afrikaans – what was the word for 'research'? – his demeanor relaxed and he proved quite talkative. His wife, his daughters and his son had all been to the same boarding school I was visiting. His son, a tall lean adolescent in the bakkie with him, had moved to a Bloemfontein boarding school years ago. He pointed us on to homesteads further along, to workers for whom he had written letters to confirm that they were living and working on his land and that their children therefore qualified to attend the hostel. It was a good thing, he said, for how else would there be progress.

The renewed strategy to open boarding schools - particularly to accommodate the learners of farm schools that have been closed down – is a powerful symbolic reversal of apartheid schooling. While boarding schools have a long tradition in South Africa, under apartheid they were mainly residences for white learners both in elite private institutions and state schools in rural towns. Under the Bantu Education Act, many boarding schools for black learners, particularly linked to mission schools, were closed down. The idea, then, that

boarding schools would be opened to black learners living on farms is a complete turn-around of the schooling opportunities available under apartheid. The children of black servants would have the chance to live and learn in the schools that had once been the preserve for the children of their white masters.

If the hostel is symbolic of the racial transformation that has happened since 1994, it is also emblematic of an economic change. Implicit in the farm owner's notion of 'progress', I would guess, is a common-sense idea of modernization. The farm was no longer a place of employment and, as the farmer explained to me, since cattle husbandry was the dominant activity, there was not much call for manual labour. South Africa's development paradigm since 1994 – state-led capitalism, investment in rural infrastructure to redress apartheid injustice, an economy turned global – is reliant on a modern economy that needs to invest in human capital (Edigheji, 2010). As the economy has changed direction from agriculture and mining to services, so the centrality of knowledge and information technologies has elevated the importance of schooling and education (Blankley & Booyens, 2010). The farm school – a relic of agricultural backwaters – was not simply a drain on the education budget but also an embarrassing blight on a system trying to reinvent itself in the global image of outcomes-based education. Of all the schools dragging down performance, lacking in resources, and often resembling out-of-date multigrade classrooms, farm schools languished at the bottom of the polls. They were as far as possible removed from the global economy and the forward-thinking education system behind it.

In this chapter I trace the justifications provided by government for boarding children on farms. Three main reasons can be discerned: first, hostels offer a practical solution to accessing schools for those living in remote areas; second, hostels are a location through which the state can provide welfare to poor children; and finally, hostels support the 'personal development' of children.

With these three rationales, the state positions itself as the guardian of children's rights. That leaves two matters to be explained: the first is why children's rights are given preference, and the second is why the state (rather than anyone else) is charged with the custody of children's rights. The prior issue is dealt with in the next chapter, the latter concern in the chapter that

follows. These three chapters thus present the case for hostelling and the central role of government in their establishment. That justification will then be tested in later chapters.

In their best interests: The grounds for hostelling

There are ten reasons given for establishing boarding facilities in the Department of Basic Education's 2012 Guidelines for the Provision of Boarding Facilities which can be grouped into three main rationales: first, it is a pragmatic solution to schooling access; second, it provides a form of welfare for learners living in poverty and finally, it aims at personal development.

Access

The first rationale is perhaps the easiest to justify. It is to provide "access to education ... in areas the state cannot provide schools" (Department of Basic Education, 2012, p. 6(2.1)), which "can be a cost-efficient measure in small, sparsely populated rural and farming communities" (2012, p6, 2.8). The Guidelines also motivate that boarding schools would reduce the learner drop-out rate: "Learners who have to travel long distances to school and back home are exposed to all kinds of challenges, like arriving late for school, being absent from school or being tired due to the long hours they have to spend on the road. Accommodation of learners in boarding facilities will eradicate all these challenges and reduce the drop-out rate at schools" (2012, 2.10, p6). Boarding schools may also offer a greater range of curricula options (2012, 2.2., p.6) and opportunities to participate in extra-curricular activities (2012, 2.5, p.6). The Guidelines note that "Learners therefore receive a more holistic education as a result of living in these facilities" (2012, 2.5, p.6). Moreover, given that "boarding facilities create the space, time and conditions that are conducive to studying" (2012, 2.3, p.6), learner performance is expected to improve.

Boarding schools were therefore a pragmatic and economically rational solution to getting to school in sparsely populated areas. But getting into schools is not enough without quality provision. In the context of an apartheid past, *where* a learner goes to school is closely associated with the quality of access. Results from the 2005 Systemic Evaluation are broken down by geographic location. In grade 6, farms schools scored 34% in language, 24% in

mathematics and 37% in natural science (which is slightly above rural and remote rural schools, but below that of urban and township schools) (Gardiner, 2008, p. 13). Of the 4 657 farm schools surveyed by the Human Rights Watch in 2004, 1 273 did not have toilets on site and almost none had libraries (2004). Educators in rural schools are less likely to be qualified or to have regular access to teacher training programmes. Small schools often cannot offer a full range of learning areas and classes tend to be multi-grade. It is not unheard of for very small farm schools to be one-teacher schools and in 2013 it was reported that there were 549 schools in the Free State, Eastern Cape and Mpumalanga with one teacher, who doubled up as principal and administrator (Williams, 2013).

It may have been possible to radically improve the outcomes of farm schools with the addition of resources but the financial costs would necessarily have been exorbitant. Farm schools were simply economically inefficient. Improving the quality of education in farm schools will take a long time, whereas moving learners into better, centralised schools is an immediate, quick-fix solution[10]. Angie Motshekga, Minister of Basic Education, responding to questions in Parliament in 2013 emphasized affordability as a key reason for shutting down schools (especially in the Free State): "The objective is to close all small schools or at least remain with a reasonably smaller number ... Allocating an additional teacher to each of the farm schools would impact on the affordability of the post basket [budget] for the provincial education department" (Williams, 2013).

The Free State Department of Education had investigated alternative models to hostels – such as transporting learners daily to the nearest town but, according to one official, this was considered expensive and risky. In 2009, three accidents had killed twelve learners. According to the officials: "The premier has vowed to do away with it completely. That is why we want more hostels" (Mr B, CALS conference, December 2011, transcribed from audio recording). The use of ICT as an instructional resource to make up for lack of resources or teaching time was not really considered.

[10] Although a Free State Department of Education official supervising the hostel project admitted that because the farm school learners came with very serious academic backlogs ("a child in grade 7 who cannot read or write"), the learners needed long-term, intensive support to catch-up. The directorate had tried to motivate to lower the teacher-learner ratio in the boarding schools: "But still the 'Morkels-model' as they call it – is cast in stone so nothing can be done about it" (Mr B, report to CALS conference, transcribed from audio recording).

School Governing Bodies (SGBs) in a few of the former whites-only schools have managed to snarl up the process through court action on the official argument that SGBs have the right determine admissions policy in schools (Mr B, CALS conference, December 2011). The underlying reason for the resistance is most likely a racist one – that is moving children in from the farms would bring down the standard of education in the receiving school. A provincial department of education official explained that at some schools: "they tell you in your face – 'we cannot teach these learners – we don't know how to teach them and they cannot fit into the system. They will bring our standards down'" (Mr B, CALS conference, December 2011). Such discrimination only goes to bolster the right to access argument, giving all learners their moral and legal ticket to an equal chance to education.

The argument for boarding schools as necessary for access to education and its attendant advantages provides a sense of its political and economic importance but it does not yet explain why it is indispensible. There is strong reason to argue that the state can enforce compulsory schooling. For Milton Friedman:

> "... governmental intervention into education can be rationalized on two grounds. The first is the existence of substantial 'neighbourhood effects,' i.e., circumstances under which the action of one individual imposes significant costs on other individuals for which it is not feasible to make him compensate them, or yields significant gains to other individuals for which it is not feasible to make them compensate him – circumstances that make voluntary exchange impossible. The second is the paternalistic concern for children and other irresponsible individuals" (1962, pp. 85-86)

So even a theorist with such strong liberal credentials as Milton Friedman, admits to a utilitarian argument that because there is a wider public interest at stake, the state is justified in ensuring that children are educated. Without some form of education, the full potential of economic, political and social life is constrained. Investing in individual cognitive development in turn has instrumental benefits for persons and communities. Higher levels of education are associated with higher earning potential (Branson, Ardington, Lam, & Leibbrandt, 2013). It is a means for acquiring skills and knowledge to meet individual material needs with spill over effects into expanding broader economic returns. At a minimum, education is the bedrock of equality of opportunity and the state is responsible for

safeguarding access to schools of children who start out in different social and economic positions.

Friedman's second rationale for compulsory education – that the state has a "paternalistic concern for children" – understands learners as being on a developmental path and that compulsion is a necessary means to later liberty. Education is an essential welfare right but individuals are dependent on others for its provision (Wringe, 1981, p. 139). It is valued because it systematically introduces young people to human knowledge and experience and extends to them the cognitive tools to challenge, rearrange and add to that lore. To quote Wringe: "Failure to receive an education is not simply to be left with a restricted view and distorted understanding of the universe and our place in it. It is to have no understanding at all. It is also to have no possibility of independent existence among other human beings" (1981, p. 145). Counterposing authority and liberty in the education of young children is somewhat defective. After all, the purpose of authorising children into schools is to produce the capacity for liberty. Authority in this case is not so much the flip-side of liberty as its enabler.

While the arguments for compulsory education are well rehearsed, it would be a further stretch to include boarding schools under the same utilitarian justification. The hostels are only a means to accessing schools. They are therefore more susceptible to the liberal doubt that individual rights or freedoms can be violated in the name of the wider good. Do the means justify the end? For this justification to work, therefore, it would have to be shown that the opportunity to access education does not unnecessarily breach a range of other rights. Better still would be if boarding schools could be shown to be a condition for the attainment of further rights. As it stands, moreover, the moral right to equal access to education is fairly minimal – it is a right to an opportunity not to an outcome. As Dixon and Nussbaum argue: "the very idea that the goal of education and state support is to produce people who are 'self-supporting' ignores the very great degree of vulnerability to accident that individuals retain throughout their lives, even with the best education and care" (2011, p. 572). Access to education is thus supplemented with two further justifications: delivery of welfare and personal development.

Delivery of welfare

The second rationale relates to the delivery of welfare to the poorest learners.

Welfare rights are a fairly technical – and legal – set of prescriptions. The state's socio-economic obligations to children are listed in the South African Constitution and the UN's Convention on the Rights of the Child (which South Africa ratified in June 1995), which anticipates that the state set up legislative, administrative and other measures for their implementation. They include: the right to benefit from social security (Article 26); the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development (Article 27(1)); the right to education, including free basic education (Article 28); the right to health and health services (Article 24); and the right to be protected from harmful work practices, and to be paid adequately for any work conducted (Article 32).

These rights confer on children the status of fully-fledged rights-bearers and prescribe the basic conditions or contexts necessary for their growth and development. These are rights as seen from a child's point of view. The complications with welfare rights arise with getting the technical aspects correct: targeting (of those most in need) and designing systems for delivering socio-economic programmes. While the means may be driven by the ideological context of policy making, measuring the success of welfare rights comes down to whether the services and institutions are available, effective and efficient. Essentially, welfare rights provide us with indicators for determining current well-being (Sen, 1999).

Access to education is not sufficient without welfare (i.e. the need to address socio-economic disadvantage). Woodson and Asbury (2012) argue that attempts to improve education for children in urban American schools have largely failed because are they limited to school when it is children's backgrounds, their household conditions, that carry most blame for their failures. In-school quality improvements are: "unduly narrow and therefore ultimately self-defeating" (2012, p. 122). While averring that they do not want to blame poor parents for their children's lack of achievement, nor do they want to excuse/absolve US inequalities, their argument for a 7-day boarding school (from Kindergarten through twelfth grade) nevertheless is premised on showing the ways in which children from poor backgrounds are disadvantaged. They write: "we do so because we believe that efforts seeking to address

educational inequality must account for these important nonschool factors. Advocates who ignore these issues out of fear of presenting disadvantaged families in a bad light do their intended beneficiaries a serious disservice" (Woodson & Asbury, 2012, p. 123). One cannot disregard the findings from research even though the risk is a backlash on poor, especially single mothers.

There is no reason to believe that upgrading farm schools would be enough to result in changed school outputs since it would not account for the impact of family background on learner performance. Graaff, Louw and van der Merwe point out that the socio-economic environment from which schoolchildren come, "influences children in numerous ways, as we have argued, and to a significant degree determines their academic careers before they even walk in the school door. That entails the depressing conclusion that farmers influence farm children's school careers as much through their control of the farm labour process as through their control of the farm school" (1990, pp. 46-47). And so their only advice was that: "schools can ... act back on the socio-economic environment by operating in *loco parentis*. This role is most comprehensively done by boarding schools, but this is a very expensive option. Competent pre-schools are an important second-best" (1990, p. 47). Expensive perhaps, but boarding schools are probably no less costly than running a farm school. Moreover, the numbers of learners needing to be accommodated is small.

Thus, according to the Guidelines, boarding institutions "provide many disadvantaged learners with an opportunity to enjoy better living conditions (and sometimes better care) than they would experience in their home environments" (Department of Basic Education, 2012, p. 5(2.4)). There will be electricity and television and regular meals and in some instances access to computer facilities and media centres. Furthermore, "Boarding facilities provide a relatively safe environment for children (and many of whom are at risk) living in informal settlements and townships and/or being without supervision for much of the day. They also provide a stable environment for children from 'broken' homes or families with social problems, as well as to children whose home environments are less than stable. This could include orphans, including HIV/AIDS orphans" (2012, p5. (2.4)).

Parents interviewed in the two case study sites were on the whole satisfied with conditions in the boarding schools. There were a few complaints by parents in one site that supervision

(especially of younger children) could be better and that the school should hire parents from the farms to help with their care. One parent said bedding had been insufficient for the Free State winter but staff had responded to her complaint. She also said the school had not informed her when her child fell ill and it was other children at the school who had let her know. A Free State official said:

> I always feel heartened after we have taken these learners to the hostels and see that they have really changed from the home circumstance. We are still in the process of improving the management of the hostels. ... Their health is improving. We are taking care of them. Where they have to pay for hospital – in our budget we have allocations for medical expense. We pay for operations. We have managed to identify situations that affect their academic performance. ... When we send psychological people in, we manage to find out what is wrong and we move such children to special schools (Mr B, CALS conference, December 2011, transcribed from audio recording).

The residential school can be an important break from the routines and environments from which disadvantaged children arrive in order for them to pursue academic progress. It is in a sense a way out of the conditions that confined their parents into poverty and an opportunity to break the cycle of poverty. An analysis of Statistics South Africa's General Household Survey 2010 shows that on commercial farms, approximately two fifths of households had no access to water on site, or to electricity and 31% could be described as 'income poor' (less than R575 per person per month) (K. Hall, 2012, p. 101). In the context of South Africa's farming communities, the boarding school represents a modernising institution, a decisive break from the semi-feudal relations on farms. For the children, it offers a possible escape route from labouring futures on farms. For their families, it unties them from one knot in their obligatory dependency on farm owners and contributes to the care of children. One parent interviewee, for example, explained: "I am struggling – but when you look at her she's fatter [looks well, is healthier]. As much as I tried my best to buy mielie meal, I could not be sure they are eating well. But when I went to the school, I could see they are well fed. So as far as I'm concerned, I am happy. The kids help when they are on school holidays. The kids help with selling wood" (parent interview, April 2012, translated from seSotho).

Hall and Posel point out that the "associations between income inequality and geographic location are likely to be related in circular ways: poorly resourced areas with few employment opportunities become poverty traps for those who live there" (2012, p. 44). That's a finding that is repeated in the international literature. Folbre, for example, writes: "Large per capita differences in public educational investments, social capital, and parental transfers result in very different rates of return to individual children's efforts to develop their own capacities. Those who perceive a very poor chance of success have less incentive to try hard and greater incentive to subvert the rules" (1994, p. 88). And in her findings on residential schools for native Americans in Canada, Feir shows that: "the increase in economic assimilation is substantial. Even conditional on reaching high school, residential schooling increases the likelihood of graduation by 17 percent. Residential schooling also reduces the likelihood of relying on government transfers by 16 percent and increases the probability of being employed in the labor market by approximately 15 percent and in addition, raises wages" (2013, p. 5).

While the first reason given by the state for establishing boarding schools related to the cost-benefit for educational access, the second justification helps explain why it is appropriate to select learners into residential schools based on their disadvantaged status (and thus why the children of farm owners would be ruled out of the programme)[11]. Like other forms of welfare provision, the boarding school is seen to be a necessary instrument to ensure that the scales are readjusted in favour of securing equal opportunity for disadvantaged citizens. As Gutmann explains: "A truly liberal welfare state would not allow poor children to be penalized for the poverty of their parents, or poor adults to suffer because of their undeserved misfortune" (1988, p. 5). The state is always justified – obliged in fact – to intervene to prevent harm to children. Eichner (2004) argues that states should not wait until *after* parents fail to provide adequate care to step in provide aid. Neither should the state's participation be deemed abnormal and reserved for pathological situations. She writes: "Instead, state involvement with families to protect and support children's welfare should, and must, be conceived as existing concurrently with parents' responsibility to care for their children" (Eichner, 2004, p. 463).

[11] The second justification must be read together with the first because children in urban informal settlements are just as likely as farm workers to be disadvantaged in terms of access to services and income levels. They are far more likely, however, to be nearer a school than those living on farms.

There is a problem however with the interpretation of harm. The range of possible harm to children is wide, from active cases of abuse to neglect. Where a parent is unable to support a child, then that may be sufficient justification to remove a child from the family. Brennan and Noggle write: "As long as parents are not harming their child – either directly as in the case of outright abuse, or indirectly, as in the case of neglect – their rights cannot justifiably be infringed" (1997b, p. 10). But the line between harm and neglect is not so clearly drawn. The conditions on farms may well be detrimental to the health and development of children. As the head of one hostel noted: "when they return in January [from the year-end break at home], they are so underfed. They only eat pap. And then they pick up weight very much in term times. You can see it. … It's not that they go hungry over the holidays – but they don't get nutritious food" (interview, 23.11.2011). It would be at the very least uncharitable to say parents were guilty of harming their children (or even of the less criminally liable case of 'neglect') if they were doing everything they could to feed their children[12].

State responsibility for children is less fraught with the dilemmas of paternalism than taking responsibility for adults. Section 28 of the South African Constitution requires that the government is to consider "[a] child's best interests [which] are of paramount importance" in protecting the right of every child to "basic nutrition, shelter, basic health care services and social services," whereas, for persons more generally, it is only required by Sections 26 and 27 to "take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation" of equivalent rights, such as the right have access to adequate housing, health care services, sufficient food, and water. In a policy environment where state support is increasingly frowned upon by authorities as a form of personal irresponsibility and negligence or of unfair dependence on state largesse (Hassim, 2005), parental claims to welfare are simply not given the sympathetic hearing that children receive. The provision of social grants is seen to ferment dependency, laziness even, and people less likely to take their own initiative to get out of poverty.

The state's role in ensuring that the lives of children are not adversely affected by poverty is however not a straight-forwardly direct one. The state's relationship with children in terms of welfare is usually mediated through their families. Article 27 of the United Nations Convention on the Rights of the Child (CRC) explicitly states that "the parent(s) or others

[12] And the assumption that the state will not neglect children is of course also false.

responsible for the child have the primary responsibility to secure *within their abilities and financial capacities*, the conditions of living necessary for the child development". Children are recognized as members of a family and their standard of living corresponds with that of their parents. States are required to support families – not necessarily individual children: "States Parties, in *accordance with national conditions and within their means*, shall take appropriate measures to assist the parents and others responsible for the child to implement this right and, *shall in case of need provide material assistance and support programs*, particularly with regard to nutrition, clothing and housing" ((UN General Assembly, 1989) Article 27, italics added). In South Africa, however, the Child Support Grant is meant to follow the child and may go to a caregiver, so bypassing parents.

In one of South Africa's most famous legal judgements, the balance of responsibilities between state and parents was clarified. The Grootboom case which came before the Constitutional Court in 2000, made clear that with regard to Section 28(I)(c) which stipulates that every child has the right "to basic nutrition, shelter, basic health care services and social services", the responsibility to provide shelter to children lies with their parents in the first instance, and that the state only incurs a duty to provide shelter directly to children when they no longer enjoy family care (G*overnment of the Republic of South Africa and Others v Grootboom and Others* 2001 (I), SA 46 (CC), 2000 (11) BCLR 1169 (CC). The state is thus only the "guarantor of last resort" (Brighouse & McAvoy, 2010) and it is a closer circle of adults that hold the first safety net for children's needs to be met. That also meets



Picture 4: Dormitory in a former whites-only *koshuis*

with Bilchitz's argument that when Constitutional rights need to be balanced in relation to each other, if there is any limitation made to one right, then it must be shown (inter alia) to be the least restrictive of alternative means (Bilchitz, 2010).

The provision of welfare to children is thus articulated over a complex border between maintenance of parental rights and maintenance of child rights. The state has to ensure children are not victimised by the poverty of their parents, but also that the liberties of parents to act as primary caregivers are not unduly infringed. A justification for hostelling based on guaranteeing children's rights to welfare would therefore have to duck critical questions on whether parental rights or responsibilities have been short circuited.

Deploying discourses of the state's obligation or duty to intervene in cases of neglect would further stigmatise families living in poverty. This is especially problematic in the South African context where poverty affects the vast majority and where the state (under apartheid in particular, but perhaps even arguably under current policies) is implicated in creating conditions of poverty. The state cannot unproblematically argue that it is preferable to move children to hostels because it would be better for their welfare if the state is itself responsible for the policies that result in the poor conditions children live in at home. An additional argument is therefore required that boarding schools add value to children beyond simply securing their welfare. It needs to say something about their child-specific needs – and so to the addition of personal development to the rationale.

Personal development

The third justification for boarding institutions lies in its benefits for "personal development". According to the Guidelines: "Boarding facilities also facilitate positive social development and the ability to accept others from different social or cultural backgrounds. The boarding facilities environment inculcates independence, self-discipline and the ability to work as part of a team in learners" (Department of Basic Education, 2012, p. 6(2.7)). Its purpose is not simply to provide over-night accommodation so that children can access schools during the day, but to have an educative role in its own right. The hostels make available the additional resources, discipline and supervision to ensure that children from disadvantaged backgrounds can succeed academically and at the same time help shape their identities and social

interactions. Schuh and Caneda refer to this as an "ecological approach that attends to the character of the total environment surrounding the child" (1997, p. 2). They argue: "Such environments, we'll call them academic residential settings, could offer disadvantaged youth a focused, mediated environment – time filled with academic, physical, and social challenges planfully and specifically designed to strengthen academic performance, to improve relationships with one's surrounding community, to enhance psycho-emotional development, and to promote productive participation in larger society" (1997, p. 2). As such, boarding schools go beyond custodial support for the physical needs of learners to deliberately provide a developmentally oriented and holistic approach to the care of children.

The additional support may be remedial in nature in cases where learners are considered to have learning difficulties or educational deficits or, to compensate for socio-economic barriers to academic performance. In what Arieli, Beker and Kashti call "socializing settings", the intention is "to introduce children from weaker social and economic strata to the social and cultural mainstream of a given society" (2001, p. 406). Boarding schools therefore consciously provide children with the social and cultural resources to aid access to the forms of knowledge encountered in schools. Middle-class learners enter school already prepped with the language and social tools in place to meet the expectations of classroom conduct. It gives these children a head start and fuels the achievement gap between themselves and learners from poor backgrounds. If social and cultural capital is lacking in learner's backgrounds, then the state (or its designated educators) must accept responsibility for providing the crutches to help them perform on a level ground with their peers. As Bass argues: "When students are together 24 hr a day, 7 days a week, they share an increasing number of common experiences, shrinking what we currently view as unavoidable experience gaps; equating to a lower capital benefits deficit between privileged and disenfranchised students" (2013, p. 18)[13]. Evidence from the SEED schools in the US suggests that when boarding is coupled with academically strong schooling, the "racial achievement gap" can be eliminated within four years. Curto and Fryer maintain that the extra $18,752 spent per student per year in a SEED boarding school (rather than a day school) improves life trajectories, is associated with a 4.4 percent increase in earnings and a 1.0 to 1.3 percent decrease in the probability of committing a property or violent crime.

[13] Bass's argument here assumes that there is class diversity amongst the children living in a residential school.

The precise meaning of 'personal development' in the Guidelines document is left fairly vague. We are given two hints: that boarding schools should inculcate independence and self-discipline and respect for cultural diversity. There's not much to go on here but both are aspects of standard liberal educational ideals for autonomy and civic education (W. Feinberg & McDonough, 2003).

Boarding schools are thus necessary interventions in the creation of a modern citizen – autonomous, economically self-sufficient and politically independent. Much more than its economic purpose, education is also a public good. It has a moral significance. It socialises young people into being members of a political community and to participate in democratic processes. It creates competent citizens.

One of the main arguments in favour of an autonomy-promoting education is the benefits it has for a successful democratic culture. Education is also seen as an important (though perhaps not necessary) aspect in democratic political participation, since it provides the understanding of how the political system works, encourages a disposition to participate effectively, and promotes the ability to rationally weigh up arguments. In a new and vulnerable democracy, citizen competence is often consciously addressed in the curriculum. Children need to learn the habits and values to participate in democratic life. Amy Gutmann provides a defence for mandatory civic education on the basis of a "democratic ideal of sharing political sovereignty as citizens" (1999, p. 51). She writes: "Deliberative citizens are committed, as least partly through the inculcation of habit, to living up to the routine demands of democratic life, at the same time as they are committed to questioning those demands whenever they appear to threaten the foundational ideals of democratic sovereignty, such as respect for persons" (1999, p. 52).

Stephen Macedo (2000) similarly argues that states are permitted to shape a common set of values amongst children on the basis that liberal regimes have proven to be effective in protecting civic rights. Since a culture of civic-minded participation is important to the stability of liberal institutions, states should intervene in educational institutions, even if this means some will have to change or adapt their deeply held or anti-liberal beliefs. He argues that the "aim of liberal civic order should be to promote patterns of belief and action that are supportive of liberalism, to transform people's deepest commitments in ways that are

supportive of liberal politics" (2000, p. 205). Macedo's argument is a perfectionist one. On this account, liberalism must hold steady on certain foundational beliefs. This is not the liberalism of neutrality which searches for consensus between political positions or that gives an open hand to young people to choose between different comprehensive doctrines. Instead, a perfectionist liberal education is not shy to stamp its principles onto the curriculum or to assert its beliefs onto children.

The perfectionist argument suggests that the state – rather than a parent or some other agent – has a particular competence to shape children as *citizens*. The state has a wide perspective on the political and economic needs of society and the kinds of characteristics young people ought to acquire to contribute to and flourish within the broader context. It implies that the state can be trusted and is capable to provide quality education. The problem is that the terminology of 'personal development' implies a wider scope than merely citizenship. It surely includes the development of social values and beliefs and practices over which the state has no direct stake – but where families, communities, religious organizations and even children themselves can claim a determining influence.

The balance of authority between state, parents and communities will be a central theme running through this thesis. How much sway is the state permitted in socializing children into norms and values outside of narrowly civic requirements? Theorists favouring a strong notion of autonomy insist that it requires that we educate young people with critical capacities to reflect on their preferences, free to pursue a life of their own choosing unconstrained by the wishes of family or community. Children should be able to engage with a range of different perspectives and rationally make choices about how they want to live their lives. Public education is therefore correct to provide an environment in which the influences of family and community are challenged – particularly in cases where children's future to autonomy was shown to be seriously adversely affected by fundamentalist, illiberal beliefs held by the family. As Callan argues: "to claim that institutional settings affect whether the socialization is repugnant to legitimacy or not hides the moral cost we incur when we chose, perhaps rightly, to forgo state coercion. If deference to familial privacy sometimes means that a just state should tolerate child-rearing practices that impair the ability to give authentic consent, then we need to be clear about the trade-off our forbearance

demands lest we be tempted on other occasions to tolerate what is properly intolerable" (2000, p. 153).

Conclusion

The residential school is at one level a practical and procedural solution to the problem of schooling access for children in remote areas. Hostels are an answer to providing children living on farms with educational resources as well as a welfare package to enter schools and stay the twelve year course. It feeds into powerful discourses of equality of opportunity – the promise that given a relatively equal starting point and having sufficient resources for children's physical and mental upkeep, children can compete on merit for the rewards that come with educational achievement. From a state perspective, then, the model of residential schools was a sure-fire solution – expensive yet saving money on teacher salaries and infrastructure, and spending it directly on children so speeding up the process of transforming rural backwaters. The boarding school is a necessary intervention to ensure that in spite of class and racial disadvantages that have built up over time, the children of farm labourers have the rudimentary capacities to be included quickly into the modern, capitalist economy and to be integrated in the democratic nation.

So far I have discussed the state's rationalisation for boarding schools based on three sets of children's rights. Each on its own is inadequate to justify the hostelling schools policy. As a *means* to accessing education, boarding schools are not covered by the right to education. The claim to welfare adds a further important dimension to validating a residential adjunct to schools, but this skips over the rights of parents to receive the needed resources to support their children. A right to personal development, therefore, substantiates the role of boarding schools in a child-specific way that does not need to refer to providing parents with the same. However, the meaning of personal development is elusive and the state can only have a universal view of its significance. Parents may be better authorities on the developmental needs of their individual children.

We therefore need to consider the three sets of rights as a suite. Together, they comprise the positive entitlements children have to state resources. Each of the three justifications extends the sphere of state influence to another level – from mere access and provision of opportunity

to the actual development of individuals. The boarding school policy is therefore a bold one in that the state steps quite forcefully in to provide not just the opportunity to go to school, but all the other additional support that is necessary to transition through to the final year. Symbolically the hostel is an intervention that shows political will on the part of the state. It is a radical solution to promoting quality educational access and to severing children from the conditions at home that may be holding them back from academic achievement. At the same time, as Woodson and Asbury point out: "international models both past and present suggest that boarding school education has long been, and continues to be, a by no means extraordinary educational option for young children" (2012, p. 9).

Nevertheless, despite what it sees as the advantages of boarding institutions, the Guidelines are hesitant on taking an evangelistic attitude, noting that: "admission of *primary* school learners ... should only be done when all the alternatives of providing access to the school have been explored/exhausted" (Department of Basic Education, 2012, p. 7) (emphasis added). It seems, then, that the department may have reservations with regard to boarding institutions (particularly for younger, primary school learners) and sees hostels mainly as a pragmatic necessity. Are there deeper roots to this reluctance that can be pulled to the surface?

The justification for boarding schools hinges on two principled claims that still need to be defended: first, that children's rights should receive priority and second, that the state carries the main responsibility for protecting those rights.

In the first instance, while children's rights have Constitutional writ, the language of rights assumes that the state is equally responsible for ensuring that the rights of others are not infringed in carrying out its duty to children. Everybody must be treated equally. So why are children served first and foremost (before supporting their parents, for example)?

Secondly, even if we were sure that children's rights have priority, why would the state be expected to be responsible for ensuring they are defended – rather than another entity that may in fact be closer to the children (again, their parents come to mind)?

A children's rights validation for boarding schools can only work if it can explain why children ought to have precedence over their parents and why the state should be primarily responsible for providing these rights. The next two chapters tackle these issues.

Chapter 4: Children's Rights Rulz OK!

"Please, sir, I want some more"
Oliver Twist, Charles Dickens

Childhood has come of age and children can claim rights which the state is duty-bound to deliver. Children's rights put into legal terms the expectations of the duties enforceable on the state and community to ensuring children receive the necessary resources and social support and become crucial in justifying boarding schools. The power behind a rights discourse is that those with rights can claim protection and resources from the state. But aside from a simple legal declaration that children hold rights, it is far from clear on what grounds children can be said to deserve such recognition. Moreover, since rights delimit an area in which individuals are free to act, they tend to keep in check the boundaries of non-interference, trading off one person's right to action from another's protection from interference. This is most pronounced in child-adult relations. As Roche explains that: "Historically the children's rights debate has been dominated by the tension between on the one hand concern for the welfare of children and on the other anxieties over family privacy and encroaching on parental rights" (2005, p. 43). In order to resolve that tension, it has to be shown *either* that children have equal status to their adult parents *or* that they have some special priority. I will argue that the first argument – that children are equal to adults – cannot hold. If children were shown to be equal to adults, then there would be no question that the state could step into providing for their needs without also having to consider the rights of their parents. The argument is obviously flawed, however, because if the state sees itself as responsible for providing for children, it simultaneously recognizes that children must be looked after in a paternalistic attitude. They are therefore not equal to adults. The defence that children must be considered 'fully human' and competent in the same way as adults cannot hold up.

The chapter then turns to the second possibility for grounding children's rights – that is that the state has a special obligation to them. It is precisely because children are different, not fully competent, vulnerable even, that they should get precedence over others. Children need

the extra attention so that they can achieve a threshold of functionings and capability. If those terms seem like they have been borrowed from the Capabilities Approach, that is because I draw on Dixon and Nussbaum's (2011) reading of the Capabilities Approach and their argument for why the state can step in to help children ahead of adults.

The trouble with a children's rights justification

It is no surprise that the language of rights provides the rationale for placing children living on farms in boarding schools. Following from the overthrow of the apartheid government, the signing in of the Bill of Rights was a powerful instrument for citizens to make claims on government to have their socio-economic needs met. The promise of human rights, of redress and positive liberties was to be the rallying rhetoric to prompt and to explain state action in the post-1994 period. Children get double attention in the Bill of Rights. They are included in the rights everyone has to housing, health-care services, food, water and social security which are to be realised progressively within available resources. At the same time, Sections 28 (1) and 29 (1) (a) place a more immediate obligation on the state to prioritise children's rights to shelter, basic nutrition, basic health care services, social services and basic education. The priority given to the ensuring that laws and interventions are formulated in the 'best interest of the child' means budgetary constraints cannot be used as an excuse against provision for these rights.

Beyond the legal means to claim the attention of the state on satisfying the needs of children, the language of rights has important symbolic value. It confers on its bearers dignity, the recognition that they are citizens who are equally valued and that their needs cannot be overlooked in favour of those more powerful, or more wealthy, or even simply older. Rights are inclusive, universal and indivisible and therefore cannot be traded or bargained with and so provide the assurance that society's weakest members are not cut out from their share of remedies.

With the hostelling schools project a group of children is selected based on severe disadvantage to receive additional resources and care from the state. Selection is based on their parents being farm workers and the impossible physical distances to reach a school. These create the logistical difficulties for the state to comply with its Constitutional

obligation to ensure that "everyone has the right to a basic education, including adult basic education." (Section 29(1) (a) of the Constitution). Hostelling also ensures that the state has oversight to guarantee children's rights "to basic nutrition, shelter, basic health care services and social services" (Section 28 (1)(c)). Residential institutions have the benefit of being a visible, immediate and practical solution to reaching the most marginalised learners (Gooch, 1996, p. 25).

There is something of a rhetorical advantage here to using the language of children's rights. The state presents itself as the champion of the underdog – it operates on the premise that its foremost concern is with the best-interests of the most vulnerable of children. In his controversial book, *What's Wrong with Children's Rights*, Guggenheim (2009) argues that children's rights are simply used to erode parental authority and to allow state incursions into the private sphere. In effect, the children's rights agenda gives permission to the state to assume parental obligations and so eat away at the freedom, autonomy, and pluralism that families represent. When states claim to serve in the best interests of children, they are legitimising unfettered access into family life and manipulating the kinds of values parents choose to bring their children up with.

Whether or not one agrees with Guggenheim's thesis (that the private sphere should be free from state interference)[14], his argument does point to a tendency to use children's rights uncritically to justify state actions. But why do children's rights assume this power?

Perhaps the answer is that children's rights tend to be depolicitisized. We are moved by the story of individual children rescued from their dire (sometimes abusive) circumstances (Roberts, 1999). In one of the case study schools, when a child who has Foetal Alcohol Syndrome first arrived, he was only able to grunt a few sounds. Two years later, he had basic communication skills and is regularly taken to the provincial hospital for treatment. These narratives are touching but fail to take in the wider social-political context that explains why their living conditions were appalling in the first place. Children's rights address the here and now but not the injustices that afflicted their families, communities and social groups over a period of time, eroding their resources and means to care adequately for new generations.

[14] In chapter 7, I will argue that parental rights need the protection of the state and so public interference in the private sphere is inevitable.

Without this context, the tales of children are atomized and it obscures the harm done to families and communities when children are 'removed'. Roberts explains: "The excessive disruption of black families affects the stability of the group as a whole, weakening its ability to struggle against the many forms of institutional discrimination. The devaluation of black families' autonomy and relationships sends a message of inferiority about every member of the group that is severely harmful to black children" (1999, p. 140).

As I have noted in the previous chapter, there are two major problems with using a child-rights approach as a way of justifying boarding schools for children living on farms: firstly, it is unclear that the state can prioritize children's claims to welfare over the rights of their families to welfare and secondly, it is dubious whether the state has both the authority and the capacity to determine the norms and values children should grow up with. There are competing definitions of what is in the best interests of children.

What these problems raise are the competing tensions between children's rights, parental authority and the state's right to adjudicate on behalf of children. These are the issues I take up in more detail in the thesis. Here I want only to consider more closely whether there is a basis for prioritizing children's rights. This would at least provide grounds for children's rights to be included as a necessary component in justifying boarding schools (even if it is not sufficient). In the remainder of this chapter, I describe the difficulties with placing children's rights in the forefront and whether these can be overcome.

The problem of prioritization

Part of the difficulty in working out a prioritization of rights, argues Onora O'Neill (1988), is that rights are constructed around equal spheres of co-possible action. Since rights are constructed to afford each person as large a space as possible without interference with another's claim, they are constantly adjusting to take into account a compatible sphere of rights held by other individuals. There are indefinite numerous co-possible sets of equal rights but no way of working out which set of rights are maximal in relation to others (O'Neill, 1988, p. 454). The "spatial metaphor" is useful in defining the boundaries of rights of individuals but not for showing "how we should coordinate uses of a world that we share" (O'Neill, 1988, p. 454). Confronted with two equal sets of rights – the rights of parents to

care for their children and the rights of children to live in the relative luxuries of a hostel, for example – we have no real way of determining which would be best based on the principle of 'the greatest possible liberty compatible with like liberty for all'. As O'Neill remarks:

> "We cannot tell which accommodation of various proposed welfare (or welfare and liberty) rights would be maximal. Is a child's right to, say, material well-being greater than his or her right to stay with its family of origin? Of the many ways in which these two rights could be adjusted, which would afford maximal (positive) liberty? Without a spatial metric it is not evident how to determine which of different copossible sets of equal liberty or welfare rights is maximal. Whichever view is taken of human liberty, the notion of maximal liberty, and so of the most extensive set of copossible equal rights, is indeterminate" (1988, p. 455).

Justifying the hostelling project on the welfare needs of children living on farms cannot be done without recognising the copossible rights of parents and there is no definite way of adjudicating which of these should have priority based on constructivist notions of rights. Legitimizing hostelling on welfare grounds would need to find some other foundation than that of rights. O'Neill argues that we should turn to fundamental obligations as a basis for children's positive rights. She writes: "An analogous project for constructing obligations faces fewer difficulties because it does not depend on maximizing nor therefore on there being a plausible metric for obligations" (1988, p. 456). Unlike rights which are constructed on the principle of identifying what actions *are* permitted (so that they do not interfere in another's liberty), O'Neill's account of obligations starts with the premise of "identifying and rejecting any principles of action that *cannot* guide the action of all members of a plurality of approximately equal rational beings" ((O'Neill, 1988, p. 456) emphasis in the original). "The advantage of this principle of construction," she writes, "is that it allows obligations to be identified successively rather than requiring the identification of all obligations in order to identify any" (1988, p. 456). Obligations, while universalisable, can be determined individually without needing to see the full range of maximal obligations at once before they can be implemented. We can therefore explain why the obligation to seeing to children's needs may have priority without also having to account simultaneously for the obligations (or rights) due to parents.

O’Neill further points out that an argument based on obligations rather than rights can be extended as a basis for “imperfect obligations”. Imperfect obligations include the requirement to care for children in a kind and considerate way. Such obligations are not universal since they “connect specific children to specific others” (O'Neill, 1988, p. 448) – though they are nevertheless fundamental. Because children are especially vulnerable and needy and require adequate care and education to function and act on principles universally shared, there is a particular obligation to see that their needs are met in a manner that is attentive to their development. However, these obligations are “imperfect” because they are not universal in that it would be impossible to require everyone to provide such care to all children. They are therefore obligations without corresponding rights. Indeed, imperfect obligations expect that adults charged with their performance go beyond their duty to ensure children’s positive rights are realised to also take into account how they are performed. Rights are more limited in scope. They delineate actions that are waived or claimed, but cannot explain the full nature of the relationship between recipients and agents. Whereas a discourse of rights would necessarily include all children and be abstracted from institutions, an imperfect obligation can explain why a selected group of children ought to receive a specific kind attention. According to O’Neill: “if a constructive argument shows that universal indifference to helping others and universal neglect to develop human capacities for action are matters of (imperfect) obligation we will have reason to act to try to further these obligations. In particular we will have reason to construct and support institutions that realize and foster the discharge of these obligations” (1988, p. 458).

The state can at the very least claim on Constitutional grounds that it has obligations to the welfare of children and can therefore justifiably argue that the boarding school is one way for it to deliver on those responsibilities. Since obligations are not constrained by the need to stay free of interfering in the rights of others, the state can more readily step in without having to enter into an inconclusive circular debate on which rights will produce the greatest liberty.

A shift from a rights discourse to one centred on obligations does not solve the problem of whether the state or families have more responsibility to ensure that children’s needs are met. It works only to move the debate from the rights of recipients to the obligations of agents.

Children's rights advocates dissent the move from rights to obligations. Freeman, for example argues that: "An emphasis on obligations places parents, not children, centre stage" (2007, p. 6). O'Neill's model of childhood is "the conventional deficit one" (Freeman, 2007, p. 6). It undervalues children's faculties, aptitudes and abilities to represent themselves. As such it disadvantages children by highlighting their powerlessness, leaving them vulnerable to the whims of adults. As Federle maintains: "This, in turn, permits adults to claim they are protecting children when the choices made may better serve adult interests and agendas" (2009, p. 324). The idea that the elite can subordinate the rights of others to their own advantage should not be used to reject children's rights, however. On the contrary, for children's rights advocates the concept needs to be strengthened. "The rights claims made on behalf of children are incoherent," writes Federle. "It therefore is critical to articulate rights claims on behalf of children that promote children's legal interests without reference to capacity, protection, or dependence" (2009, p. 328).

But Federle's solution that we adopt the idea of "empowerment rights", "rights as a form of power", "a means for empowering the powerless" (2009, p. 328) sounds like adding more to the incoherent blather. There is a contradiction with the children's rights position. If children are "highly competent, technically, cognitively, socially and morally" (2007, p. 13) as Freeman argues, then why talk of *children's rights* at all when they could be included under the universal rubric of rights? There appears to be confusion over whether children's rights imply that children should receive the same treatment as adults or whether they ought to receive special protection. In rejecting capacity as a prerequisite to having and exercising rights, children's rights advocates appear to have no more basis for explaining why children should receive special attention than standard liberal theories which hold rights-bearers to be rationally consenting adults (and therefore exclude children from rights altogether).

Federle (2009) and O'Neill (1988) argue that the problem with the children's rights approach is that it lacks theoretical roots and so it cannot explain who or what should be prioritised in the face of contesting rights. Dixon and Nussbaum (2011) argue that the Capabilities Approach offers such a basis. It "sanctions the idea of imposing limits on parental rights and freedoms, in order to protect the future rights or capabilities of children" (Dixon & Nussbaum, 2011, p. 554). I turn now to their explanation as a way to bolster the arguments for hostelling as supporting the rights to access education, welfare and personal development.

The trade-offs (discussed in the next three chapters) can then be weighed up against what would be lost in terms of the principles supporting children's rights.

Children's capabilities

One of the problems noted so far is that children's rights theorists seem to want to argue that children are both competent in the same way as adults and that they have special status relative to adults. Children's rights should therefore be considered to be simultaneously equal and special. But it is not clear how that tautology should work in practice. One option is to recognise that although children are competent, they are not competent in the same way as adults. They are still in the process of becoming fully 'capable' and should therefore be treated in the same way as other groups who lack capabilities because of a wide variety of reasons (socio-economic, disabilities, cultural reasons etc). In terms of the Capabilities Approach (CA), from which this argument is taken, there is a multiplicity of social, political and economic factors that inhibit and sustain people having capability – or the substantive freedom to be and to do (Sen, 1999). Thus, while everyone may be formally equal, there are underlying institutional practices and systems of oppression and discrimination that close down or open up opportunities. Dixon and Nussbaum note, "CA insists that we should start with an understanding of how groups and individuals differ in their requirements, given both physical and cognitive differences, but also differences of social starting point" (2011, p. 561). We need to understand the specific contextual vulnerabilities individuals face when they try convert material resources into improving their conditions.

We can thus recognise children as having particular vulnerabilities. They are very practically at a different 'starting point' to adults. They are in progress to physical, cognitive and emotional maturity (and they are not culpable for mistakes made in the same way as adults). Children are usually economically dependent on adults and restricted in what they can do by social rules and conventions. Linda Gordon writes: "Experience is always social. But children's experience is particularly open to influence by others, and a child, having a shorter personal history, has fewer influences, each of which is for that reason more powerful. My point is a small one: that historians, like policy makers, must attend to the difficulty of treating children as independent actors" (2008, pp. 349-350).

Although children are vulnerable, the Capabilities Approach nevertheless treats them as fully human and therefore as rights-bearers in their own right. Unlike the social contract theorists, capacity or rationality is not a prerequisite for the exercise of rights. Indeed, the need to develop capacity is a motivating factor behind the approach. As Dixon and Nussbaum explain: "The starting point for the CA is the fact that human beings come into the world with a variety of inchoate capacities that need development. The CA argues that these nascent abilities exert a moral claim that they should be developed up to the point at which they reach the threshold level of each capability specified on the capabilities list. Without that development, they are fruitless, cut off, only a shadow of what they might be" (2011, pp. 563-564).

Like other vulnerable groups, such as people with disabilities, there may be call for special measures to ensure they reach a minimum threshold. However, because the Capabilities Approach is committed to the principle that no-one drops below a threshold where basic capabilities are guaranteed, Dixon and Nussbaum worry that any prioritization of one group could potentially lead to trade-offs with some people thus dropping below the limit – a situation they describe as "tragic" (2011, p. 554). The vulnerability principle cannot be read as a way to prioritise one individual (or group) over another individual (or group) where their needs for physical or economic support are the same. Instead, the principle kicks in to support the unique claims of individuals which make them especially vulnerable. Dixon and Nussbaum write: "By itself, children's physical vulnerability, therefore, will also be insufficient in most cases to justify any *special priority* – as opposed to special scope – for the rights of children, as compared to adults, under a CA. Instead, what is needed is an account that focuses on the more or less unique vulnerability of children to the decisions of others – that is, those adults legally and economically responsible for their care" (2011, p. 575). Because children are generally left to the care of their parents (or guardian), they are susceptible to the risk that the decisions made by their parents will leave them below their capabilities threshold. Although children are competent, under current social conditions, they do not have the same influence and power that adults have. Given their seniority, parents can over-ride children in decisions about what is in their best interests. Their unique vulnerability is thus their weak position within household hierarchy and their dependence on adults. This lack of control means the state can assume responsibility for protecting children if their parents are unable or unwilling to secure their capacity. The state therefore sides with

children in order to hold the see-saw of rights in symmetry. It prioritizes children's rights over parental rights. Dixon and Nussbaum call this a kind of "'insurance-based' understanding of children's rights" (2011, p. 576).

The advantage of this argument is that it does not fall into a deficit model of childhood – children are vulnerable but still capable. It also does not consider children in relation to their parents. The argument to support children's rights is made separately from one that says parents need to be supported in order to support their children. It therefore does not have to engage in an exercise of balancing children's rights against parental rights. Parents have the legal mandate to care for their children but the state should step in on behalf of children if their capabilities are compromised.

The vulnerability principle provides us with a defence for why children may be identified as needing special attention, but we need a further reason for children to come out ahead of other vulnerable groups (those who are also at threat of not reaching the capability threshold). Dixon and Nussbaum find this reason in the Cost-Effectiveness Principle; that is "where the marginal cost of protecting children's rights is either so low that denying such a right would be a direct affront to their dignity, or where it is far more cost-effective to protect that right than an equivalent right for adults" (2011, p. 561). Certain interventions will be more effectual and even cost less to achieve capabilities than others. These are directed at "corrosive" forms of disadvantage or in support of "fertile" capabilities (Dixon & Nussbaum, 2011).

In contexts of resource constraints, the state should most logically work at what will produce most value from a capabilities perspective. Children's rights – such as early interventions in child development and the provision of education – have such 'fertile' possibility. Without educational intercession at critical periods in their lives, children may experience large gaps in their knowledge or even cognitive deficits that may be difficult or expensive to remediate. Without the bottom steps in the educational scaffold, the entire structure wobbles. (We need only to think of the strongly hierarchical curriculum of maths to recognise this). "The earlier such intervention occurs, the more effective it is also likely to be," explain Dixon and Nussbaum. "From this perspective, the state will also clearly be justified in giving at least some priority to the education rights of children, as compared to adults, or to the education of

children with cognitive disabilities or other special needs" (2011, p. 583). Similarly, ensuring children have housing can prevent an escalation of harm to other capabilities "including bodily integrity, bodily health, life, emotion, affiliation, and (broader) control over the material environment - whereas if it undermines such access, it can create forms of corrosive disadvantage that call for more and more intensive forms of intervention by the state" (Dixon & Nussbaum, 2011, p. 589).

The Capabilities Approach – and the principle of vulnerability – therefore provides a grounding for why the state may use a children's rights argument to give preference to the children of farm workers and why the boarding schools can be justified as a means of delivering rights to them. The state can draw on evidence to explain the unique vulnerability of children living on farms and on statistics to show just how below the threshold of capabilities they are. The costs of hostels can be justified as having medium to long-term savings if the children gain the capabilities necessary for their well-being and leave them independent of state assistance.

Conclusion

This chapter looked at why children's rights ought to be given preference. At the heart of the problem is that the state cannot meet one right (of children) without violating another right (of parents or the community). The contradiction comes to the fore more strongly where there is a *reasonable* justification on the part of the state to intervene in the upbringing of children. While it may seem obviously illegitimate for a state to kidnap children in order to tame them of their cultural practices (in the way Aboriginal children were whisked away in Australia or Indian children detribalised in Canada), in South Africa the state is democratically elected and governed by a Constitution which includes statutes on children's rights. It is the preservation of those rights that provide the primary motivation for boarding children on farms. But while the state may be legitimate (acting on democratic mandate), it is not entirely clear that the rationalisation can be ethically justified.

It was necessary, therefore, to embed the children's rights argument in a strong foundation. The theoretical root explored here was Dixon and Nussbaum's interpretation of the Capabilities Approach. It provides an explanation for ring-fencing children as a group

deserving of special attention. If everybody must achieve capability, then it is to be expected that children still in the process of maturing and learning will be the most efficient group to target.

Although the Capability Approach gives children's rights precedence and can demonstrate that it is a necessary condition for justifying hostelling; this does not prove it is a sufficient condition. I am not simply interested in whether the policy is a good or bad one – whether children are better off in boarding institutions than at home (indeed, I assume that in many cases they are) – but in whether the state can justify its role in the reproduction of families and communities. While we can now explain why children's rights should have priority, the Capabilities Approach does not give an explanation as to why the state (rather than some other stakeholder in children's lives) should be held responsible for upholding those rights. To understand this, we need to step back and look at the big picture on theories of the state that try unpack the explanations for state authority.

The task of the next chapter is to understand what justifications are available to explain a wide sphere of influence for the state and what the proper limits on the state might be. What are the models for state interference in the lives of their citizens? What restrictions on state authority do the theories recommend? The following chapter looks specifically at the use of the 'developmental state' in South Africa.

Chapter 5: The case for the state

"It's common to hear of children being 'shipped off to boarding school' – a phrase pregnant with connotations of abandonment. I can confirm this is indeed the feeling one experiences during that first trip to boarding school ... Thirty years later, I'm a strong advocate of boarding school, despite some of my experiences there. For one, I think it fosters a powerful sense of independence. Plus, I think it builds character"
Ndumiso Ngcobo, "Hunger games made a man of me", *The Sunday Times Lifestyle Magazine*, 31 August 2014, p5

In early 2012 the Gauteng premier turned the soil for a new boarding institution. She appears in a photograph shoulder to shoulder with a would-be beneficiary and one hand clasping a spade (Gauteng Department of Education, 2012). It is a picture of a caring government at work.

The rationale presented in the Chapter 3 shows the boarding school to be a benevolent intervention. The state sides with the rights of children to ensure they have access to schools, welfare and the opportunity for individual development. But the rationale needs some context and some theoretical analysis if we are to explain the underlying motivation to the picture-perfect media spin of a benevolent state. Why should the state take this role? What is the justification that holds up the rationale? What lies deep in the structures of the state to explain its decision to introduce a boarding system? Boarding schools are a policy response to the closure of farm schools and the need to accommodate the learners in educational institutions but it also has wider ramifications on families and communities. Yet, the rationale, so focused on children's rights, is silent on the ripple impact the policy may have. We are also told little of the political advantages the state might gain from the boarding school project. The state therefore needs to show why it has the authority to intervene and take over the care of children for the majority of the time.

Having a theoretical groundwork to hostelling is important as a reference point for assessing the justifiability of the policy against counter claims (the themes of the following three chapters). Knowing what undergirds the policy also helps to push assessment beyond scoring the policy on what can be empirically shown. While there may be a benevolent, feel-good response to seeing poor children housed, fed and in school, if we do not also do a checklist of the underpinning principles, we might miss some of the fundamental, ideological objections to the policy. Without those theoretical hooks we are left with the tautology that the state that cares for children is a caring state; and the caring state cares for children. It is a self-legitimising argument. The image of a benevolent state is bound to rankle with more hard-bitten political cynics. It needs some analysis.

The task of this chapter therefore is to construct the state's case for having the authority to develop and implement a policy such as the boarding school one. The previous chapter established that children could be prioritised based on the importance of their developing capability. This chapter extends that point to look at why the state (rather than someone else or some other institution) comes to be a primary provider of the resources and structures that enable children to attain capabilities.

My aim here is to show the boarding school in context. Context is important because of the rapid changes South Africa has experienced since the transition to democracy and its attempt to identity itself in the global mirror. "Contexts," notes the Ministerial Committee on Rural Education, "are not simply the scene of action: through their unique distinctive enabling and disabling features, contexts influence the nature of social action taking place within them" (2005, p. 5). It must be significant then that at the time the boarding school policy was being experimented with, South Africa was beginning (in the early to mid 2000s) to use the term 'developmental state' to describe itself. The developmental state explains the priorities in spending on education (in the form of human resource development), on under-developed, rural areas and on disadvantaged communities. It also explains the state's leading role in directing development. The developmental state is defined as a state which consciously provides the conditions and infrastructure for a country to transition to capitalism (Freund, 2007, p. 193). It is, perhaps ironically, described as state-led capitalism. In the cause of modernizing the economy, government could make structural changes. In other words, an economically conservative (capitalist) project allowed for radical social change.

This is not to say that the South African developmental state was a successful one. Freund argues that South Africa's development has been efficient at a macro-level but that this is superficial because it is not underpinned by deep social interventions. On any of the Human Development Indicators, South Africa performs poorly – health, education, poverty, crime, unemployment. Yet, I want to suggest, that at a small-scale – the scale of small farm-worker communities – the ideas of a developmental state are at work. That's because the hostelling project makes economic sense (it is probably cheaper than keeping a farm school open) and the farm workers are unlikely to stage a protest (at least not one that could not be managed). At this small scale the state can practice its developmentalism: it can engineer social change as a way of rebooting and modernising the (rural) economy.

But there are some central tensions in the development state – on the one hand it is acting forcefully, and on the other hand it has to do that in the context of a democracy; it needs to balance short-term sacrifice with long-term aspirations; it wants to push through radical change in the broader context of a rights-based Constitution; and short-term economic growth takes precedence over longer-term social justice. In the South African context, nationalism is a salve that smoothes over these tensions. The boarding school is therefore not only a developmental project, it is a nationalist one too. It is in imagining the collaborative drawing together of the nation that the state gets permission to act decisively.

Those contradictions and tensions in the developmental state mean that justification for social policy could go down any of the contrary lines. Either it is an attempt to ingrain neo-liberal-style capitalism or it is progressively liberal in wanting to redistribute resources to those less well-off. It is economically conservative or modernist / progressive. Either it allows for radical rethinking of social reproduction or it turns into a conservative institution intent on re-inscribing the family as a basic building block in a nationalist model. Either the state is inherently patriarchal and disciplining or it is liberating. It is because of this haziness in justifying the boarding school, that we can re-imagine it in a different ways. That re-imagining is my goal towards the end of this thesis.

This chapter is organised as follows: I start with defining the developmental state and how it may be applied to justifying boarding schools. I then look at three limitations to using the

developmental state as a justifying principle while finally holding out some tentative strings to its application (and thereby showing up the tensions).

South Africa as the developmental state

Standard leftist theories of the South African transition from 1994, have argued that neo-liberal policies were imposed top-down on a mostly resistant population. Patrick Bond refers to it as an "elite transition" (2000). According to this explanation, the state apparatus was used to concentrate wealth in the hands of a black elite and the 'reconstruction and development' promised by the ANC at the 1994 elections was never truly effected. The introduction of the Growth, Employment and Redistribution (GEAR) strategy as a macro-economic policy retracted from social spending, introduced fiscal austerity measures and got rid of trade barriers. In its wake, inequality increased, poverty escalated and a new black elite emerged. Policy was therefore designed to support the growth of the private sector. GEAR appears to all intents and purposes a neo-liberal restructuring of the economy. Typical of this argument is that made by Sampie Terreblanche (2009) who argues that whatever the political rhetoric might have been about creating a people-centred society, in truth: "After 14 years of democracy, South Africa is anything but a people-centred society, the frontiers of human fulfilment and freedom have not been expanded for the poor and the government institutions that were created do not serve the impoverished" (2009, p. 111).

That's a narrative that cannot explain the policy to establish boarding schools. Here money is being spent on a marginalised group of workers. While the amount spent in rands and cents on boarding schools may not be significant (and the numbers of people affected is small), the shift in policy takes place at the same time as the Child Support Grant is significantly up-scaled. The state was therefore prepared to spend significantly on poverty alleviation. Moreover, the boarding school policy appears to go beyond the limitations of South Africa's social protection system, which Hassim points out, "remains constrained by narrow conceptions of the state and by distrust of rights-based demands on social resources" (2005, pp. 3-4). Unlike the social grant system which is centred on demand and where political and social pressures have pushed for its expansion, the hostelling policy is supply-driven in that it is a government-led initiative. It is characteristically different therefore from mainstream welfare provision. The hostel stands not as a remote bureaucracy that provides abstract

support by way of monetary contribution, but as direct government presence in children's lives with further impacts on the livelihoods and well-being of their families. It is clearly meant to help provide the children of farm workers with opportunities outside of farm labour.

Additionally, the boarding school is not only meant as a welfare net since it adds 'personal development' to its responsibilities. If the welfare state is intended to create safety nets from the pits of poverty, the boarding school is intended to remove the dependence on welfare and enable people to fare autonomously without the need of state support. The focus on human resource development makes the hostel more than an 'anti-poverty' programme with its short-term focus on "stabilization, fiscal probity and debt relief" (Mkandawire, 2012, p. 7). It is neither a response to protest nor a pre-emptive move to prevent demonstrations. It is instead a bold, deep-seated, modernising educational intervention.

A neo-liberal account is therefore limited to explain the boarding school policy. Although it may support neo-liberalism in the long-term (by educating people so that they can be employed and be taken off government support), it is far too interventionist to count as a neo-liberal policy. At the very least the hostel counts as a contradiction, a slippage, a gap in the neo-liberal bulwark. That's at least interesting because round about the same time (in the early to mid 2000s) the ANC and its alliance partners are talking about South Africa as a developmental state (see (Terreblanche, 2009, p. 109) who argues it is not accompanied by any fundamental policy changes, (Hart, 2006; Southall, 2007).

Development-speak had been a part of political rhetoric since 1994 even as it seemed to wane during GEAR's zenith. But as early as 2001 ((Hart, 2006), dates it as 2002/3), it looked as if the neo-liberal GEAR was in retreat and, as Gillian Hart wrote: "active state intervention to improve the Second Economy, seems to herald a qualitatively new phase in the post-apartheid order" (2006, p. 25). By the time of the ANC's National General Council in mid-2005, it committed to constructing a developmental state to intervene in the economy. And at the Polokwane Conference in 2007, the ANC pledged to build a developmental state that will play a role in "directly investing in underdeveloped areas and directing private sector investment" as well as addressing high levels of "unemployment, poverty and inequality" (ANC, 2007, p. 19). It also intended accelerating growth while addressing social challenges: "Whilst acting efficiently to promote growth, efficiency and productivity, it [the

developmental state] must be equally effective in addressing the social conditions of the masses of our people and realising economic progress of the poor" (ANC, 2007, p. 18).

Is it possible to explain the boarding school as a result of the state relaxing its neo-liberal restraints and shifting towards a developmental stance? Does the developmental state provide a rationalization for the establishment of boarding schools?

The developmental state describes a state which actively plots a path for economic and social improvement (Edigheji, 2010). One of the few advantages of being a late developer is that the trail-blazing countries have shown the possible routes to development, pointed out the short-cuts and generally demonstrated the different staging posts on the development pathway. It is the map-book to development. The developmental state therefore has the vision of where it needs to be, and it knows some of the resources it needs for progress to be notched up. It is from this vantage point that the state can map a trajectory of its development and clear the pathway of structural constraints while putting in place any of the supportive mechanisms. The South African government had international models to draw from and it went with with state-led capitalism. The state takes on a central co-ordinating role in modernising industry, dismantling trade barriers, investing in infrastructure and channelling education and skills into servicing an economic boom. With development imperatives as its guide, the state is constantly working at leveraging resources and people into economic productivity. At the same time as it was opening up to global capitalism, there was a recognition that economic transformation would ripple through social nets. Welfare therefore had to be supported.

There has been some debate on whether it is possible to even talk of the South African state as a developmental state in practice (Fine, 2010). But it does at least seem that the boarding school fits the criteria of a developmental state-type intervention.

In the first instance, any developmental state must invest heavily in education. Human resources and skills are seen as important preconditions in improving economic performance. One of the critical constraints to South Africa catching up with the 'knowledge economies' of the West was its underperforming education system. Apartheid's "Bantu Education" system was designed to be of inferior quality. It had left a backlog of school buildings, resources and

teachers that the incoming democratic state had to fill quickly. For Freund: "South Africa's prospects as a developmental state rest on overcoming its historic backwardness in terms of education and skills, and its ability to offer a way ahead to many of the people who are now fairly desperate and whose circumstances drag everyone down, indirectly if not directly" (2007, p. 196). Even with the restraints of fiscal austerity, education took the largest slice of government's expenditure (with the proviso that any pay outs had to be efficient and effective).

Moreover, after 1994 the government moved quickly to alter the apartheid syllabi in order to reflect the new political and economic circumstances. Education had a modernising intention. No longer internationally isolated, South Africa borrowed educational ideas from developed countries in order to fast-track its own training pathways. The push was to catapult schools from the apparently out-dated mode of chalk-and-talk pedagogy into the centre of a globalising discourse on outcomes-based education (OBE). OBE was, according to Baxen and Soudien "a script for modernity" aimed at producing "a universal subject with universal attributes", shifting the country from "a primitive past to a 'modern' future" (1999, p. 138). It was a curriculum abstracted from the social conditions in which most South Africans live but its intention was to prepare them for liberal style democracy and, importantly, for the workplace. OBE's newness was meant to be an innovation across all schools – white and black, rich and poor – and therefore would instantly be a leveller.

The Ministerial Committee on Rural Education (2005) explicitly linked its recommendations for improving the quality of rural schools with government's rural development strategy, preparing rural people for employment outside the field of primary agricultural production and making state institutions responsive to poor people.

Boarding schools are not just educational institutions. They are also social-welfare institutions and these too have a place in developmental theory. For Mkandawire: "Social policy links education and training to economic performance by determining levels of school enrolment and accessibility to various institutions of training; and providing incentives to firms and individuals to acquire skills" (2012, p. 25). Aside from the economic and educational levers the state has to steer development, it can also intervene in social structures so that they align with the needs of development. Freund explains that the more successful

development states “have realised that deep social interventions have been necessary because they have critical knock-on effects in terms of global competition and national empowerment” (Freund, 2007, p. 196). Social policy can be used as an enabler of development (and is not just a fortuitous end-product of economic prosperity). Edigheji writes: “By and large, developmentalism entails promotion of human-centred development, and not just growth” (2010, p. 10).

The developmental state is a reference to the UNDP Human Development Index with progress counted in terms of access to basic services, education, maternal health, average life expectancy etc. These can be counted as the indicators of successful development, but they are also the preconditions for development to take place. So social policy is used to improve human development indices at the same time as it transforms economic productivity. Mkandawire points out that: “The most direct channel through which social policy affects resource mobilization is the reproduction of labour as a means of production. Social policy either by omission or commission has enormous implications on demographic dynamic” (2012, p. 14). Social policy can free people up from domestic and family responsibilities and provide the services to help them access job or economic opportunities. Social policies are also meant to address discriminatory practices related to race, gender, sexual orientation and disability etc.

If the livelihood on the farm lands is threatened by evictions, insecurity of tenure, poor living conditions, isolation from communities and tenuous access to quality education, then boarding schools seem like a panacea. They appear to provide educational opportunities and to help families find some stability through long-term institutional support just as the agricultural sector is undergoing economic and political uncertainty. As processes of land restitution undergo their stop-start journey, and the economics of development find traction in the rural soil, it is the social policies that promise to help farm workers find anchor. They are meant to be the state’s steer.

The developmental state theory therefore explains the increased spend on alleviating poverty and on human resource development. It also helps explain the top-down, forceful approach to implementation and the unreserved public attention to social issues. But the motivations and the capacity of the state to captain the developmental state will be an ongoing concern to

be investigated in the thesis. In the next section, I look at the limitations in using the theory of the developmental state as an explanation / justification for policy (and specifically boarding schools).

Critiques of the Developmental State

South Africa's aspiration to be a developmental state provides an underpinning motivation for social policies (such as boarding schools) that rest on the need for strong state intervention but within a broader context of a capitalist economy usually suspicious of state meddling. The developmental state, in other words, is characterised by the need to simultaneously drive up economic growth and address social issues. It is an attempt to strategically intervene and find the short-cuts to hurry South Africa up into becoming a competitive member of the global economy and skip over the pathways the first world countries had already gone through. Boarding schools plainly are meant to help the children of farm workers leapfrog the toil of peasantry and acquire the education that can open doors to jobs in the modern economy.

But while the developmental state provides the context against which to justify social policies such as the boarding school, doubts about the efficacy of such a state will undermine its policies at the same time. Three concerns arise with using the Developmental State to justify state action: firstly, that the state has no capacity to implement its development strategy, secondly, that the developmental state has too much authority and thirdly, it uses undemocratic means to implement a development agenda. I look at each of these in turn.

The developmental state has no capacity

The first concern is that the state does not have the capacity to carry out developmental duties. This – the problem of feasibility – is typically raised by neo-liberal theorists who argue that the state really has no sway (or should not have a sway) in matters of the economy. The state is simply an inefficient means of distributing resources. The more libertarian the theorist, the less the state is given wiggle room to intervene in any economic or social areas. Moreover, government does not only lack capacity to directly intervene but it would also be illegitimate for it step on the liberties of individuals or even companies to go about their business freely.

For conservative, neo-liberal theorists, the best way to distribute goods and services is through the open market. The market is argued to have several advantages over the state: it is efficient since it distributes resources at the point of need, it rewards deserving individuals and it offers choice. On the other hand, the state does not have the information on the needs of each and every individual to plan a distribution strategy. Extended state support creates a form of dependency on the state. People no longer need to take responsibility for their decisions and they lose any incentive to work hard and contribute to the economy. As Gutmann points out, for conservatives: "By securing the poor against responsibility, the welfare state creates more poverty as well as a drain on governmental resources, to everybody's detriment" (1988, p. 4). For the conservative theorist, citizenship is defined by a limited relationship to the state with the widest possible space for citizens to live their lives without state intrusion. Social policy, as Mkandawire points out, is viewed as a "distortion" and "appears merely as a corrective mechanism for addressing 'market failure' and not for addressing transcendental values, primacy and normalcy being given to the market" (2012, p. 3). State welfare provision is argued to manipulate conditions enabling citizens to act irresponsibly because they do not have to bare the actual costs of their behaviour.

It is important, then, from a neo-liberal perspective, that citizens are weaned off their dependency on the state and education is at least one mechanism for doing so. But even education can be distributed as a market commodity more efficiently and effectively than through the state. If people pay for a service, they are more likely to hold the education providers to account for outputs. Competition between education providers is an incentive to improve performance as they try out-do each other to attract clients.

For the neo-liberal theorist, the free market is a level playing field. It offers equality of opportunity but it rewards those who are deserving – either because of talent or hard work (and normally in combination). It is, therefore, ideally placed to boost development. There is no need for an interfering state. Such meddling only works to distort the natural rhythms of the market. The state's role of overseer conflicts with the market's dispassionate, impartial distribution mechanisms. The state 'rewards' persons not rewarded by the market – and unfairly so. Similarly, it 'punishes' those not punished by the market. Welfare goes to those neither talented nor hard working, and taxes are charged on those who are.

On this reading, boarding schools are not simply benign, benevolent institutions. They have negative consequences for the proper mechanisms for distributing resources. Doling out resources to some is unfair. It leaves those who receive state funding with a sense of entitlement and those who do not with a sense of injustice. Hostelling ought to be choice and at least a percentage of the costs should be covered by parents. For conservative neo-liberals, citizenship is defined precisely by minimal ties to the state and with greater trust in the free-market to organise relations between people. Citizens must be free to choose – and if boarding schools are a choice they make for their children, then they must carry the financial and social responsibility of that decision.

The problem with the argument that the market is better at distributing educational resources than the state is that in the South African context, the market does not start on fair grounds. Colonialism and apartheid have distorted the market quite deliberately on racial grounds from the get go (and have heaped on gender and class discrimination). In addition, criteria for selection to attend a boarding school can hardly be said to be arbitrary. Since the state is responsible for closing down farm schools, it needs to also compensate families and provide an alternative.

Moreover, the concern that the state lacks capacity is that it is used as a blunt instrument – rather than as a matter of degree. It cannot simply be that the state has no capacity or full capacity – but that it is able to at least do some things adequately. Development theory is premised on finding steps towards improvement in performance. As Edigheji argues: "developmental/transformative institutions are established to overcome capacity weaknesses; hence, weak capacity of the state is not an *excuse* but rather a motive for constructing a developmental state" (2010, p. 3). Limited feasibility might be a constraint on developmental activities, but contrary to the neo-liberal critique, it does not prevent the state from getting involved in social and economic change. Nor is it necessarily the case that the market can be relied on to do a better and fairer job in transforming the economy.

The worry that the developmental state has no capacity to establish and run boarding schools is therefore not entirely convincing.

The developmental state has too much authority

The second set of concerns with developmental state theory comes from the complete opposite direction as the first concern. The problem is not that the state has no capacity to intrude in the private and economic sphere, but that it has too much. Such a post-structuralist or post-modernist critique charges that the state is primarily interested in using its power as a means of social control.

Here the problem is not so much the distorting consequences on the market and economy but that state interference is always to be interpreted as a means of regulating individuals and families. Development is a discourse (to use a Foucauldian term). It cannot be understood as simply taking place in rational sequence through structured institutions. Rather development is constructed through relationships of power and knowledge. It cannot be reduced to a predictable science. Antonio and Kellner explain: "The postmodern critique holds that virtually all modern social theory springs from Enlightenment faith in science and reason and leads to 'grand narratives' that legitimate political repression and cultural homogenization. Postmodernists argue that the totalizing features of social theory have affinity for centralized systems of power and social planning that liquidate particularity and block the creative forces of language and desire" (n/a, p. 2).

The idea that it is possible to forecast the trajectory a state needs to follow to modernise gives cause for the theorists (and their counterparts in government) to speed it up. That gives governments a reason to drive roughshod over contradictory processes in order to get at what is an inevitable end-point to development. Of course if there is no meta-theory, no grand narrative, no coherent story (as the post-modernists argue) – then there is no predictability, no cause and effect. Take away the modernist trajectory and all we are left with is government ideology or propaganda for its actions.

Where the modernism of developmental state theory sees economic and social factors lined up to be developed into the happily-ever-after of capitalism, the post-modernist is likely to see nothing more than a fairy tale. The post-modern perspective is agnostic (Cooper & Burrell, 1988). It does not have faith in actions that are directed by preconceived abstract ends. Rather, state actions are set off as the situation demands. Cooper and Burrell explain:

"There are no perfect theoretical solutions to problems which we can prepare in advance and the decisions have to be made as *remedial* moves in situations marked by uncertainty, disorder and imbalance. In these analyses, practice usurps theory, and organization, far from being a structure of calculated, deliberate actions, is in reality the *automatic* response to an impending threat" (1988, p. 103).

There is a darker scepticism of state intentions in providing welfare. For the post-modernists, a state-centred approach to pushing through a modernising project fails to take into account the regulatory aspects of welfare. Welfare is only an illusion of a caring state. It serves to legitimate the state by, as Young explains, "encouraging people's allegiances to the system to the extent that it delivers them something material" (1990, p. 69). Hart calls the South African government's increased spending in the early 2000's partly a "strategy of containment" (2006).

Moreover, the institutions that deliver welfare are implicated in defining how people relate to each other and specifying what they are and are not allowed to do. And it is not only in the explicit regulations, the rules as they are written down, but the implicit expectations of behaviour that keep people in check. Following on the work of Erving Goffman on asylums and Michel Foucault on prisons, the study of institutionalisation has generated theory that goes beyond merely an empirical account of the micro-functioning of institutions to answer broader issues of governmentality and power and domination in social systems. So Foucault's social history of the penal system develops the idea of the Panopticon and the way in which disciplinary power regulates societal behaviour. Goffman's empirical work on mental asylums examines the experience of individuals deprived of the social supports to normal identity, but note Lemert and Baranaman "Goffman is trying to say something about the structure of the self in general" (1997, p. liv).

Thus to see the hostelling project only as a logistical solution as developmental state theory does, fails to recognise the boarding school as an institution invested with social and political meaning. It is an institution through which people are governed.

If anything, the boarding school is a further indication of cultural disintegration. These are institutions where difference is de-emphasized, where power and knowledge function to

control, to steer and limit conceptions of children coming from farms. The boarding school is a reflexive (rather than a rational) response to discordant change, contradictory processes and a kaleidoscope of experiences. At best, the boarding school ameliorates poverty – but it does not solve the systemic, structural roots of poverty embedded in the macro-economic frameworks. Children are schooled to obey the state (and capital), while their parents are given the impression that state has their best interests at heart.

The counter-argument against the post-modernist position is to dismiss it as over-exaggerated. In other words, it cannot be true that everything the state does in order to bring out social change (indeed, to improve conditions) is intended to control citizens. As Mkandawire writes: "Thinking about social policy in developmental terms immediately raises the danger of overly instrumentalizing social policy, thereby undercutting the intrinsic value of its pursuits" (2012, p. 8). A functionalist analysis of social provision as mechanism of social control needs to be taken with a pinch of salt. It short-changes individual agency. There is a tendency in the post-structuralist arguments to treat recipients of development not as actors but as quiet subjects, moulded by greater forces. Yet people are able to manoeuvre and position themselves to get the most out of policy. Policy is not only in the reins of the state. Individuals and civil society groups can organise themselves to use policy in their own interest.

The functionalist analysis presents farm workers as passive beings, swept up by the ideology of the state and kept down by the oppression of their labour. Even if we were to concede the overwhelming constraint of socio-economic environment, this would still leave open the possibility of opportunities for farm workers to stamp their opinion on the hostelling policy, manipulate the system or resist complying with the process (such as keeping children at home). Parents are responsive to opportunities and to changes in their circumstances. The boarding school may well be an answer to solving burdens experienced with child care. Supply creates demand. The CALS study (Cowley et al., 2011), for example, found cases of farmworkers standing in as parents for the children of relatives living in town so that those children could get access to the hostel.

The argument against the developmental state establishing boarding schools because they are simply a means of control is therefore not convincing,

The development state is undemocratic

Finally, a third argument against the developmental state is that there is insufficient concern for democratic processes. With development predetermined, there is little regard to consultation, for hearing the opinions and voices of those who might be affected by development (whether positively or negatively). Development is narrowly conceptualised as a response to a lack of goods and services and does not include political and social transformation.

The contrary argument to the concern that developmental states are undemocratic is simply to counter that they are not. Edighegi, for example argues that such states are unsustainable without democracy. He writes: "Development, by its very nature, is a political process, and therefore cannot be treated in a technocratic fashion" (2010, p. 14). And in South Africa, the policy claim is that democracy and development go hand in glove. Democratic governance is a feature of the South African policy field – at least in theory. The government has stipulated of its strategic leadership role:

> "The developmental state should have the capacity to give leadership in the definition of a common national agenda and in mobilising all sectors of society to participate in implementing that agenda. ... In this capacity of national leadership, which would be informed by its popular mandate, the state will need to have effective systems for interactions with all social partners" (Policy Co-ordination and Advisory Services, 2010, p. 119).

That does not get rid of the danger entirely though. The Ministerial Committee on Rural Education (MCRE) (2005), for example, recognised that although it invited public submissions, for the most part people wrote in about inadequate or inequitable resources for improving rural education. Technocratic solutions could solve such problems, but these do not address the possibility of people empowering themselves to find the solutions. As the MCRE notes: "without access and adequate resources one cannot begin to address quality of learning. However, the dominance of these enabling arguments goes together with seeing rural in deficit terms, and leads readily to approaches which start by focusing on the needs, deficiencies and problems of communities, and devising strategies to address these needs and problems. This approach encourages people to think about themselves as fundamentally

deficient and as powerless victims rather than about how they can direct their capacities, skills and social resources towards available opportunities" (2005, p. 5). The concern is not that the developmental state intervenes from the top-down, but that it is only superficially democratic. When the solution is merely the flipside of the problem, there's not much left to discuss. Submissions on what schools or communities need do not really replace in-depth political debates and procedures for coming to decisions.

The three arguments against the developmental state as a rationale for establishing boarding schools mix empirical claims with normative arguments. The objections still need to be proved. In the meantime, the developmental state does at least have a claim to explain why it (rather than another agent) is responsible for protecting children's rights.

Conclusion

Why is the development state the right space for thinking about the boarding school? Firstly, it insists that development can only take place with aggressive state intervention; second, the developmental state is not neo-liberal in narrowly focusing on industrial / economic growth – it must include improvement in HDI indices; and third, the development state is focused on poverty reduction and human capabilities as with the rationale of the boarding school.

So, on a very small scale – the scale of farm-worker communities – the ideas of a developmental state are at work. The developmental state helps explain why the government can move children into boarding schools and take primary responsibility for their care from parents. It is part of a national strategy to move the country from under-development to a developed state. Without intervention, individuals and families without resources of their own are likely to languish in low developmental indices. The developmental state is the benevolent state. It wants to create the conditions for improved well-being and livelihoods. The developmental state builds the boarding school because it is the quickest, most efficient way of jumping over the obstacles poverty puts in the way of academic achievement. The hostelling project makes economic sense (it is probably cheaper than keeping a farm school open) and there's very little risk that farm workers will stage a protest against boarding schools (at least not one that could not be managed).

But the developmental state faces three objections as an explanation for boarding schools. The first is that it does not have the capacity to fill its ambitions. If the state cannot actually manage boarding schools to improve education, it cannot fall back on the developmental state to explain its intentions. Secondly, the state cannot be a neutral overlord. It inevitably is involved in controlling and directing and managing individuals. The state by its nature curbs freedom – and particularly if the intention is to lead the improvement in the lives of poor citizens. Thirdly, and following on from the second objection, because the process of development is determined on the state's terms, there is little space for democracy. The farm worker community is without voice – accustomed to paternal relationships – and the material advantages (at least for their children) are overwhelming (du Toit, 1993).

On their own the objections are not devastating as an argument against the developmental state – or by extension against the boarding school. They still have to be proved. But they do point to some tensions in the development state: on the one hand it is acting forcefully, and on the other hand it has to do so in the context of a democracy; the state needs to balance short-term sacrifice with long-term aspirations; it wants to push through radical change in the broader context of a rights-based Constitution; and short-term economic growth takes precedence over longer-term social justice.

How those tensions get worked out from the perspective of the boarding school is what interests me in this thesis. It is these tensions that allow for a reimagining of the way boarding schools are justified.

The following three chapters unpack objections to the boarding school more directly than this chapter has done. Nevertheless, the doubts raised here about the developmental state – limited feasibility, state control and the lack of democracy – will resurface. I assess to what degree the children themselves, their parents and the



Picture 5: Gauteng premier Nomvula Mokonyane turns the sod for a new boarding school (Gauteng Department of Education, 2012)

wider communitarian interests are impacted by the hostelling project – particularly as the boarding school is rendered more and more total in nature. The thesis from here on in, therefore, is a test of how well a justification for boarding schools based on children's rights holds up. Chapter 5 will look at whether the state has the ability to look after children; Chapter 6 will look at whether the state has moral authority over parental rights and Chapter 7 will test the state's mastery over communitarian objections.

Section 3

Chapter 6: Home away from home: Children's rights objections to boarding schools

'Welcome to Hogwarts,' said Professor McGonagall. 'The start-of-term banquet will begin shortly, but before you take your seats in the Great Hall, you will be sorted into your houses. The Sorting is a very important ceremony because, while you are here, your house will be something like your family within Hogwarts. You will have classes with the rest of your house, sleep in your house dormitory and spend free time in your house common room.
J.K. Rowling (1997) Harry Potter and the Philosopher's Stone, Bloomsbury: London, P85

The movie, The Rabbit-Proof Fence, tells the true story of three aboriginal girls in Australia forcibly taken from their families in the 1930s and placed in an institution. Marked out by their mixed-race complexion, the colonial administration sought to 'civilise' the girls, educate them and integrate them as domestic servants into white society. They escape the severe conditions of the camp and take on an epic journey following the rabbit-proof fence to a euphoric welcome back home. The fence symbolically stretches across a vast desert expanse between the evils of colonial overlords and the loving centre of family.

Literature and movies, from Dickens to Annie, paint frightening pictures of institutions of 'care'. In the historical era of industrialisation, grinding poverty and families torn apart, children are shuttered into bleak establishments and left to survive on their own wits. The backlash to forced residential schooling has been strong, especially as the record of abuse of Indigenous children in the US, Canada, Australia and Finland grows (Davis, 2001; Jacobs, 2006; Juutilainen, Miller, Heikkilä, & Rautio, 2014). It was only in 2008 that an Australian Prime Minister, Kevin Rudd, would apologise for the treatment of Australia's Aboriginal population, including the removal of Aboriginal children from their parents. Today the

forcible removal of children from their homes and their placement in residential schools is illegal under international law (United Nations General Assembly, 2007).

Current, non-fiction accounts of boarding schools do not provide an especially happy picture either. Boarding institutions, particularly those accommodating disadvantaged children, have a poor reputation with respect to providing decent welfare. Since the 1970s the number of primary school children in residential establishments in the UK has declined (even amongst elite classes), though numbers have remained consistent for older children (16 years +). Gooch points out that residential care, "is not consistent with our values, our interests or our increasing knowledge. Questions have been raised over its legitimacy, its necessity, its expense, its susceptibility to abuse, its problems of staffing and discipline and, last but not least, its efficacy" (1996, p. 25)[15]. State financed provision in the UK is currently mostly associated with children with emotional and behavioural difficulties (Gooch, 1996, p. 21). Reports of sexual abuse in group care in the UK have further fuelled the backlash against boarding and raised concerns that institutional care by its very nature is vulnerable to sexual predation (Colton, 2002). Colton (2002) notes that often children with personal and emotional problems were left under the supervision of people with little experience or training in child care; bureaucracy served primarily to control (not care) but failed to adhere to clear lines of accountability and institutional cultures allowed abusive practices to appear routine while suppressing complaints. Added to these institutional factors is the "neutralisation of normal moral concerns" (Colton, 2002, p. 37) that accompanies the stereotyping of children dependent on state care. Colton argues that public attitude towards children in care is "largely one of indifference or, at best, ambivalence" (2002, p. 37) making it difficult to steer additional resources in their direction.

The trend away from boarding schools is evident in some African examples too. Indabawa (2000) points out that although boarding schools for girls in Kano State, Nigeria, were often associated with discipline and good conduct because of the regimented nature of interpersonal and inter-group contacts in the boarding houses, this was counteracted by rampant reports of sexual harassment and molestation. Furthermore, overcrowding in the hostels and astronomical expenditure on food and maintenance, depleted expenditure on

[15] See news article (McVeigh, 2014) on a campaign in the UK, Boarding School Action, calling for boarding schools to stop accepting young children claiming they can lead to emotional deprivation. Journalist, George Monbiot (2012) has also lashed out against the cruelty of early boarding.

educational resources and girls performed well below day-scholars. As a result, Kano State decided to close the boarding schools, so freeing up resources to expand access to day-schools for girls.

The abusive image is contrasted somewhat by more contemporary tales of boarding life in the *Harry Potter* series, for example, or the South African based novel *Spud* where children play pranks late into the night and enjoy the ivy-league trimmings. In the *Harry Potter* books, the young wizard's escape is not from the hellish boarding school but from the uncaring home of his aunt and uncle. Hogwarts is a school of magical liberation.

In the less fictional realm, there have also been arguments to recognise the benefits of residential children's homes and counter the trend to foster children into family settings or to shift resources to community-based alternatives (Kendrick, 2013; Smith, 2008; Ward, 2007). For these practitioners, children's residences can and do offer loving communities in which children are able to flourish.

Thus a binary picture of boarding schools emerges: desperate conditions for the poor while the middle-class boarding schools are flush with resources that private funding can provide.

One concern with boarding schools for poor children relates to their inadequate provisioning. There have been research reports (CIE, 2009; Cowley et al., 2011), media investigations (Fengu, 2012) and an expose by a political party, the Democratic Alliance (in the Eastern Cape (Lovemore & van Vuuren, 2013)) on the dilapidated conditions of school hostels, lack of food, unhygienic sanitary conditions in bathrooms and kitchens, inadequate bedding and contraventions in safety procedures and equipment[16]. An official in the Free State Department of Education admitted at a conference in December 2011 (organised by the Centre for Applied Legal Studies), that cases of over-crowding had been picked up. District officials had, unbeknownst to the province, arrived with bus-loads of children at boarding schools. According to Mr B: "So it means learners have to be provided with cheap quality

[16] More examples of boarding schools failing learner's welfare come from China (Luo et al., 2009; Zhao, 2011). A study in Ghana found that children in boarding schools were at a higher risk of developing nutrient deficiencies (Intiful et al., 2013). Moswela (2006) argues that misbehaviour of boys in boarding schools in Botswana is due to lack of recreational facilities and proper supervision. A nutritional survey in five Mexican boarding schools showed children were under-weight and had zinc and Vitamin B deficiencies but these results were similar non-boarding rural children.

food, no suitable bedding – nothing – no arrangements have been made for that. The learners are just dumped there. The parents don't even know where their children are taken to." As a result children had dropped out of school and when officials went to speak to parents on the farms: "they say 'no, let my child be here. I don't like the situation there'" (Mr B, CALS conference, December 2011, transcribed from audio-recording).

Such conditions are clearly in violation of children's rights, welfare and dignity. But these are failures of management and need to be sorted out at the level of resources and personnel and political pressure. There is nothing inherent in the design of boarding schools that they should be unable to adequately provide for children's welfare needs. So although an essential component of children's rights, this chapter does not cover welfare in any detail. Instead, the focus is on the psycho-social developmental needs of children (their future right to autonomy) since these raise particular difficulties in institutional settings. With spotlight on future autonomy, the chapter deals specifically the liberal perspective on children's rights (rather than a communitarian perspective, whose objections to boarding schools I deal with later).

The main purpose of this chapter, therefore, is to assess whether there is something intrinsic in the nature of boarding institutions that makes it difficult – if not impossible – for them to protect children's right to future capabilities. The chapter will highlight the paradox in justifying boarding schools as necessary to protect children's rights, while in practice they may not be in the children's best interests. This chapter therefore takes a sociological turn. The issue here is not so much the normative claims of boarding schools, but their concrete consequences – whether the practice actually results in the *a priori* promises.

I start with perhaps the most sceptical position on institutions – that of Erving Goffman's (1961) 'total institutions' – and test the degree to which South Africa's hostelling schools match his definition. I will argue that (with some caveats) they fall remarkably close to the conditions Goffman describes. The total institution seeks to regulate all aspects of the lives of 'inmates' and although the boarding school does not reach the chilling depths of mortification and depersonalisation described by Goffman in his account of mental hospitals, given that the subjects of boarding schools are children, they may be particularly malleable to the techniques of regulation and control. The concern then is whether boarding schools



Picture 6: Tunnel vision: a corridor in a boarding school

which are set up to manage large numbers of children – as 'total institutions' – are intrinsically unable to provide an environment for the development of autonomy.

There are two conditions in particular that boarding schools (if they conform to total institutions) have specific trouble providing to children (and here specifically adolescents) as they become autonomous adults: the first is privacy and the second is for their voices to be heard in decisions that affect them. I will argue that while it may not be possible to check whether these two conditions exist in boarding schools, simply by making these dimensions explicit, the likelihood exists that boarding institutions can consciously take these needs into account. Furthermore, even if these conditions are not available in boarding institutions, it is not clear that the best alternative would be for a child to be brought up in a family environment. The conditions of the boarding school are not necessarily better or worse than those at home for developing autonomy. The argument that it would be in the 'best interest' for a child to remain under the guardianship of parents is similarly consequentialist.

Eat, sleep, play: Boarding schools as total institutions

The boarding school, like it or not, is an institution – and the children therein are institutionalised. If that already puts a pejorative spin on the hostelling project, it gets still worse when the adjective 'total' is added. In the 'total institution' all aspects of a person's life are regimented and individual identity is determined, even manipulated. It separates a selected group of people from wider society, confining them in a space and treating them differently from those outside. "A total institution," writes Goffman, "may be defined as a place of residence and work where a large number of like-situated individuals cut off from the wider society for an appreciable period of time together lead an enclosed formally administered round of life" (1961, p. 11).

Those confined to total institutions "sleep, play and work" (Goffman, 1961, p. 17) in one space, with individuals similarly identified and under one authority. For Goffman, the key purpose of the total institutions is "the handling of many human needs by the bureaucratic organization of whole blocks of people" (1961, p. 18). This requires tight management, with the institution run on strict rules and activities tightly scheduled. In Goffman's institution: "there is a basic split between a large managed group, conveniently called inmates, and a small supervisory staff" (1961, p. 18). The role of the staff "is not guidance or periodic inspection ... but rather surveillance – seeing to it that everyone does what he has been clearly told is required of him, under conditions where one person's infraction is likely to stand out in relief against the visible constantly examined compliance of the others" (1961, p. 18).

While Goffman's quintessential 'total institution' is the mental asylum, he does include in his definition: "institutions purportedly established the better to pursue some worklike task and justifying themselves only on these instrumental grounds: army barracks, ships, boarding schools, work camps, colonial compounds, and large mansions from the point of view of those who live in the servants' quarters" (1961, p. 16).

But is his characterisation applicable to the hostels for farm school children in South Africa today?

There is something in the physical structure of boarding schools that separates them from those outside. They are fenced off and signposted. The *Guidelines for the Provision of Boarding Facilities in Public Ordinary Schools* state: "As the barest *minimum*, a boarding facility will be provided with appropriate fencing around it and all outbuildings, to the height of 1.8m" (Department of Basic Education (2012, p. 13). There is a disciplinary and surveillance element in the function of supervisors. In the layout of the hostel, the Guidelines suggest: "Natural surveillance should be optimised by designing landscaping that minimises places hidden from view and all areas should be observable from inside the building" (2012, p. 13(14.1.8)). The grounds of the two hostels visited in the course of my research were barren, though at one there was a promise of future shade where the matron's saplings were being tended. One parent interviewee described his first impressions:

> hayi, hayi (no, no) it was not good. It was a mess, the windows and the fences were broken. It was not a good hostel. Where the children sleep looks like it is meant to be a prison (interview with SGB member, farm school, February 2012, translated from isiZulu)

Although the precautions are deemed necessary for 'safety and security', there is certainly a sense in which the 'burglar-proofing', 'security guard', 'alarm system' and closed circuit television (CCTV) cameras (Department of Basic Education, 2012, p. 13) are intended to keep children within the perimeter as much as to keep criminals out. There are controls over the movement of learners so that "Free-time visits to local shops or supermarkets should be done in turns and be supervised at all times, and learners should be in full school uniform. Schools should have clear procedures for entering and leaving boarding facilities, which must include the use of control registers. Learners must always have a school telephone number that they can call in case of an emergency" (Department of Basic Education, 2012, p. 22). So even when outside the boarding school premises, children are always clearly marked by their uniform as being from the school and such 'free-time' opportunities are monitored and restricted by schedules and permissions.

Interaction with the outside is also regulated by limiting access into the boarding schools. The Guidelines prescribed that: "No outside visitors may be allowed in the boarding facilities. Schools should have organised visits that allow parents and guardians to visit learners. Parents and guardians must respect visiting hours" (2012, p. 21(15.7.15)). The

Guidelines do permit "small groups of learners" into the boarding school to attend "birthday sessions" (note that these are not called 'parties') with the permission of the school authorities (2012, p. 23(15.7.22)).

In the ex-Model C hostel, children were initially permitted to have cell-phones – "to keep connected with their parents" – but the privilege was removed after it was found they were staying up after midnight to take advantage of late-night free-calls and were sleeping in class. The hostel head explains:

> If they have a problem and want to talk to their parents, I have a landline here and the matron in the hostel and we can reach their parents.
>
> Q: So how often do they contact their parents?
>
> I don't know. Not that much – but I think some of them have cell phones – but we just can't catch them. So I can't say. But their parents are coming in a lot – when they get grant money – mostly on Saturdays to come and see the learners. (interview, November 2011).

While the boarding school does therefore appear to be remarkably closed off, there is one daily exit route and it goes from the hostel (the residence) to school[17]. Here the 'inmates' of the boarding institution get a chance to mingle with day-scholars and with adults not living with them in the hostel. But the educators still have an oversight similar to the authority figures in the boarding institution and the day-scholars share the same instrumental purpose for being in school as the boarders. As the head of one hostel explained:

> In the day time I'm a teacher and I'm head of hostel – seeing to the learners, that they study and become true adults at the end of the day (interview, November 2011)

There is therefore a continuum between the boarding institution and the school. Nevertheless, in the walking distance between the hostel and the school, there is a physical gap that may distinguish the hostel from the complete encapsulating totality of Goffman's institution. In the school, there is a chance to interact with peers who are not associated with the hostel.

[17] Some of the restrictions of the 'total institution' also apply to schools more generally but the difference is in the intensity and length of their application. For the boarders, the school is in control of their entire day and there is no going home to a more open life.

Routines and timetables are naturally used in total institutions for order and surveillance. Children are marshalled from one activity to the next and supervisors are able to keep an eye over all learners during compulsory quiet study sessions in the weekdays – for up to three hours for secondary school learners and two hours for primary school learners (Department of Basic Education, 2012, p. 20(15.7.11)). A teacher at the ex-Model C school described her day on duty as follows:

> You stand up and ring the bell in the morning – I stay in the flat – you make sure everyone is up and after an hour you ring the bell again and you have an inspection – to see that their rooms are clean, their beds are made, the bathrooms are clean. The ladies in the kitchen do sweep and mop but the children must take responsibility for their own rooms – sweep the corridors and again you are there at breakfast, lunch and supper. You must make sure they are standing neatly in their rows, going in quietly, that they don't make a lot of noise, eat their vegetables. (Interview, November 2011).

While the Guidelines appear to overlap substantially with the definition of total institution, in practice the two hostels I visited differed in how successfully they were able to put total control into practice. The hostel attached to an ex-Model C school was better able to enforce routines and keep an eye on the learners. In 2011, at the time of the research, there were 102 children across grades 1 to 12. There were five resident teachers but only one was on duty each day. (In addition, there were two matrons and nine staff in the kitchen and laundry.) In a scene reminiscent of Foucault's panopticon:

> I only allow the RCL to have cell phones – because E is the one staff teacher downstairs – but if there is a crisis, the prefects have my number and they can contact me – or if I stand here I can have a good view – and if the lights are not switched off, I can phone the head-boy and say: "listen Joseph, the lights are still on. What's the problem?" (Interview, head of boarding school, November 2011)

Because of staff shortages and long-hours, the hostel in the ex-bantustan school was less able to keep close scrutiny over learners. The principal admitted that:

> Supervision is about 60% up to standard. ... I have a problem of hostel staff sometimes leaving kids unattended and getting day-offs – whereas they get the allowance [from the provincial Department of Education]. They claim they are working more hours than prescribed in the Public Service Act. So in that manner, it

> implies that discipline in a way will be affected. Like for now, we are having more cases of teenage pregnancy than other schools. (Interview, school head, April 2012)

Even though this is evidence of the practical failure of a total institution,[18] it does show that ideally the boarding school ought to be one. The risks of leaving children unsupervised may be very damaging. Where children and adolescents are grouped together, systems of surveillance and regulation may be necessary to protect the more vulnerable learners from abuse. Later in this chapter, I examine the precarious balance between safety and freedom as a condition for developing autonomy.

So far I have shown the similarities between boarding schools and total institutions. Of course, although they appear in practice to share the same characteristics, that does not mean that boarding schools necessarily have to mould onto total institutions. They could be organised around very different principles. In fact, the total institution might be argued to be an inappropriate form to suit the function of a democratic education system – which on official policy is to protect children's rights. Examples of alternative forms of boarding schools exist. A.S. Neill's Summerhill School, for example, was established in 1921 and in which children have freedom to decide on their own educational programmes and live within a democratic community that has "a different way of parenting which eliminates most of the friction and many of the problems experienced by modern families" (http://www.summerhillschool.co.uk/), The hostels for the children of farm workers do not, however, follow in the example of Summerhill School. They seem to be a closer approximation of a total institution. The objection to boarding schools is, therefore, specifically against the form of the total institution.

The next task is to draw on the common features of such institutions to describe their function and consequences on those living within them. That will help clarify whether there is a contradiction between the form of the total institution and the hostel's function to protect the rights of children.

[18] In a reversal of the power of the total institution, the housekeeper at this boarding school said: "the security guards are scared of some of these children. There are some security guards who've been beaten up by them" (April 2012, translated from seSotho).

Institutionalising body and mind

Goffman's characterisation of boarding schools as total institutions is important not only as a way of categorization but for what it tells us of the implications and effects of such formal organisation on the individual and the role of such residential schools in society more broadly.

Total institutions function, as Goffman explains as "the forcing houses for changing persons; each is a natural experiment on what can be done to the self" (1961, p. 22). The children who cross the threshold into the boarding school are expected to leave their farm manners behind, and learn the proper functioning of a flush toilet, keep time and obey the regulations of the bell, live in a community of peers and aspire to individual achievement. Unlike education, which also aims to change persons, the total institution is a far more radical denial – or mortification – of the self and the manipulation of the individual into a mould designed by the institution. While in schools, children encounter countervailing influences to the sway of educational messages – from families, social peers, adults, media etc – these are blocked out, limited or controlled in the total institution. On admission, Goffman explains: "he begins



Picture 7: Road to rows of hostel blocks

some radical shifts in his *moral career*, a career composed of the progressive changes that occur in the beliefs that he has concerning himself and significant others" (1961, p. 24). Despite claims that boarding schools have an educative purpose, that they support the development of autonomous individuals, the structural arrangements in fact mitigate against this since they remove children from the social supports of civilian life, "a round of experience that confirmed a tolerable conception of self and allowed for a set of defensive manoeuvres, exercised at his own discretion, for coping with conflicts, discreditings and failures" (Goffman, 1961, p. 23).

The closed nature of boarding institutions detracts from its stated purpose, which the Guidelines points out is that: "Boarding facilities also provide learners with exposure to the world beyond the confines of their community" (2012, p. 5 (2.1)). While on the one hand, children are introduced to an environment different to the sheltered world of remote farming areas, the boarding school may equally be described as an enclosed community. The physical boundaries become the closed constructs in which the child is meant to grow and find meaning. While the guidelines state that the hostels 'open up different environments' – the opposite may indeed be more descriptive – the hostel closes off the farm school learner from the outside the world. And indeed, it may narrow that world still more to their peer group.

A study conducted in 2006 of boarding schools in rural China[19] found that nearly half of the students reported "feelings of loneliness, terror and anxiety at boarding campuses" (Zhao, 2011, p. 244). According to Zhao: "This closely relates to the fact that the boarding schools are closed to the public and to students' families, and lack necessary and adequate libraries and recreational amenities. By contrast, in the original village schools, children had more opportunities to interact with the local community and to entertain themselves in the natural environment" (2011, p. 244). With the main aim of maximising resources, some of the boarding costs were shifted to families and as a result, facilities were often wholly inadequate to the extent of threatening the children's physical and psychological wellbeing, health and social development. Specialised support staff were not included in government-funded posts.

[19] The Chinese experience of boarding rural learners provides an interesting comparison to the South African case. Large-scale urbanisation combined with the one-child per family policy shrunk the number of children in rural areas, and so over the past decade the Chinese central government has consolidated rural schooling provision into boarding institutions. As a result the number of primary schools fell by 25% between 2001 and 2005 and the number of children in boarding schools reached 30 million (Luo et al., 2009, p. 482).

Lack of recreational facilities led to boredom, with schools compensating by extending the school day. As Zhao argues: "Children are trained to be compliant and to adapt to this institutionalized school life by teachers and administrators whose primary concern is discipline and academic performance" (2011, p. 245). The children, from non-Han communities, were also isolated from their sending culture and language and under huge pressure to assimilate into the dominant society.[20]

In the Chinese example, serious shortages in catering and entertainment facilities created the conditions in which the total institution was successfully able to insinuate its psychological power: first by demeaning the children and then by dictating the means and purpose of their daily lives. In the two Free State boarding schools, the children in all likelihood had more recreational equipment and opportunities to interact with peers than on the farms. The Free State Department of Education had erected playgrounds for the younger children while the older learners could play ball-games. Movies were screened over weekends at the ex-Model C hostel – though here it is an enforced activity: "They must all watch – or they don't watch anything" (interview with hostel head, Nov 2011). The children were well cared for and their physical needs all provided for – they had to bring only toiletries from home.[21] In addition, the hostels provided medical care and optometrist screening.

There was no overt shaming of the children (though it would be necessary to do an ethnographic study to confirm this). Yet, interviewees (particularly at the ex-Model C hostel) were sometimes blatantly racist or made disparaging remarks about the parents living on farms and were conscious of their 'modernising' role, wanting to acculturate the children of poor, farm workers into the manners of the middle-class. Children were taught to eat with knife and fork on entering the hostel and were only permitted to eat with their hands once a week when *pap* and *vleis* was served. The menu had been designed to give the learners a taste of global cuisine – or rather western versions thereof (see picture 8). Pizza was served

[20] Similar results were found in a study comparing the psychological and educational status of full boarding and day students in boarding schools in Arak province, Iran. The researchers show that "full boarding students were more likely to experience obsessive-compulsive disorder, sensitivity in relationships, depression, anxiety, paranoid, and psychosis symptoms compared to day students" (S. Niknami, F. Zamani-Alavijeh2, A. Shafiee3, M. Seifi. Comparison of Psychological Status of Full Boarding and Day Students in Boarding Schools, *Poster presentations / Asian Journal of Psychiatry 4S1 (2011) S41–S90; p552)*

[21] One mother did complain in an interview that she found her 6 year-old in the hostel without proper bedding in the middle of an icy Drakensberg winter. But otherwise, no other such complaints were picked up.

every Wednesday. The following quote from an interview demonstrates this 'civilising' intention:

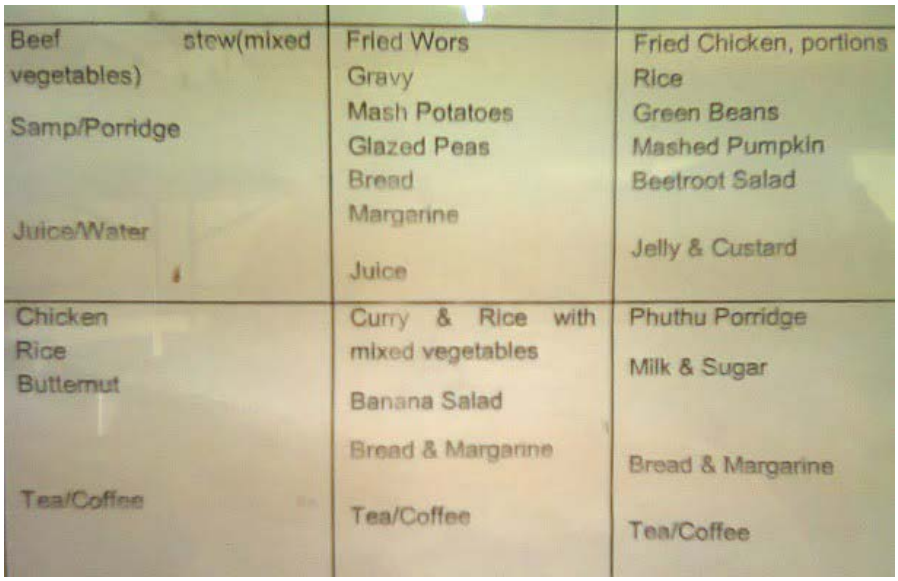
> Q: Do you have success stories? It must have been a big adjustment when they first came?
>
> Even now – when the little ones come in they don't know about a knife and fork – or using a toilet. They are afraid of how to bath. On the farm they, just make a hole in the ground.
>
> For them to sleep one in a bed – for them, that is a big issue. Because they want to sleep together.
>
> Q: How do you deal with that?
>
> We teach them. We take it slowly but surely. We tell them: "this is not the way". This is your bed during the year. We say: "This toilet can't swallow you". They believe the toilets will swallow them.
>
> What is really successful – and what we like to see at the end of the year – when they transform actually into normal learners that can eat with a knife and fork and know how to pray and thank for a meal; that learn toilet manners. We have regular inspections – every morning – and over weekends, big inspections to teach them how to pack their cupboards, what neatness is, how to make the bed … (Interview, head of boarding school, November 2011)

Although the ex-bantustan school was less obviously vocal about the need to socialise the children (and may indeed be an example of a failed total institution), the interviewees had disparaging comments to make of the lifestyles of farmworkers. A housekeeper, for example, said: "A lot of these rural children like alcohol, dating and become pregnant. They don't see the importance of an education. They run away from their studies. But it's not all of them who behave that way. They need someone to motivate them. Motivation is needed amongst these children" (interview April 2012, translated from seSotho).

While there is some definitional slippage between hostels and total institutions – the hostel is somewhat cushioned from the dystopia of a total institution by greater care and guidance than simply policing by staff – the description of the boarding schools does share some important features with total institutions. The children in hostels are physically separated, spend large parts of the day in one location, their activities are timetabled and they are identified by their backgrounds (as children of farm workers) and find themselves together for the purpose of gaining an education. The hostelling project is thus consistent with the total institution. What has not yet been established is whether living in the total institution is in the best interests of children. Certainly, Goffman's description of such places is bleak and conjures up grey holding cells – but that does not mean that good cannot come from them. Even if the dark, nightmarish horror of institutions is not overstated, it is conceivable that in the long-run their benefits out-weigh any short-term costs to children. That this is possible is precisely because the 'inmates' are children and subject to developmental theory and the paternalistic judgements of adults. In order to find a redeeming feature in total institutions, I trace this line of argument further.

Rights-in-trust and the requisite for structure

Children hold a peculiar place in rights discourse. As Feinberg (2007) explains, children hold some rights that are common to adults, but they also have child-specific rights which relate to their dependency – rights to food and care etc – and to their futures – which he defines as "rights-in-trust". The former set of rights are welfare rights and relate mainly to a child's



Picture 8: *Koshuis* menu

physical and social well-being. The latter, "rights-in-trust", refer to children's cognitive development into autonomous agents – their future ability to make rational self-determining decisions. "His right while he is still a child," writes Feinberg, "is to have … future options kept open until he is a fully formed self-determining adult capable of deciding among them" (2007, p. 113).

An appeal to securing a child's future autonomy rather than (or in addition to) their present-day needs shifts the point of reference to those (adults) who already have a view on what autonomy entails. Paternalism is inevitable because children do not yet have the knowledge to make informed judgements. As Feinberg explains: "Respect for the child's future autonomy, as an adult, often requires preventing his free choice now" (2007, p. 113).

If the eventual objective of education is that learners have autonomy, the capacity to exercise liberties, it is less clear whether they have any rights to those liberties (of speech etc) while they are still within educational institutions.

A traditional approach takes the view that social and civic rights can only be exercised by those who have reached full maturity. John Stuart Mill, a forceful proponent of securing a wide range of negative liberties, did not think these applied to children: "This doctrine [of liberty] is meant to apply only to human beings in the maturity of their faculties. We are not speaking of children or of young persons below the age which law may fix as that of manhood or womanhood. Those who are still in a state to require being taken care of by others must be protected against their own actions as well as against external inquiry." Children, as Kenneth Strike points out, have neither the moral agency nor the experience to appreciate the significance and consequences of their actions (1982, p. 43). Instead of assuming that children can practice negative liberties, their principal right is to be protected from possible harm that may be inflicted on themselves or on others by acting without constraint, while at the same time learning the ropes to enable them to act responsibly in the future. In other words, to paraphrase Feinberg, children's rights are held in trust.

The need for structured guidance into adulthood is a core principle of traditional approaches to education. R.S. Peters rather amusingly describes children as "barbarians at the gates of civilization" (1965, p. 107) and education as an initiation of young people into an established

body of knowledge, which he calls an "accumulated heritage" or "lore". For children to become educated, they need to have a depth of understanding and to be "placed on the inside of a form of thought or awareness" (1966, p. 54). This process of cognitive development is not spontaneous. Children are not born with the required knowledge imprinted on their minds and neither does knowledge magically come to them. The intervention of adults (those within the walls of civilization) is critical if students are to get to grips with the "impersonal content" they are faced with. Language is one of the tools used to pass on meanings and explanations to youngsters, as Peters explains, "the development of the mind is a product of initiation into public traditions enshrined in a public language" (1965, p. 94). Peters wants to avoid the idea that given the right environment children will naturally develop "self-realisation". He warns: "human beings are not flowers in having a pre-determined end which serves as a final cause of their development" (1965, p. 94).

Children's rights to liberty can therefore be held in abeyance until such time that they can be said to have achieved the necessary forms of knowledge to acquire full autonomy. They can rightfully said to be subjects for paternalism. This approach to education holds authority close to adult facilitators charged with guiding children to maturity. Teachers have both knowledge and skills to systematically move learners along a developmental course. The best kind of educational environment is therefore one that is controlled with learners on a tight leash as they accumulate the language, concepts and values they will need to successfully negotiate the outside world. As Goodman explains: "Conforming to social expectations serves the child's eventual adjustment. Teachers are future orientated: schooling is concerned with end-states more than present states" (2008, p. 28).

It is clear from this description that what children need in order to flourish in the future is to comply in the present. Children require structure and goals to be set for them. Since total institutions are precisely set up to do just this, the negative pallor that colours Goffman's (1961) descriptions of such must simply be valiantly borne if the fruits of autonomy are to be realised.

Goffman's description of the role of staff as primarily to guard rather than to guide does not seem to fit the main purpose of the hostel as an educational institution. The 'inmates' here are minors and under tutelage as they develop towards adulthood. The supervisors are

therefore primarily concerned to seeing that the children's needs are met, and the structure of the boarding schools "provides them with the opportunity to develop positively within reasonable boundaries" and that they can "access people they can trust and confide in" (2012, p. 9 (10.2.2; 10.2.3)). The rules, the surveillance of children's behaviour, speech and interactions with others, the timetabling of activities are necessary not just as a means of control and manipulation, but are rather more kindly seen as the function of care and guidance as children grow to maturity. Without them, children's rights-in-trust have been dishonoured.

In their study of the organisational properties of 51 boarding schools for underprivileged children in Israel, Schmid and Bar-Nir (2001) point to the peculiarity of residential schools in which professional staff need a degree of functional autonomy and self-expression to be effective, yet work within the confines of highly formalised routines and regulations. It is precisely the formal codes, the tight co-ordination and lack of improvisation that make boarding schools effective. This is "in contrast to other human and community service organizations, in which a low level of formalization, loose coupling and high levels of decentralization are an essential condition for attainment of organizational effectiveness" (Schmid & Bar-Nir, 2001, p. 261). At the same time, that formalism needs to be balanced and combined with the involvement and participation of workers in decisions in order for the residential school to be properly child-centred.

The idea that it is necessary to have structure and discipline to guide children into adulthood appears as a rationale in the case studies. For example, the children coming into the ex-Model C hostel from the farm schools are at a distinct educational disadvantage (just over half failed the June exams in 2011) and require additional support – academically and with their self-esteem. Language is a barrier since the children speak seSotho and a smattering of Afrikaans, but are channelled into English medium classes. The following transcript from an interview with the head of hostel and a member of staff shows how they view the rules and routines as providing the structure for pointing children in the right direction and steering them away from negative stimuli:

Q: You've got such a big age range of children. How do you organize that?

> For instance in the dining hall, you let the grade 3s sit together with big children to help them. And in study, the one lady will help the smaller ones and we will help the bigger children. So that's not really a big problem.
>
> Sometimes it is difficult. The little ones are still little ones. Some of the learners – from grade 8 to 12 – get very much influenced by peer pressure from the township and want to come try their stuff here. But luckily we can manage things up to now. They are easily influenced because they are coming from a rural, rural area into a structured place with influences from the township – like gangsterism.
>
> Q: Gangsterism?
> They think they are big gangsters but it is stupid thing. But I am very strict on these matters.
>
> It is important to stay with the rules – otherwise they get easily disruptive – and you must keep them there – stand still in a row, walk in a row… They get quickly disorganised. They want the structure. (Interview, ex-Model C school, November 2011)

But the underlying thesis of childhood development at work here and its resulting ideas on what is in a child's best interest raise a number of objections.

First, while rights-in-trust are future-oriented, with a promise of protecting the adult-to-be, it ignores the child-that-is. The idea that children in school lack liberty – with freedom arriving at a rather arbitrary end point – seems to lack the more progressive notion inherent in Peters' own work: "to be educated is not to have arrived at a destination; it is to travel with a different view" (1965, p. 110). The value of education is intrinsic in itself, a process into which young people are gradually introduced. The rather stern approach that quashes all liberties until maturity has been reached, does not account for the steady developmental trajectory of education. Education cannot claim to be developing autonomy and at the same time pretend to treat youngsters as if they were still in the starting blocks. While younger learners may benefit from a more strictly controlled environment, adolescents may require more latitude.

Secondly, the approach assumes a binary between adulthood and childhood. Children are seen as passive objects being moulded by adults and therefore have no rights to voice independent thought. Such a concept of childhood seems rather out-dated, reminiscent of the Victorian adage that children are to be seen but not heard. Today children are recognised as being fully-fledged persons with rights and liberties. Bray and Dawes (2007) point out that there is a tension between the child-centredness that goes with well-being rights and well-becoming indicators attached to investing in a child's future. They explain: "Thus an overemphasis on building the intellectual capacity of the future society can result in a reduction of current well-being for children due to the stresses of long hours of studying, the accompanying anxieties, and the reduction of opportunities for play" (2007, p. 15).

Thirdly, the notion of what children need in the future is derived from sources (institutions and individuals) external to children themselves. They are therefore instrumental needs based on relationships of contingency and therefore lack the moral obligations we have to ensure fundamental needs which relate directly to well-being (Goodman, 2008). In other words, without a direct line between the outcome and the means, we are left with only a hypothetical hope that *x* (say, a boarding school) will lead to *y* (say, autonomy). Goodman explains: "the end we seek dictates the means, but because the ends are unrestricted the means may or may not connect to basic needs" (2008, p. 32). Decisions on what is in the best interest of the child today while taking into account their future prospects is complex, speculative and difficult even for adults to make. Determining the minimal levels of dependency rights that are necessary to ensure optimal levels of social liberty and equity in the future is no science.

Moreover, the concentration on epistemological development is blind to the other objectives of education such as encouraging citizenship, human rights, values and equality. While adults may have a duty to take in children's future best interest, children, and particularly adolescents, have embryonic politics and views on their current needs that ought to be heard and valued. These may require educational institutions to use a different approach to an authoritative induction into the knowledge and skills of curriculum areas. While it may be necessary for the flourishing of a democratic society that learners adhere to basic Constitutional principles, such as non-racism and non-sexism, Strike notes: "Thus, we must

ask about the kinds of rights and duties that can be applied to educational institutions but that do not flow from the epistemological considerations" (1982, p. 40).

These three issues point to the need to take children's rights to liberty seriously in educational institutions – particularly in those spaces outside of the classroom, such as in boarding institutions. It is in the extra-curricular environment that legitimate paternal oversight gives way to overbearing control. Rather than seeing education as a positive right to self-mastery that leads to adult capacity to enjoy negative liberties, the argument is to see Berlin's distinction (between positive and negative liberties) (Berlin, 1958) in a dynamic relationship. Children need some range of negative liberties protected if they are to properly attain self-determination that is not the indoctrination Berlin fears of positive liberty. On Berlin's definition, positive liberty is no more than the paternalism of those in authority determining the correct moral outcome for persons in the name of self-mastery. Berlin's target may have been authoritarian regimes, but he may as well have been talking of schools. The point is that if we are to avoid Berlin's dystopia, then schools and boarding institutions need to leave some space open for negative liberty.

Rights-in-trust is therefore something of a moving target. Younger children, having not yet developed the capacities for rational decision-making, may necessarily require greater adult control than adolescents. As youngsters develop their independence, rights-in-trust shift increasingly to agency rights with adult paternalism diminishing. Though as Goodman writes: "A close look at children's development suggests that, rather than moving through successive need stages, they are always and simultaneously dependent and independent, demanding steady doses of protection and emancipation" (2008, p. 35).

On this more dynamic approach to rights-in-trust, autonomy is not something that can be deferred to some later stage. It does not follow a linear trajectory. From a young age, infancy even, children are testing their boundaries of independence. The clash with the physical and moral constraints imposed by institutions and adults is inevitable as children strive to assert their own needs and wants and authorities' attempts to steer and shape children's nature. Whether the institutions and adults choose to give in and take a succouring stance or restrain and discipline depends on personal, cultural and political ideals. Either

way, argues Goodman, if autonomy is the goal, "constant, relentless balancing is called for" (2008, p. 37).

For the total institution, that balancing act is made profoundly harder by the large number of children being overseen by a small group of adults. One of the central challenges for hostels where the ages range from grade 1 to matric, is negotiating this transition between childhood and adulthood. Relinquishing control in order to enable young adults to explore their growing independence comes with risks to the safety and security of those adolescents and the younger children they share space with. Managing large numbers of children in an institutional setting tends to dissuade taking such risks – closing down on opportunities for adolescents to fully realise their autonomy.

Boarding schools can be said to fail children if they control the environment too strictly, thereby circumscribing learners as they try establish some independence. The point is that while educational institutions may have a strong imprimatur to act paternalistically in order to guarantee children's future rights, there may nevertheless be limits to how far such paternalism can go before it begins to detract from future autonomy. It is not even clear that a child-centred theory of care is good for children. It tends to fall into the trap of the smothering parent, so focused on the immediate needs or happiness of children, the danger is that it is reluctant to take tough-love decisions to secure an independent future for children.

There are two rights in particular that we need to weigh in as necessary conditions for autonomy: children's right to privacy and children's right to participate in decision making. What we need to determine is whether these rights are important to children achieving autonomy (and therefore something the boarding school has to take into account) or whether there is nevertheless a stronger argument in favour of the state acting in the best interests of the child (and/or other children) to hold out in these two areas.

To be both private and to be heard

Privacy is most often valued as a welfare right – that is that we hold out on people having unwarranted access to our bodies or personal information to prevent them from abusing such access to cause us harm. But as Warnick points out, privacy may also be important for

developing autonomy. He writes: "When we constantly watch what others do, we do not encourage them to act for their own reasons; rather, we encourage them to act as we want them to act" (2007, p. 324). Under surveillance, children are unlikely to act on their private beliefs and the test to prove their autonomy is lost. The constant watch of adults enforces compliance with public expectations which is of course exactly paternalism's intention, but having children act as they ought to leaves little room for them to experience authentic autonomous agency – or to learn from the hard knocks of failure in the light of public opinion. Privacy guarantees space for children – and especially adolescents – to test individual attitudes and believes amongst peers without acting for an audience of adults. Furthermore, privacy contributes to a person's sense of self-hood and responsibility (Warnick, 2007). It therefore contributes to autonomous development.

But for boarding institutions, privacy is risky territory. Complete right to privacy may not be entirely possible or recommended because the safety of learners, protection from bullying, sexual harassment is just as crucial (if not more important) than encouraging autonomous agency. Indeed, the actions of one learner may hinder the development of autonomy of others, when they cause harm. Moreover, as Warnick points out, "Because schooling is mandatory, there is less of an opportunity to opt out and exercise a choice to avoid risk. For this reason, schools have a special obligation to minimize risk. Students cannot choose to stay home; thus, schools have an obligation to make them safe" (2007, p. 323). The challenge then in developing privacy rights for children is in balancing the requirements of safety for learners' welfare with the developmental objectives of autonomous agency. For Warnick: "Students' interest in an open future requires some spaces for privacy, but it also requires surveillance of some spaces to ensure the other developmental achievements that allow for an open future, such as the acquisition of academic skills" (2007, p. 327). If the boarding school is classified as a 'total institution', then surveillance is a measure of its success. The issue is whether it can balance this appropriately with the need for retreat.

A second area of children's rights which boarding institutions need to take into account in balancing autonomy with welfare is student governance. Articles 12 to 17 of the UN Convention on the rights of the child proposes that children should have a right to be involved in decisions pertaining to them and to take an active role in campus life (United Nations General Assembly, 1989). The rationale for allowing learners to voice their wishes

and interests and have them acted on is seen as an important means for improving services. Having direct and immediate experience of the policies and rules, children can tell what works and what hurts – often invisible to adults. Adrian Ward argues: "The professional task in question can be summed up as 'working *with*' the young people: getting alongside them, understanding their needs, and acting appropriately in collaboration with them" (2004, p. 239). Including learners in consultations over the running of institutions is also often related to the exercise of democracy and citizenship. Being heard is being valued. It develops a sense of self-worth and encourages young people to work together on common goals. Children develop reasoning as a capability. For child rights activists, therefore, it is children's current status as morally capable agents, rather than an instrumentalist reasoning, that motivates child participation in decision making. Student governance is more than simply practising for future citizenship, it is inherent in children's current status as citizens.

However, children's participation in decision making is not without question. As Thomas and O'Kane point out: "the duty to take account of the child's views is not unequivocal, and it is clearly possible that a child's views will be outweighed by other considerations" (1998, p. 137). Primarily, it is not always clear that a child's preferences are in their own best interest – or whether they have the maturity to accommodate other's interests (that is, whether they have sufficiently developed a sense of justice, to use Rawls's concept). There may be an irreconcilable tension between rights to self-determination and rights to welfare.

Furthermore, if a child's best interest can be determined *a priori*, by adults who know best, then there would be little to rationalise including children into decision making. At best, it would simply be a symbolic inclusion that would not substantively change anything about the running of the boarding school. At worst, where learners are included but in effect silenced or their suggestions simply ignored, it could create disenchantment with democratic processes and in effect discourage their future role as citizens. Whether student government works to improve autonomous agency is not entirely clear. It is dependent on whether it is effective in providing a forum for learners to have their concerns heard; whether they are interested in the processes; whether the structure is taken seriously by boarding school management.

The Guidelines do make provision for the inclusion of learner representatives in the School Governing Body Subcommittee on boarding management (2012, p. 22(15.2)). Learners

therefore do have an avenue to raise concerns and be involved in decision making. In addition, boarding schools are expected to have "elected prefects or representatives whose function must embrace both the welfare and discipline of learners. Boarding house prefects should provide leadership and also play an active role with regard to learners' needs and assist in emergency situations" (2012, p. 24(15.7.25)). This representative form of democracy does not quite go as far as promoting a more rigorous ideal of deliberative democracy in which *all* children are consulted in the running of the institutions. Learners "may complain formally" through their representatives but this is a far more limited right than proactively sounding out children's opinions. Moreover, boarding house prefects are tasked with assisting the matrons or house masters "in maintaining order and discipline" (2012, p. 24(15.7.25)) so that their role is rather best described as aiding the efficient running of the total institution. The Guidelines give a cursory nod at 'representation' but do not extend the possibility to broader participation. The intention appears to be regulated channels of communication which reinforce lines of authority.

Providing opportunities for both privacy and voice – to have time away from constant surveillance and to be democratically consulted – is important for developing autonomy but is practically difficult in the total institution. Indeed, there would be a definitional paradox to include both. Nevertheless, simply by making these two provisions for autonomy explicit, the possibility exists that strategies may be found to work towards their being embedded. As Adrian Ward notes: "If residential care is seen as something inherently harmful to be avoided as far as possible and perhaps to be dispensed with altogether, then not enough priority will be given to improving its quality. The service will then deteriorate further, and staff may become more demoralised and even less able to offer the quality of service they wish to" (2004, p. 236).

The concern raised so far is that as long as the boarding schools are designed on the plans of a total institution, they do not accommodate children's right to an open future (i.e. their right to develop autonomy). The argument, however, would have much more clout if it were shown that living with family is relatively more successful at securing rights-in-trust. The next section looks at children's right to family and whether the impact of separation from parents constitutes a blow to children's growing independence.

Children's right to family: The value of family relations

The further possible objection to hostelling farm school children is that it is not in the best interests of the child because it distances children from their families and leaves them bereft of loving and affectionate relations with parents so important to their development and self-esteem. As Goffman points out, one implication of total institutions is that they are incompatible with family life: "Family life is sometimes contrasted with solitary living, but in fact the more pertinent contrast is with batch living, for those who eat and sleep at work, with a group of fellow workers, can hardly sustain a meaningful domestic existence" (1961, p. 22).

The implication is that institution can never really replicate, substitute or compensate for family living. They are designed for organising unrelated individuals who do not necessarily have the interests of their fellows at heart. Elshtain argues that: "The replacements of parents and families would not be a happy, consensual world of children coequal with adults but one in which children become clients of institutionally powerful social bureaucrats and engineers of all sorts for whom they would serve as so much gist for the mill of extra-familial schemes and ambitions" (1989, p. 65). The decline of boarding in the UK is in part explained by this ideological favouring of family living and the benefits of parenting, coupled with social policy, such as the availability of family allowances and the priority allocation of social housing to young single mothers (Gooch, 1996, p. 24).

We think of families as important because they provide children with systems of security, feelings of belonging, a sense of self-worth (from being loved) and they are primarily responsible for moral development. While hostels provide food, beds and other material necessities, what is disputed is whether such institutions can provide necessary emotional support[22]. In a review of three UK based studies, Fisher et al (1986) point out that approximately 70% of children in boarding schools suffer from homesickness, the symptoms of which are similar to depression. They argue that homesickness results when combined with "personality factors such as cognitive failure levels and personal control over the move" (1986, p. 36). Similarly, studies in private (elite) boarding schools in Australia reveal that

[22] See, for example, Merry who writes: "the benefits of intimacy and nurture that accrue to children cannot possibly be rivaled by the non-intimate structures of the state" (Merry, 2007).

boarders experience emotional deprivation, feelings of abandonment and being bullied (Hodges, Sheffield, & Ralph, 2013, p. 42).

There is some evidence of enduring psychological impact of sending children to boarding schools at an early age (Schaverien, 2011). According to psychotherapist, Nick Duffell, many of the privileged Britons who attended elite schools develop a "dissociative, defensively organised personality structure" he terms "strategic survival personality" (2011, p. n/a). Schaverien calls it "Boarding School Syndrome" (2011, p. 139). The premature separation from parents and siblings sets off a trauma against which children protect themselves by unconsciously "splitting", or creating a psychological barrier behind which emotions are kept hidden. For Duffell: "Over time it tends to crystallise into masochism, pathological rebellion or grandiosity – or a combination of all three – as well as intimacy avoidance" (2011, p. n/a). Those presenting themselves with such symptoms often have in common a boarding school background from an early age (6 or 8 years) and many end up by way of social status and education as leading figures in their professions and indeed as the country's law makers. Yet, they (and the reference here is mainly to elite boys) have difficulty in their relationships / attachments with women (partners). Duffell explains that intimate relations are projected as the "rejecting and abandoning mother". He writes: "Many boarders grow up feeling their parents are strangers, unable to rely on anyone but themselves. They want desperately to be loved but cannot surrender to trust and perversely end up embodying the self-reliance that public school promote above all things" (2011, p. n/a).

This psychological argument, however, is not an easy case to maintain. By Duffell's own admission, it is rarely spoken about or even diagnosed and while therapists specialising in this area may discern a pattern linking elite boarding schools with certain personality types, it may just as easily be possible that their specialisation attracts appointments for therapy from particular kinds of clients with similar backgrounds. The method of therapy too may be at fault if adult troubles are constantly sourced in early development – take for example, this line from Schaverien: "It was persistently pointed out to her when her concern for others masked her own distress; eventually, as she began to notice it, the pain associated with her memories of boarding emerged" (2011, p. 146). The personality traits also appear to me (a non-psychologist) to be a fairly broad description of misogyny – hardly the preserve of boys from elite public schools.

The principle of best interest is, moreover, a consequentialist one – we cannot predict whether living with parents is in fact better for children than being accommodated in hostels. Even homesickness, Fisher et al point out, "perhaps … is a prerequisite for later successful adjustment" (1986, p. 36). In the Australian literature, the stress of boarding could also be countered with positive impacts including increased levels of independence, tolerance of others and individuality, and feeling of empowerment (Hodges et al., 2013, p. 42). Even Schaverien, avowedly anti-boarding school, acknowledges that boarding school may be a sanctuary for some from abuse or neglect at home (Schaverien, 2011).

Staff at the ex-Model C hostel claimed that some of the younger children did show signs of homesickness when they first arrived, but that it soon passed and was infrequent. On the contrary, they argued that:

> Some of them don't want to leave when they must go home. You must keep in consideration that the area they live in on the farm there are maybe two rooms and they are squeezed in. Here they have space – their own rooms and big bathrooms and the food is good. (Interview, November 2011)[23]

The principal of the ex-bantustan school, however, argued that although finances were restrictive, additional effort should be made for the children to return home at least once a month. She said:

> They are too small to spend the whole term with us here without seeing their parents. Because parents are too far – they cannot come here – and we are also unable to take them to their parents. They lack that – you know – attachment to their parents. (interview, April 2012)

The best interest argument is based only on a normative notion that "familial relationships" are best cultivated in a household typically organised around a nuclear family – and that there is something special about parental care that cannot be substituted. But the nuclear family and the bonds of affection between parents and children is a relatively modern (perhaps even a Western) idea. While it is possible that this more recent way of raising children is the best

[23] The principal of a mega-boarding schools reported: "The young children – in my experience in our school, learners start to resent their parents. They are now in the school – enjoy. They don't want to go home – precisely because of the conditions there." (CALS conference, December 2011, transcribed from audio recording).

way, as Rachels points out, social history "does go some way toward undermining our easy confidence that present-day social arrangements only institutionalize our natural duties" (Rachels, 1997).

In the South African context, moreover, traditional family structures have been systematically eroded by decades of colonialism and apartheid rule (Enslin, 1997). Families were broken up, with women and children typically left behind in reserves while husbands and fathers became migrant workers in urban areas. Though families living on farms were generally able to live with their immediate kin, families were viewed as labour pools especially during times of intensive agricultural production. Widespread use of the dop system as payment (especially in the Western and Northern Cape) destroyed any semblance of stable family life as alcoholism took root. High teenage pregnancy rates and households headed by grandmothers also raise questions around parental authority. A survey of child labour in subsistence and commercial agriculture (in the Western Cape, Mpumalanga KwaZulu Natal) found that as many as 45% of the sampled children were found to have worked in agriculture (mainly before and after school hours, over week-ends and during school holidays) and that children carried a large burden in terms of domestic chores (both at home and for other households for payment). Children working in agriculture were found to experience higher levels of anxiety and depression than children not working at all (Streak et al., 2007, pp. 28-30). The same survey found that 50.9% of the children surveyed lived with both parents, 31.2% lived with their mothers and 11.7% lived with adult relatives (Streak et al., 2007, p. 42)

Feminist theorists have long pointed out that the private sphere is a site of women's oppression where patriarchal relations remain in force (Susan Moller Okin, 1989). Household work and care for children is undervalued, while wages brought in by men give them economic control over the spending of resources. Although the private sphere is often isolated in liberal theory from the constraints of public conceptions of justice, the low status of women within families and their dependence on male relations leaves them at a severe disadvantage in terms of attaining autonomy necessary to function in the public sphere. Girls are most vulnerable, but as Enslin points out, "harmful primary personal relationships … are [also] morally damaging to male members of families" (1997, p. 229).

The objection that hostels undermine familial relationships must nevertheless be taken seriously – not least because it *might* be important for children to develop loving relationships with parents and failure to do so could create long-term problems that no social experiment can afford to ignore. The changing nature of families (away from the nuclear 'ideal') does not necessarily imply that these are not in the best interest of children. Brighouse writes: "Whatever we do to promote educational equity must leave sufficient space for the creation and maintenance of valuable familial relationships. This does indeed rule out some strategies" (Brighouse, 2007, p. 585). But Brighouse's argument might be easily inverted: Whatever we do to create and maintain valuable familial relationships must leave sufficient space for the promotion of educational equity. In other words, it is not an either-or situation. The obligation on authorities must be to both ensuring educational access and to supporting families. These are two complementary approaches.

First, how can we be sure that children living on farms enjoy "valuable familial relationships" that are / would be disrupted by hostelling? This might require more than simply leaving families be to foster nurturing environments – but to actively provide support to enable them to do so. Although the parents have primary responsibility for the material well-being of children, "within their abilities and financial capacities" (Article 27 (2)), states are ultimately accountable to ensure parents are able to live up to those duties. Article 18 (2) of the CRC states that, "for the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children" (UN General Assembly, 1989). This might be in the form of improved social services, welfare and increased social grants etc. It may also require interventions to ensure that parents have time to spend with their children. For example, children may need to be transported home regularly.

Second, there is at least in theory no reason for why institutions (properly organised) cannot provide a family environment where loving relationships are nurtured (think of the warm and affectionate relations in the literary example of the orphanage in *The Cider House Rules* by John Irving). This does place certain obligations on the Department of Basic Education in how hostels are set up. In China, where the school merger programme left poor rural children worse off in boarding schools than their non-boarding peers in terms of health, behaviour and

academic performance, a simple intervention to train 'life teachers' (those looking after the children) showed quick rewards. Evaluating a 17 day training programme for life teachers, Yue *et al* conclude that it had measureable improvements on learner health and behaviour (though not on academic performance) (Yue et al., 2012). They argue that the training helped: "life teachers communicate more effectively with students. Significantly more students in schools receiving life teacher training reported having good relations with life teachers, reported that the teacher knew of their peer group, and said they would seek help from life teachers" (2012, p. 24). It seems, then, that without changing the infrastructure and only enhancing the interactions and contact between the children and their carers, can make a real difference to the living environment.

Conclusion

Placing disadvantaged children in institutions tends to raise the spectre of a Dickensian nightmare: a dark infestation where children in rags scoop gruel from tin plates. In post-Victorian enlightenment, institutionalising children is at best seen as a pragmatic solution rather than an ideal one.

While modern day boarding schools are more likely to provide proper food and bedding than the work-houses of the industrial revolution, scepticism remains on whether institutions housing children are intrinsically unable to ensure children grow up to enjoy rights and liberties.

It is not clear that a child's specific personal development is something the state has real competence or expertise to achieve. Personal development implies close personal contact, empathy, even love. But one can hardly say "the state bureaucracy loves me". The state may be able to assess universal requirements for citizenship and it is able "to assess societal consensus about child-harm" (Buss, 2004, p. 32), but "the state has no superior competence to determine how to maximize an individual child's wellbeing" (Buss, 2004, p. 33). The ideal outcome and the best means to realize child-specific development, is at best only vaguely understood and even contestable. Buss notes that: "This uncertainty counsels humility in allotting developmental control among individuals and institutions, and particularly cautions against centralizing and ossifying that control in the state" (2004, p. 27).

The problem here is one of state over-reaching its authority. R.S. Peters (1959) points out that for the contract theorists, state authority is defensible only to the extent that it can be rationally justified. He writes: "The purposes for which it [authority] was to be exercised should be made clear and moral limits set to its exercise" (1959, p. 34). It follows, that trust in the state's authority to govern is based on its competence. The claim that boarding schools are in the best interests of children's personal development is therefore disquieting. In making the assertion, the state is capturing for itself a sphere of influence which it may not legitimately have. This is most worrisome in boarding schools where learners live for a substantial part of the year, since the state is inevitably the dominating influence.

Empirical evidence on whether hostels are detrimental to future autonomy will never be conclusive – too much depends on children's personality and specific circumstances. But there is at least in theory some concern that where boarding institutions control every aspect of the lives of their occupants, they are less likely to develop a sense of self-hood and to experience their own agency. At the same time, if there is insufficient restraint and oversight over youngsters, then it is doubtful that they will acquire the norms and values necessary to be independent adults.

These same arguments, however, hold for children growing up in families and so there is no strong argument against boarding institutions based on what is in their best future interest. We are left, then, with something of a cultural bias in favour of family. But cultural relativity does not hold a strong argument against securing universal rights for children and claims against the state to ensure that these are delivered. With the right to education well established as both a welfare right and a right-in-trust, it counts as preeminent, and rights to family would need to do conceptually hard work to over-turn it. In the following chapter, I work at it from a different angle – that is, not right to family, but the right of family (i.e. specifically, the rights of parents over their children).

Chapter 7: Your house is on fire, your children all gone

"In the depths of his heart he did not respect his mother and (though this he never acknowledged to himself) did not love her, but in accordance with the views of the set he lived in, and as a result of his education, he could not imagine himself treating her in any way but one altogether submissive and respectful; the more submissive and respectful he was externally, the less he honoured and loved her in his heart"
Leo Tolstoy (1995) *Anna Karenina*, Oxford University Press: Oxford, p.60

The family – whether a nuclear unit or extended kin, whether traditional or its modern variations – has often been questioned by philosophers as the best or most efficient and effective unit for social reproduction. Plato preferred redistributing children at birth. In the *Republic* (Plato, 1974), he puts forward that as "the children are born, officials appointed for the purpose … will take them. The children of good parents they will take to a rearing pen in the care of nurses living apart in a certain section of the city; the children of inferior parents, or any child of other born defective, they will hide, as is fitting, in a secret and unknown place" (1974, p. 121). The justification for this rather radical proposal is utilitarian – that is, it is for the greatest good of the city state. (Though it is also efficient – "you are making it very easy, he said, for the wives of the guardians to have children" (1974, p. 122)). The common holding of children (in this case the guardians of the Republic) is important for the unity of the city state for those brought up without knowledge of family regard everyone as kin. "So our citizens", writes Plato, "will to the greatest extent share the same thing which they call 'mine', with the result that they in the highest degree share common feelings of pleasure and pain" (1974, p. 125).

Though Plato's suggestion is radical, and the complex arrangements to make his plan feasible somewhat outrageous, the idea that the common good outweighs parental rights has received serious consideration from both critical and liberal theorists. Partly the reluctance to endorse parental authority is that it remains seeped in outdated notions of divine right while state authority has the backing of rational argument. Whereas traditional norms of moral

conformity regulate traditional familial relationships, the post-Enlightenment state derives its authority on the basis of the rational agreement garnered from citizens. It carries out its functions on principles such as competence and fairness (R.S. Peters, 1959, pp. 34-35) and has a claim therefore to better perform the duties once the preserve of families. As Peters puts it: "the extensions of state functions … have been largely at the expense of the family" (1959, p. 36).

At the same time, individual rights (and in this chapter, parental rights) provide a framework of constraints on the pursuit of politically desirable ends (Callan, 1997, p. 135). They limit what the state can coercively do to achieve a common good but they are no veto. The balance between the rights of individuals and state action to promote the greater good is often no more finely calibrated than in adjudicating relationships between parents and their children. In education, the scales tip in favour of the state to compel learners to attend school and parents can be prosecuted for denying their children education. But there is recognition that parents have a say in educational decisions. Article 26 of the Universal Declaration of Human Rights, for example, states that: "Parents have a prior right to choose the kind of education that shall be given to their children" (UN General Assembly, 1948). There is therefore scope for disagreement between parents and state on the form and strategies for compulsory education (if not on the point of compulsion itself).

In this chapter, I unpack these tensions between parental rights and state duties as they relate to the hostelling of farm school learners. Those theorists who hold out on the importance of parental authority present an objection (indirectly) to the hostelling policy as a violation of parental rights to direct their children's upbringing. The primary claim is that physical distance between parent and child results inevitably in parents not having direct oversight and influence over the norms and values they may legitimately pass to their children. Education can sometimes be seen to drive a wedge between children and their parents – especially where the values of the school clash with those of home. By encouraging children to become autonomous individuals, education can potentially have profound implications on family relationships and this can only be intensified in situations where parents do not have the time to spend with their children.

Three arguments providing a basis for parental rights will be assessed: first, that by merely producing offspring adults are responsible for them; second, that there is a natural bonding between parent and child; and finally, parental rights are essential to a parent's identity. None of these reasons, I will argue, are sufficient to counter the claim that an external institution – such as the state – is also responsible for ensuring children's best interests are protected. Nevertheless, I will also show that the arguments against parental rights are not sufficiently robust to explain why the state could be allowed to have a majority share in the upbringing of children. Families may well be the "training for the bourgeois authority relationship" as Horkheimer (1972, p. 101) contends, but they can also be (or become) spaces where justice is inculcated (as Rawls hopes, and Horkheimer recognises). Parental rights cannot be ignored.

This chapter, therefore, argues that a balance between parental rights and state obligations is necessary in safeguarding children. It rejects the claim that parental rights should be understood as negative rights – that is that parents should be free to bring up children without state interference. Instead, there is a duty on the state to support parents, to enable them to carry out their obligations. Boarding schools may well be one such strategy where the burden of caring for children is shared. But to ward off the spectre of Plato's Republic – the family lost and its functions taken over by specially qualified bureaucrats (a caricature of the boarding school) – the hostel would need to demonstrate an affinity with parents.

In the final section of this chapter, I turn to how the hostelling schools project can accommodate some notion of parental rights by including parents in the decision making on the setting up and running of the hostels. (A later chapter will argue for an even more far-reaching character change to the boarding school). I will argue that a democratic approach must go beyond simply superficially including parents on representative structures but should actively support all parents to have a voice in boarding institutions. This is especially necessary to ensure that state welfare practices do not continue a tradition of paternalism on farms, where farmworkers lose an aspect of their citizenship in their dependence on the state (to act as parents on their behalf).

Parental rights as an objection to hostelling

Advocates for parental rights push against state intrusion on domestic affairs and allow for parents to have a wide sphere of influence over their children. Brighouse and Swift (2006b), for example, argue that parents specifically have "associational rights" over their children – such as determining their child's religious practices, the right to live with the child and spend a substantial part of the day with him/her; to share their enthusiasm with their children (2006b, p. 102). Although concerns over justice and equality allow the state to use public schooling to initiate children into the norms and values that society holds in common, it cannot instruct parents to do the same. Parental rights assume that parents can pass on to their children beliefs not shared by broader society.

Parental rights therefore point in two directions. On the one hand, they are rights of authority over children. On the other hand, they are rights against state interference compelling parents from bringing up children in a particular way.

The case against hostelling points to violations of parental rights on both counts. In the first instance, boarding schools are a direct obstruction to associational rights since they physically separate parents from their children, with implications on the time parents have to sway the convictions their children hold. This is, of course, an objection conservative theorists hold against educational institutions generally when they argue against state mandated curriculum that overthrows the beliefs of parents. It is an objection quickly swiped away with the counter argument that children have an independent claim to become competent citizens and to develop their own autonomous judgements of how they will live their lives. But the hostelling project goes well beyond qualms over curriculum choice. Because it removes children from the countervailing influence of their parents – at least for extended periods of time – the weight of the state's authoring of norms and values is tipped over disproportionately. Quite simply, the physical distance erodes the possibility of parents persuading children into sharing their enthusiasm, values and experience.

Secondly, the hostelling schools project has implications for relations between parents and the state. Because the state takes on such a firm role in the upbringing and care of children, parents come to depend on the state to deliver on responsibilities which in liberal societies

would normally be left to a sphere free from over-bearing state interference. The state therefore adopts a paternalistic relationship with parents, assuming that it knows what is in the best interests of children. This is arguably particularly problematic in relation to farm workers, who have historically gained access to education under the patronage of farmers (Centre for Applied Legal Studies, 2005; Christie & Gaganakis, 1989; Nasson, 1984). Paternal relations on farms were entrenched in the power that farmers leveraged over workers through their benevolence and control of the social welfare aspects of worker's lives. Farmers were responsible for the housing, health and education of their workers and thus held overwhelming control over the lives of workers – a relationship often likened to that between father and child. In post-apartheid democracy, these racial relations of subordination and domination are the very antithesis of the constitutional guarantee of equal citizenship. Yet the effect these paternalistic relationships have on emerging notions of citizenship in rural areas needs to be confronted. As Du Toit (1996) points out, paternalistic relationships have had deep-seated consequences for the identities of farm workers, and the maintenance of these relationships relies to some extent on their consent.

This naturalised view of social hierarchy may have important implications for the way in which farm workers understand their relationship with the democratic state (and for the way the democratic state negotiates citizenship). A central concern is that there is continuity of paternalism – shifting dependency from farmers to the state. This may be overstating it slightly – after all, the democratic state does not demand reciprocity or willing obedience from the beneficiaries of hostels in the way that farmers did in the past for providing schools. Hostelling is rather a weak form of paternalism in which the state substitutes "its will and/or power when a person or class lacks power to achieve her or its goals" (Linder, 1989, p. 742). It is nevertheless, a kind of paternalism. Rather than empowering parents to take on responsibility for child-rearing, the state steps in as a surrogate believing it to be in everyone's best interests.

Even the CALS Report, which endorses the hostelling schools project, notes that:

> "Despite its benefits, the project could be indirectly entrenching a dependency syndrome among poor farm and rural communities. The project could be sending the wrong message that by being poor, parents can get the csg and their children will be sent to school for free, and be fully maintained by the state will at school. In so doing

> parents can take advantage of the project to deflect almost their entire parental responsibilities to the state. If beneficiary expectations are not managed carefully, this dependency syndrome could be passed to future generations" (Cowley et al., 2011, p. 84).

Parental rights therefore stake out a space in which parents can develop a relationship with their children and determine the norms and values with which they will be raised without (or with minimal) interference from outside authorities. But what is the source for these rights?

The basis for parental rights

The idea that parents hold any rights at all goes to the very heart of the debates in liberal theory over the meaning and extent of individual freedom (Ramaekers & Suissa, 2011, p. 101). But parental rights have added complexity with the inclusion of a third person – the child over whom rights are being enforced. The right to decide on how one lives one's life is often constrained, at least minimally, by the restriction not to cause harm to others. In the case of parents, the close ties to their children and the overwhelming impact they have on their well-being, means the state is legitimately required to limit parental rights in order to off-set any possible harm to children. But beyond these fairly vague terms (what counts as harm?), it is not at all clear where parental rights and state limitations on those rights meet.

If state sovereignty over children is justified by the promise of a common good (the guarantee of children's rights and equality of opportunity), then what grounds do parents have to be making choices for their children? We need some explanation for why the relationship between parents and their children holds some special significance that cannot be assigned to a non-parent. Without such an explanation, we might very easily leave children to be raised in boarding schools – where the obligations to care for children are equal to that of parents. Here I assess three possible interpretations of parental rights which assume that parents have cause to decide how their children should be raised and to pass on certain values to their children.

One common-sense reason for parental obligation arises from the biological relation between parent and child – that is, because parents bear children, they are obliged to care for them.

Parent's rights therefore flow from parental responsibilities. There can be some semantic quibbling over whether parental liberties are best described as obligations to children rather than rights. Montague denies that parents have any *rights* over their children precisely because rights, properly defined as "claim-rights", "are orientated towards their possessors" (2000, p. 53). Rights relate directly to active claimants, are discretionary not mandatory (on the part of the claimant). Parental interest in their children is therefore better described as an obligation. Montague argues: "While parents have broad discretion regarding *how* to fulfil their obligations, they do not have discretion regarding *whether* to fulfil them" (Montague, 2000, p. 62). In Montague's terminology, obligations are mandatory (rights are not) and therefore there is a presumption that these cannot be stripped from parents (and be taken up by the state, for example) (2000, p. 65). Parental rights may be incorrectly assigned as 'rights' since they have no legal basis in the Constitution. But to refer to the roles parents hold over the development of the physical, cognitive, affective and volitional capacities of children as duties or responsibilities or obligations actually reinforces parental status since obligations cannot be deferred to some other authority.

Obvious it may seem, but this explanation "fails to demonstrate that there is moral content in biological relation" (Wieland, 2011, p. 255). To merely bear children does not automatically warrant that one is obliged to sacrifice time and resources in raising a child when alternative social arrangements may do the job sufficiently (adoption being a case in point). In order to give the argument some substantive bite, the argument could be extended to claim that parents are morally implicated to care for the children they bear because they are "causally responsible for the existence of their children" (McPherson, quoted in Wieland, p255). In other words, where there is an intention to bring a child into being, then this must assume an obligation to rear the child. As Wieland (2011) points out, however, given that many children are *unintentionally* born because of unavailability of (or failure of) contraception, inaccessibility of abortion or lack of autonomy on the part of mothers to make reproductive decisions, causality cannot lead to obligation to care.

The second reading of parental rights goes beyond merely describing the relationship between parents and children as a matter of fact, to inferring the importance that the relationship has on the well-being of the children. The fact of progeneration leads to the claim that parents are best suited to rear their children because there are 'blood ties' or

'bonding' "in which parents and children naturally feel bound up with each other, so that parents display a strong self-sacrificial affection for their children and children on their part would be lastingly damaged by separation from their parents" (Archard, 2004, p. 102). Here again, its parental obligations, rather than rights, that appears central since what is of concern are children's interests and needs not those of parents.

Wieland argues that a substantive case for parental obligation "lies in external descriptions of the parent-child relationship" (2011, p. 258). As she explains: "although parents and children have a mere bare biological relation, this particular biological relation is unique and, *ceteris paribus*, superior to all other relations in promoting the well-being of the child" (2011, p. 258). Unlike other associative relations, even biological ones (such as siblings), parents have a unique ability to harm or help their offspring, to provide nutrition, protection and affection. Wieland points to medical science, to the postpartum hormonal changes associated with prolactin and oxytocin that stimulate and sustain parenting behaviour crucial to the long-term health, academic ability and developmental skills of their children. Those early nursing benefits continue well beyond the early years. Although the benefits can be replicated by adoptive parents, Wieland argues that "whether these results could be reproduced on the basis of warmth from other adults in a child's community seems to be a further stretch of the original implications, and not evident in the research" (2011, p. 262). Judith Suissa (2006) similarly makes the claim that there is a unique bond between parents and their children that cannot be replicated by others. Parents 'feel' for their children in ways that others cannot. She distinguishes between a principle of care and an emotion of care. "While we would wish people involved in the so-called 'caring professions' – social workers, clinical psychologists, nurses – to adopt a principle of care in their work with people, it may get in the way of their ability to function professionally were they to actually feel the emotion of care in anything like the degree of intensity experienced by people in parent–child relationships" (Suissa, 2006, p. 70). Long-term care is thus argued to be best provided by those who feel a natural, innate attachment to their children.

There is some evidence from research in South Africa that the absence of family life has had a significant negative impact on children. Research by the Human Sciences Research Council (Richter, 2006) claims that children growing up with absent fathers are more likely to experience emotional disturbances and depression. Girls who live with their dads have

higher self-esteem, are less likely to engage in risky sexual behaviour and have fewer difficulties in forming and maintaining romantic relationships later in life. Boys growing up without a father are more likely to display 'hypermasculine' behaviour, including aggression (Richter, 2006).[24]

These arguments seem to be flattened out by gender stereotypes and an idealistic image of family. They fail to account for the many other social influences that could lead to these same results. Similarly, Wieland's argument is based on evolutionary, biological science that does not necessarily square with sociological, cross-cultural descriptions of the varieties of family structure. Such theories question whether there is something universal in the way families are structured to prioritise the well-being of children and whether it is therefore in the best interests of the child to be brought up by parents rather than some other social schema. Nevertheless, Wieland writes: "*some* children *some* of the time are in fact best off in a range of different family structures, but not in communities with no family structure at all, or where certain adults have no strong obligation to care for them" (2011, p. 264). Those not directly related to the child do not have an emotional stake in doing the best by young people. Still, the idea that there is some biological predisposition is both problematic and culturally specific. Archard (2004) points out that modern 'revisionist' psychologists have down-played the importance of natural family bonding as essential for child development. Moreover, feminists "may rightly be suspicious of talk about a natural and sacred bond between mother and child" (Archard, 2004, p. 104). Such essentialist arguments are no more than a stereotype of maternal feelings, useful to those who want to hold women as primarily responsible for the work of social production while excusing fathers – and the state – of sharing child care.

One way around the biological reductionist argument is to hold that whatever the flaws of blood ties as naturally beneficial for children, the nature of state care is always the worst option for children. The state may be able to care for children, but it will always do so in its own interests, rather than what is best for a child. Such an argument for parents' rights follows from Locke's libertarianism and his scepticism of state power. Wary of political control and the state's ability to enforce conformity, Locke argues that it is only under the

[24] The South African Institute of Race Relations similarly argues that "family breakdown, and the absence of fathers in particular" contributes to social ills including unemployment, teenage pregnancy, crime and drug and alcohol abuse (Holborn, 2011).

direction of parents that children can develop autonomy. Ruderman and Godwin, point out that for Locke "the liberal state is forbidden to advance what parents are free to do: a positive concept of virtue" (2000, p. 509). Parental rights are necessary to allow parents the freedom to effectively protect and nurture their children (Brennan & Noggle, 1997a).

There are, however, two weaknesses to the above account as an argument against hostelling. The first is that Locke's vision of the family is a liberalised one (in which there is a great deal of freedom chiefly from religious indoctrination) while the state inherently acts to cap liberty. Locke's faith in the family as providing a more liberalised environment for children to grow up in than is possible under state governance is not immediately obvious – and if it turned out not to be true, would ironically require some outside authority (the state?) to intervene in making it so.

Secondly, the emphasis here still falls on the child's best interests and the argument is therefore susceptible to the challenge that the state can create the conditions of familial relations in a boarding school. Even if parents feel greater motivation to care for their children than a third-party might, they may not have the ability to see to their needs. In such cases, parents may be morally required to give up their care-giving responsibilities to those better able to provide care – such as state-sponsored hostelling. Child-centred interpretations of parental-rights, therefore, inevitably lead to prioritising children's rights and to the uncomfortable position of Plato's Republic.

A more promising reading of parents' rights, thus, places the emphasis not on children's interests but on the good that it has for parents. Brighouse and Swift argue that the institution of parental rights over children is morally defensible, even at some cost to their children's interest, "by reference to the interests of the parents themselves" (2006b, p. 81). Parental rights over children are *fundamental* in the sense that they are constitutive of what it means to be a parent and they are important to the value and flourishing of parents themselves. To be a parent is to have rights over children. As Edgar Page notes: "parenthood is a basic dimension of human existence which conditions and structures our perceptions and conceptions of ourselves and others, and this affects all our lives whether or not we become parents" (1984, p. 197). Ferdinand Schoeman (1980) takes a similar (though perhaps stronger) position, arguing for the primacy of the principle of intimacy (between parents and their children) as a

bulwark “against all the rest of society” to direct how children are brought up. Intimacy is morally relevant in describing family because it portrays those relationships as they ought to be as opposed to the abstract and impersonal language of rights. As he argues, state intrusion “beclouds the integrity of the trust and devotion that can arise between people” (Schoeman, 1980, p. 8). Legislating on the welfare of children in the family would detract from affirming what parents wish to do which inevitably (“more often than not,” Bainham, (2003)) is in the interests of their child.

Whether or not parents actually are responsible for their children’s welfare, however, is less important on a strict interpretation of parental rights, than that they have rights over their children. It is not necessary to prove that one is a *good* parent, to claim the rights of parenthood (Page, 1984, p. 189). Good parenthood is what is good for parents and determined by parents, rather than what is subjectively or objectively determined to be in the interests of individuals. Thus, utilitarianian principles, maximising the welfare of children, are over-ridden in favour of the individual rights of parents For Brighouse and Swift: “On *our* view, the interests of parents count, too, and justify some prohibitions on state intervention even when that intervention would reliably promote the interests of children or society in general” (2006a, p. 86). It would, for example, not be morally permissible to redistribute children *en masse* even if this was to prove a better method of developing children’s future autonomy or even for addressing child poverty.

The strength of this third line of argument is that it brings back a balance to equality in human rights where the pendulum has swung in favour of child-centred rights. The over-whelming attention on children’s rights tends to detract notice from the claims of adults to have their needs met. Popular sentiment often appeals to the child as a vulnerable victim of social hierarchy, the under-dog in need of protection from the commanding control of adults. The rush to children’s rights simply cements these antagonist stereotypes. As Callan points out: “a moral theory of the family that says only the interests of children really count merely inverts the despotism of patriarchy” (1997, p. 144). A child-centred approach that ignores the rights of parents can only further disempower those who spend time and resources caring for children – and as a result, Kittay argues that a child-centred society “must give feminists pause” (2001, p. 524). Parents too have a sphere of liberties that should be protected from

state interference and to make decisions of conscience over the upbringing of their children, even where those choices seem not to be educationally sound.

But the balance between meeting parental interests and child rights is a fine one. While the arguments made by Schoeman (1980) and Page (1984) imply that parents should have complete, unimpeded oversight of their children – because as Page states: "The parental aim is not simply the creation of a person, but rather the creation of a person in the parents' own image" (1984, p. 200) – such strong claims over children would necessarily have to be limited if they are not to slide into 'property rights'. Children have equal moral status with their parents – on the simple premise that they are humans – and can claim rights themselves (Brennan & Noggle, 1997a; Merry, 2007). Indeed, children may have additional rights as children. So, for example, while minimally it would not be permissible for parents to harm their children, children may also expect that parents – and the state – promote their interests. Brighouse and Swift concede that: "Parents may not legitimately indoctrinate their children, but they do have a legitimate interest in being able deliberately to influence their children's values and beliefs insofar as they can do so without compromising the child's prospective autonomy" (2006a, p. 104). Even Page, who holds a stronger view in favour of parental rights, acknowledges that "control must be relinquished as the child approaches maturity" (1984, p. 194). Hoping that parenting will count as a substantive life project for people to be both willing and able to look after their dependents comes with unjustifiable risks to children. As Wieland notes: "Ensuring the care of dependent children cannot rely on a coincidence between parental affection and a child's need. Further, there is considerable evidence that not all parents regard their obligations as meaningful to them in the appropriate way or to the necessary degree" (2011, p. 253).

The claim to parental rights based on parental identity is therefore limited, once again, to the needs and rights of children and returns back to the possibility that state or socialised care may be better at meeting children's basic conditions. As the previous chapter showed, these are questions which empirical data is wholly inadequate to answer. We are simply unable to predict whether or not a child is more or less likely to develop a healthy sense of self-esteem and an autonomous world-view while living in a boarding school rather than with their family. The debate falls back to moral positions on how children ought to be raised.

In the next section I assess the counter arguments to parental rights. Unlike arguments for parental rights, which relate to an objective claim on what the best interests for children or their parents are, these arguments make a stronger claim on the kind of society we want or ought to bring about. Should the case for denying or limiting parental rights succeed, it would give the state singular jurisdiction over establishing and running boarding institutions. It would be able to by-pass practical objections to institutional care to stand more firmly on moral grounds.

Objections to parental rights

The case against individual rights (and here the reference is to parental rights) invariably hinges on arguments in favour of equality. Whereas equality demands a fair distribution of resources, parental rights assumes that parents be allowed to pour their finances and attention onto their children alone. As Gheaus explains: "Not only do children share their parents' material condition, but they also spontaneously inherit much of their parents' way of speaking the language, and their interests in various pursuits, habits, and social relationships" (2011, p. 490). Class and social status thus run through generational bloodlines.

The rejection of parental rights, therefore, begins with insisting that there is no natural right for parents to confer advantages (or disadvantages) onto their children. A problem with the notion of parental identity as used by parental rights theorists is that it seems to spring unmediated from the biological construction of procreation. There is thus confusion between parentage and parenting. They assume a naturalness in the identity of parents embedded in autonomy and choice which is unencumbered by the wider socio-economic context.

Cultural / critical theorists have pointed out that the private sphere is not immune to the ways in which power constructs subjectivity. Max Horkheimer (1972) implicates the family as an agent of the "bourgeois order", ensuring that its members learn to conduct themselves in social life in accordance to the authority structures that regulates liberal capitalist society. Unlike the absolutist regimes that came before, bourgeois authority is based on obedience to the natural reasonableness of hierarchy based on strength and property ownership. In the

family, the child learns of that hierarchy in his/her relationship with the father[25]. The patriarch is responsible for the economic and social well-being of the family and the wife and child look up to his authority because of their dependence on him. Obedience in this scheme of ordered dependency is granted to those who hold the resources and is why the family functions as a conservative force. It is the building-block in which the societal pyramid of relations based on power and obedience is given natural and rational legitimacy. According to Horkheimer: "The ideologies of merit and accomplishment, harmony and justice, can continue to have a place in this picture of the world because the fact that the reification of social categories contradicts them does not emerge into consciousness. According to the structure, property relationships are stable and eternal" (1972, p. 106). The seeming naturalness of the paternal order, to which children must learn to adapt rather than rebel, is then extended out to compliance to the authority of the bourgeois state.

Horkheimer points out that the psychological result of this indoctrination is that people's failings in social and economic life is blamed on their own individual inadequacies (a failure to adapt) rather than on the structural conditions of capitalism. He clarifies: "For the formation of the authority-oriented character it is especially decisive that the children should learn, under pressure from the father, not to trace every failure back to its social causes but to remain at the level of the individual and to hypostatize the failure in religious terms as sin or in naturalistic terms as deficient natural endowment" (1972, p. 109). The education that young people receive only goes to reinforce this, since they "are not educated to get to the roots of things, and they mistake appearance for substance" (1972, p. 109).

Horkheimer's analysis highlights the broader political and ideological basis of the parental rights argument. Familial authority and rights over children is a social construct that can be manipulated into the service of capitalist production. It has no independent authoring over the morals and values that it inscribes on its progeny. The very structure of the family – the way in which it mirrors bourgeois authority based on ownership of economic resources – contains the key to dependency, order and stability even in the face of capital's exploitation.

[25] It is worth noting here that Horkheimer's bourgeois context is quite different to South Africa. Only 34.8% of children live with both parents in 2012 (and 3.4% with fathers only) (K. Hall & Meintjes, August 2014) and so the power of the patriarch is not as strong as Horkheimer describes it. Nevertheless, the point being made here is that the structure and functioning of the family cannot be described independently of the broader social and economic influences on it. Parental rights seem to assume self-determining parents.

The obligations or duties to children that the parental rights advocates insist is the purchase of parents, simply reinforces the bourgeoisie relationship between the gift (or wage) giver and receiver.

Despite Horkheimer's claim that the bourgeoisie family form cannot be changed "without change in the total social framework" (1972, p. 102), he does hold out some positives for the family and an optimism that it can be transformed. He writes: "Because it still fosters human relations which are determined by women, the present-day family is a source of strength to resist the total dehumanization of the world and contains an element of antiauthoritarianism. But it must also be recognised that because of her dependence, woman herself has been changed" (1972, p. 118). Where the family is a refuge from the oppressions of bourgeois production, where suffering can be expressed and individual members are not competing against each other, it holds the potential to envision a new communal society where children are not 'owned' by their biological parents but are the wards of everyone. As the contradictions between the family's bourgeoisie function meets the increasing stresses of bourgeoisie production, the seeds of social revolution are planted. Then children will become heirs of a wider community bound to equal values, rather than the initiates into a hierarchy that starts in the family. As Horkheimer puts it: "Out of the suffering caused by the oppressive conditions that prevail under the sign of bourgeois authority, there can arise a new community of spouses and children, and it will not, in bourgeois fashion, form a closed community over against other families of the same type or against individuals in the same group" (1972, p. 124).

Horkheimer's claim is that families are unjust because society is unjust. The potency of his argument is that parental rights are not necessarily a bulwark against state intervention. They are rather to be viewed as constitutive of state and capitalist power. Whether or not one agrees with the overwhelming dominance Horkheimer attributes to capitalism as defining family relations, the irony of his position is that the only way to break the extension cord between the bourgeois state and the family is to empower individuals to oppose the capitalist state. His argument, therefore, shares the concern with parental rights advocates for a means of separating the influence of the state from the private sphere. Of course, Horkheimer's argument for socialised care elevates the importance of equality over that of individual rights, which puts him on a collision with individual rights theorists. Liberal individual rights do not

only function as a limitation on state intrusion but also on the inducement of a broader community to determine how one lives one's life. But at the very least, Horkheimer's rejection of the bourgeois state in favour of communal care does not lend his argument in support of hostelling. In denying parental rights, he also denies that the state ought to have a controlling stake in how children are brought up. His is an argument for socialised care.

Socialist feminists, such as Barrett and McIntosh (1982), similarly argue that parental rights are merely a calculating social construct for sanctioning male heads of households. There would therefore be no conflict of interest if the state (or some other collective agency) took care of children. Parental rights conflate the interests of children with those of their parents, and more particularly with their fathers. Such rights are no more than a capitalist tool, in which the costs of reproduction are externalised away from the state and industry. Barrett and McIntosh write "In order to elevate the morality of the market into an entire social ethic, it is necessary to ignore all those members of society who do not themselves enter the market. For most of them this is done by the sleight of hand of subsuming them as members of families into the individuality of their head of household" (1982, p. 48).

While Horkheimer's concern with the crushing, psychological indoctrination of children into bourgeois authority structures by the family is not shared by liberal theorists, they do acknowledge a worry over the inequitable distribution of resources that results from the partiality families give to their kin. John Rawls recognised family as a primary reason for inequality of opportunity. He writes: "the principle of fair opportunity can only be imperfectly carried out, at least as long as some form of the family exists. The extent to which natural capacities develop and reach fruition is affected by all kinds of social conditions and class attitudes. Even the willingness to make an effort, to try, and so to be deserving in the ordinary sense is itself dependent upon happy family and social circumstances" (Rawls, 1971, p. 64). Rawls's Theory of Justice is essentially a treatise against the notion of desert. The theory's second principle of distributive justice, the so-called Difference Principle, is intended to rectify the conditions which give some an unfair advantage by ensuring that public resources are distributed in favour of the least advantaged. If the family stands as an impediment to just distribution, then asks Rawls, "Is the family to be abolished...?" (1971, p. 511). It is a suggestion he leaves hanging. Munoz-Dardé (1998) argues that Rawls accepts the family instead as a basic structure of society because it is an

important site for moral development (though recognising that other arrangements may be just as efficient to the task) and because the family may be a special form of association (which people have liberty to be a part of). But, as Munoz-Dardé points out, Rawls does not provide a satisfactory account of the family as being a just association principally because he adopts the notion of "heads of households" as contracting representatives in his heuristic device of the Original Position. Using household heads as representatives deciding on the principles of justice leaves Rawls open to attack by feminists who argue that this patriarchal notion does not adequately address the problem of justice *in* the family (Susan Moller Okin, 2008).

The Theory of Justice, therefore, is equivocal on 'parental rights' but in the end is not able to endorse such rights or see justice within the family. Nevertheless, the family still has a place – and in Munoz-Dardé's (1998) reading of Rawls, the Theory of Justice can even be shown to embed justice within families. She argues that if those negotiating the principles of justice in the Original Position are strictly defined as individuals (so that behind the 'veil of ignorance' they are stripped of knowledge of themselves or their descendents), then the gendered 'heads of households' will give way. Families will thus be treated no differently to any other associations to which individuals choose to affiliate. Moreover, if families can be shown to better treat children as singular persons, then:

> it is plausible that the parties behind the veil of ignorance would prefer the family to a generalized orphanage, even if well run. The idea would be that a full sense of individuality and autonomy would not be acquired without the existence of individualized care in the second ideal type of institution for child-rearing defined, i.e., the family. The family in some form would then be 'just' in this particular sense, as well as in the more general sense in which other associations of free individuals are just. (Munoz-Dardé, 1998, p. 351)

To sum up: if we accept the argument that there is no natural right of parents to control their children and indeed that the family is no more than a social construct, then proponents of the hostelling project would more easily be able to justify removing children into institutions. But, even the strong objections to parental rights discussed above leave open the possibility that family does (or can) play an important function. While the arguments made by critical theorists (Horkheimer) and by liberal egalitarians (Rawls) require that we rethink parental

rights not as connected to genetic lines, there is at least some possibility in both positions for the family to hold. For Horkheimer (1972), that re-envisioned family is part of a broader communal setting, while Munoz-Dardé's (1998) interpretation of Rawls lines parental rights more closely to individualised rights. These two lines lead in different socio-economic policy directions, but at the very least both approaches are concerned with reconciling family with the principle of equality.

Including equality as an element of parental rights shifts the definition from a negative right to a positive one. Equality (of opportunity rather than of status) requires that rights include the capacity to do or be and not only to be 'free from constraint'. I turn now to how this reframing of parental rights works and its implications for boarding schools.

Rethinking parental rights

Neither arguments of parental rights advocates nor their critics have proved strong enough to trounce the other. Indeed, both concede ground to each other. Parental rights cannot ignore the rights of the child to equality of opportunity, but neither can the need for equality of opportunity entirely overcome the importance of family and parenting as a site for moral development. A middle ground seems possible: where parental rights meet equality of opportunity. In part, this requires that we recognise parental rights not as a sphere of negative freedom, insulated from state interference, but as a relationship enabled through positive liberty.

Taking a *laissez faire* approach to families – leaving them with some sphere of negative liberties - does not translate into active support for parental rights. Eichner (2004) points out that what counts as family cannot be determined apart from government policy and state action. In addition, "the ways in which families function are also deeply and inextricably interimbricated with government policy" (Eichner, 2004, p. 462). Whether parents have rights over children and whether they can actually enforce those rights, depends on whether they are backed-up by policy and on what resources they have at their disposal.

Raising children is extraordinarily demanding. It takes both resources and time. If parental rights advocates converge on promoting the interests of parents, then they would need to

recognise that parents need support to enable them to carry out their obligations. Being free from external or professional dictates on how to bring up children does not mean parents know naturally how best to do it. Spending time with children does not guarantee that it is time well spent. Without resources to enable parenting, parental rights are hollow.

Iris Marion Young (1983) points out that a problem with the way parents and state are set up in an oppositional tug-of-war over children's values and life plans is that it ignores the great number of institutions that have ambitions to do the same – in particular industry and its marketers. For parental rights to be meaningfully protected, they would need to rely on the state to regulate any detrimental messages their children are exposed to. State interference should not only be viewed as limiting parental prerogative over their children's values, but as legitimately limiting the influence of industries on children's autonomy. Parents can therefore expect the state to hold institutions accountable in order to protect their own sphere of influence over children. Families are a site of moral development and can act as a counter to the any detrimental marketing messages of 'bourgeois' (to echo Horkheimer's concern) industry. Parental rights may therefore be important as a tool for encouraging children's autonomy. Importantly, Young (1983) extends this line of argument to include not just negative protection from external interference (of industry), but the need for the state to provide positive rights to parents in the form of social and economic support. She writes: "the right of parents to enter and maintain intimate relations with children, and to fashion the environment as they wish, implies a positive right to the resources necessary for making that environment healthy, stimulating and minimally comfortable" (1983, p. 51).

State resources can also act to even out inequalities between (and within) families that result from child care. Tamara Metz (2010) notes that there are risks associated with providing intimate care, eroding the caregivers' freedom and resources. She writes: "the potential benefits notwithstanding, when one pours one's limited resources into other human beings, one needs to rely on others to make up the difference. Such is life" (2010, p. 122). The state's task then is to cushion caretakers from the risks they face to their own freedom and to ensure that social inequalities are not (at the very least) exacerbated by duties imposed by children's need for care. In poor communities, for example, parents may sacrifice their own welfare for that of their children (Wieland, 2011). Hall et al (2013) report that single mothers working on farms in Limpopo will often pay over a large share of their income to relatives in

towns in order for them to take in and care for their children. As a result, they compromised on their own diets and cut the number of home visits to once a month to make ends meet (R. Hall et al., 2013, p. 59)[26].

Parents who receive support are more likely to provide an environment where children thrive.[27] The Child Support Grant, for example, has made a significant contribution to poverty alleviation in South Africa. However, as Makoae (2014) points out, the various sectors that provide support to families are uncoordinated and lack mechanisms to identify the needs of parents in relation to providing safety and care for their children. There is also no support for parents needing to gain competencies in caring for young children. Investment in services for families and caregivers, she argues, is by proxy an investment in the health and welfare of children (Makoae, 2014).

Negative parental rights lead irrevocably to inequality because parents have to rely on their own resources to bring children up in contexts characterised by vast income differentials. Positive support to families can therefore ameliorate social inequalities – so dampening the arguments of those against parental rights. The reasons for childhood inequalities are not parental rights per se but the context in which parents and children live (Luxton, 2002). In other words, stripping parents of their rights to bring up children is not the solution to inequality.

Moreover, the principle of equality of opportunity is not only – or even primarily – concerned with children's futures. It must also address inequalities between adults. If parental rights are to be equally distributed, then the state should provide support to those unable to sufficiently carry out their rights / obligations. Parents have rights to be identified as parents and if this is important to their own self-worth, then it an important right for the state to invest in.

[26] It should be noted though that departmental officials involved in the hostelling project also reported that families were negligent and that there had even been cases of child abandonment (or rather, parents were no longer living on the farms when the children were returned). According to Mr B: "When they are at home, those parents don't care what happens to them. We used to take buses to farms to bring the parents for monthly visits to interact with their children – for us to have discussion with them, tell them what is going on. But by the time the bus driver arrives on the farm, everything has fallen apart." (CALS conference, December 2011, transcribed from audio recording).

[27] At least more likely – but not necessarily! Families can be sites of injustice.

Parental rights are not clearly defined in the South African context. Chapter 2 of the Constitution, the Bill of Rights, does not mention parents as a specific category though it does guarantee that a child has the right: "to family care or parental care, or to appropriate alternative care when removed from the family environment" (Bill of Rights, Section 28, 1b). The family, however, has not received much policy attention and poverty interventions have tended to concentrate on households, therefore "[overlooking] intra-family dynamics in the country" (Department of Social Development, 2011, p. 14). To fill the gap, the National Department of Social Development's Green Paper on Families – "Promoting Family Life and Strengthening Families in South Africa", followed by the follow-up White Paper on 'Families in South Africa' (Department of Social Development, 2012), aim to strengthen families to enable them "to play a central role in the national development pursuits of the country and the building of a better South Africa" (Department of Social Development, 2011, p. 1). The DSD reiterates the importance of stable family life on children's education – higher grade performance, better motivated and less likely to be cited for disciplinary action. Accordingly: "The White Paper on Families views the family as a key development imperative and seeks to mainstream family issues into government-wide, policy-making initiatives in order to foster positive family well-being and overall socio-economic development in the country" (Department of Social Development, 2012, p. 8). Moreover, "Family stability hinges on responsible parenting. Parents or caregivers will be encouraged to play their expected roles in the upbringing of their children" (Department of Social Development, 2012, p. 9). The White Paper promises to help "empower families" to take advantage of economic opportunities and to "improve the capacities of families" to build a sense of community, social cohesion and national solidarity (Department of Social Development, 2012, p. 8).

None of this is helpful in clarifying the arguments for or against hostelling. The middle ground only demonstrates that state intervention is necessary to support parental rights. Hostels are not that kind of intervention. They are institutions focused on providing for children's rights, not on enabling parents to maintain intimate relations with their children[28].

[28] Much of the Western feminist scholars have long demanded a fair distribution of care responsibilities and for greater public (or socialised) care arrangements as support for a 'dual-earner/dual-caregiver model', which would balance work and family life and so allow time for parents to pay attention to the nurturing of their children. The case is thus made for state-subsidised child care on the basis of "protecting *parents' rights* to have time for caregiving without undue economic sacrifice" (Gornick & Meyers, 2008, p. 323) (italics added). These

Rarely (if at all) is the possibility considered that the state could take (almost) full responsibility for looking after children. Because it is so focused on children's rights, the hostelling project overlooks parental rights in its justification and so pays no heed to the ramifications it has on parents and family relationships. As I argued earlier on in this chapter, the boarding school creates physical distance between parents and children leaving little time for "associational rights". Its current purpose and form cannot, therefore, accommodate parental rights. My central argument in this thesis (as I hope is becoming clearer) is that the justification for boarding schools based only on children's rights is severely limited. In a later chapter, I will argue that a proper defence of the hostelling schools project will require a radical rethink on the purpose of such institutions. Boarding schools will need to be validated not simply as institutions caring for children but as institutions promoting justice more broadly in society. In the present chapter, I want only to introduce a very practical strand to that argument – which will at least partly accommodate the objections of parental rights to hostelling. If boarding schools were to adopt a deep and wide reaching democratic accountability, then parental interests would be at the forefront of how boarding schools were set up and operated.

Including parents into boarding schools

Involving parents in the setting up and functioning of boarding schools is not taken seriously in policy or in practice[29]. Parents are required to give their assent before children are moved into boarding schools. But the choice is in fact not a real one. If individual parents were to choose against sending their children to a boarding school, this would leave them in a precarious position in terms of the law if they were unable to cover the costs of alternative provision (whether that be daily transport costs or adequate home schooling).

If I am right and parental rights must be taken seriously, then at the very least it must be shown that separating children from their parents comes not only with parental consent (a fairly weak way of including parental rights) but with continued parental involvement in

arguments do not have much relevance in the South African context where the scale of unemployment (rather than gendered care-taking) makes the dual earner model unfeasible.

[29] It seems there is not much international literature either that focuses specifically on boarding schools. The one reference I found was from Latvia, focuses on families at social risk (and therefore does not have to contend with physical distance as a barrier for including parents) and involved a third-party, an NGO, as a mediator between the boarding school and families (Ļubkina & Patapova, 2010).

determining how their children are cared for. Some representative form of democracy would seem inadequate. School Governing Bodies are not necessarily required to consult with parents and may not be representative of farm workers. Experience has shown that SGB membership tends to reflect social privilege (Dieltiens, 2011). Men, for example, well outnumber women as SGB chairs. In addition, the SGB deals only with broadly principled issues that people have in common, and therefore cannot drill down to the specific concerns of each family. Respecting parental rights (as individual rights) must require more thorough engagement with families. They need to be consulted and kept informed on a regular (perhaps weekly) basis.

The argument here follows on Gutmann's insistence for democratic education (1987) – that is an educational system that is open to the voices and influences of all stakeholders. It would require in the first instance that consultative procedures are followed to ensure that parents consent to the hostelling policy. Democratic legitimacy depends on rational consent of autonomous adults. This requires that those being consulted can make reasoned choices, recognise the availability and consequences of alternatives and follow through on decisions. They should also have a right to exit from a prior agreed-upon, democratic arrangement. There would additionally need to be on-going consultation with parents and a broader range of community members not merely into the principles institutions must adhere to but also into the rules and regulations themselves.

This democratic model draws attention to the need to explain how the hostelling policy is embedded within the broader socio-political transition and encodes ideas of citizenship – how farm workers are able to negotiate relationships with state institutions and what opportunities exist for them to assert authority over boarding schools.

This is a simple solution to resolving the parental rights issue, though arduous and time consuming (and at the same time, cell phone technology should facilitate communication channels). Nevertheless, some might object that it is unnecessary, costly and that it will make the running of the institution more difficult. The SGBs at the case study schools did not have farm workers represented because their physical distance from the schools makes it difficult for them to be available for meetings. Parents are sometimes blamed for being indifferent. As a housekeeper at one of the sites said:

> What I've noticed with the parents is that they are willing to send their children money but not willing to make the time to come to the school. They want to be fetched by the bus because they claim to not have money to travel to the school yet they are able to send their children money (interview, April 2012, translated from seSotho).

A Free State DoE official with oversight of the boarding schools said involving parents had proved to be: "a huge task for us":

> Some of them are completely illiterate – you are hitting your head against a rock. We took buses so they can see their children once a month. And either you go there, and they are in mood that you can't bring them to see their own children. Those who do come – it is a disorderly situation. So that rapport you want to maintain between child and parents – you are unable to do it. That is why some children refuse to go home. It becomes a fight to take those children home. You see them crying – they don't want to go home. It is a complex situation – for appropriate decisions to be made. We are aware that we are uprooting family life – but it is a necessary evil. That is the way I see it (Mr B, CALS conference, December 2011, transcribed from an audio recording).

But the effort and costs must be borne if boarding schools are to be justified beyond some technical fix. Thorough consultation is an essential component in treating parents as citizens rather than as the recipients of a gift for which they are expected to be grateful.

The Ministerial Committee on Rural Education also insists consultation and participation of education district offices, schools and parents is essential if national government interventions to improve rural schools are to succeed:

> Developing appropriate strategies to address this policy/ reality gap requires a sensitivity to rurality — an ability to see the world from the point of view of a person on the periphery of everything. This is best done by enabling rural 'voices' to participate in decision-making processes at district and local level and at national level (through parents' associations representing a rural voice, national traditional authority structures, and farmers' associations becoming more actively involved in education) (2005, p. 58).

The hostelling policy represents a singular example of a social service that stands at this juncture between paternalism or social right. The danger lies in it being an especially intrusive state intervention into the private sphere, targeted at poor people historically steeped in socio-cultural relations of paternalism, who have little alternative choice given that education is compulsory for children between the ages of 7 and 15 (and parents may be prosecuted if their children are not registered at school). Whether it can be defended as a policy through which a full set of citizenship rights are refracted, thus depends not just on its capacity to ensure equal opportunity for education, but whether it provides the conditions for political agency. If we understand democracy to mean that people have a say in (indeed control) decisions made by the polity, then we would need to investigate how the voice of those affected by policy is heard and responded to. It is in this context that parental liberties (often the preserve of conservatives) becomes an issue for progressive theorists to consider.

Conclusion

The hostelling schools project is justified by the state as a means of protecting children's rights. The possibility that rights might be countered by equal and corresponding rights does not enter wider debates. For example: whether parents have rights over children or children have rights over parents, or whether the state has rights over parents or parents have rights over the state. For the boarding school, there is no balancing act. It is, as Woodhouse argues, only that: "The myth remains powerful that the allocation of rights and responsibilities amongst children and parents and the State is a zero sum game – with any gains for children's rights or the state's interest coming at the expense of the traditional family" (1996, p. 393).

The hostelling schools project is just the tale to prove the myth. Institutional care, in the form of boarding schools, is a fairly radical form of the state's power as *parens patriae.* Normally, the state would only exercise its authority to remove children from their parents in cases of criminal neglect or to prevent harm to children by their parents (Kindred, 1996, p. 521). In the case of hostelling children on farms, the motivation for moving children away from their parents is more positive in the promise of access to education, but the effect is nonetheless the same - families are split up. Whatever the state's reasons, the consequence is that the state moves to assert its power as *parens patria* over parental control of a child's development.

The problem with the state's moral claim over children is that there simply is no guarantee that it will succeed (it is after all a long-term project), whereas parental rights are surely limited (if not violated) in the present. The hostelling schools project arguably undercuts parents in a way that cannot be justified.

And yet the boarding school could potentially be used to support parental rights if they were to offer parents the space, time and resources needed to enable 'parenting'. As they are currently structured though, their purpose is only to look after the interests of children. Including parents in a greater democratic project around setting up and governing boarding schools is one step closer to justifying the policy. But there is still one wider circle of impact that the hostel has – and that is on the broader community. In the next chapter, I argue that inclusion of 'the community' will not be able to answer the communitarian objection to hostels. Instead, it will be necessary to change the purpose of the boarding schools to justify the policy. That is the task of the final chapter.

Chapter 8: Koshuis Kulture

I went to a boarding school with a strong Maori tradition, where we were taught all about the haka.

Jonah Lomu

http://www.brainyquote.com/quotes/keywords/boarding_school_3.html

The boarding school is an institution with its own peculiar culture. Days are divided into routines and rules regulate conduct and behaviour. Menus are set and the responsibilities of matrons, kitchen staff, security and duty teachers are laid out in HR manuals. Underlying these practices are norms and values that may be far removed from what children learn at home or in their communities. For communitarian theorists this dissonance is viewed with suspicion for the culture of the hostel may systematically undermine community values – or group rights.

In this chapter, I consider possible communitarian objections to the boarding school. Because there is no explicit communitarian statement against the hostelling of farm school children in South Africa, the discussion here infers from more general communitarian theory and its terse opinion of liberal public education. Since hostels are extensions of the school day, the communitarian complaints to liberal education will be writ large in the hostel.

Two probable lines of argument against the hostel therefore suggest themselves: first, the failure to take communities into account in the design and running of boarding schools; and second the deculturation of learners residing in institutions without direct link to the communities in which they are born.

Here the debate cuts to the core of what the proper aim of education ought to be. Liberal education (which is chiefly what the communitarian is objecting to) is of course a broad church. In this chapter I use the (anti-perfectionist) definition of liberalism implicit in South Africa's education curriculum. That is a liberalism which wants to hold a neutral position on

the ‘good’ while giving children the skills to reason over and to choose between various options of ‘the good life’. It is an education that encourages children to stand out as individuals and to critically appraise group culture, sending it directly on a collision course with communitarians. While liberal theorists think of schools as socialising children into the public realm – an overlapping consensus on values, principles of citizenship, knowledge – communitarians have contrasted this with the socialisation that happens within families (or into the culture of communities). Within the private realm, families induct children into a culture, language, morals and belief systems that may not necessarily be in line with public norms (though where they do overlap, this can be advantageous to learners’ acculturation into schools, particularly evident in middle-class families). So while (liberal) public schools have an interest in learners developing autonomy – in being able to choose a life worth living amongst many alternatives – and in their future as democratic citizens – parents and communities have a stake in reproducing existing cultural believes and practices. The boarding schools amplify this because they make a cleaner break between learners and their communities. Unlike their day-scholar peers, children in hostels do not escape from the liberal school environment at the end of the school day and are held as a captive audience.

Of all the objections discussed in this thesis to the hostelling project, the communitarians are the most difficult to reply to. Unlike parental rights, which in the previous chapter was argued could be resolved by including parents in the processes and decision making of the hostel, proponents of group rights are sceptical that their concerns can be accommodated so easily. The objection runs beyond practical hurdles over whether it is possible to open up procedures to be more inclusive. The trouble is precisely with the institution (in this case, the boarding school) that communities are included into – and its discordance with the beliefs and values communities hold. The boarding school ‘community’ is not of the right sort. In other words, it is an objection that worries about enforced multiculturalism, about the homogenisation of culture into dominant western modes, about the loss of identity. The predicament goes straight to the liberal nature of the state (and might not arise if the state was properly a nation state). The issue is that the liberal state can never replace parents (or rather communities) because it has different interests in the upbringing of children.

After discussing the three communitarian objections in turn, I will address what I see as the one weakness in the communitarian argument which is that they leave us with very little

practical alternative. This is partly a consequence of the conservatism that drives much of the communitarian agenda – a reluctance to see change in community traditions or to acknowledge the way traditions and cultures can prove oppressive to those with least power (often women). Yet, if we can shift from the rigidity of communitarian definitions, then we can start to use the communitarian critique to fundamentally change boarding schools to take account of the problems raised. In other words, we need to appropriate the communitarian notion of the importance of community but divest it of its often conservative nature. The idea of community helps take out the sting of abstracted individuals. A more progressive idea of community helps move it away from its overbearing homogeneity.

The first objection: undemocratic

The first communitarian objection is straight-forwardly an objection to the failure to take into account the views of "the communities" from which the children come from. The community (whether broadly or narrowly defined) is not consulted on the organising principles for running the institution or on how children should be reared or what values they should be taught.[30]

Research by the Catholic Institute of Education (CIE, 2009) in the Free State, questions whether proper processes were followed in the closing of four farm schools and the removal of children into boarding institutions. An interview I had with an SGB chair of one of the affected CIE farm schools remembered the rationalisation process as unexpected and *a fait accompli*:

> they just took them ... We don't know how it happened ... They just came and took the text books, then after that they took all the learners from grade 10 to grade 12 ... They

[30] Zhao makes a similar observation of rural Chinese boarding schools: "Policy consumers, as an interested party in educational provision, are not empowered to participate in the policy decision but are placed in a vulnerable position when policy is implemented. Facing hardships, including serious shortages of boarding, catering, sports and entertainment facilities, students, their families and school teachers can hardly make any changes. … Children and their parents, as policy consumers, lack stable and efficient institutional mechanisms to monitor government and protect children's human rights at school. Their voices are silenced in the face of official justifications expressed in government policy discourse. They are forced to passively wait for the authorities, particularly the central government, to take the initiative in addressing these injustices and restoring their rights." (Zhao, 2011, p. 246).

> didn't even tell their parents ... You cannot take my child without telling me (Interview, February 2012, translated from isiZulu).

This case was likely one of the early closures and consultations appear to have improved since most of the parent interviewees in sites visited for this thesis remembered being taken by bus to go view the hostels before their farm schools were closed.

But while they may have given their assent for children to be moved into boarding schools, neither parents or other possible stakeholders (traditional leaders, religious denominations, trade unions, political groups or organised civic associations) were given an opportunity to play a part in deciding how the hostel would be administered and organised. When I asked the head of one hostel whether the parents of the learners asked that their children attend particular church services or cultural practices over the weekend, she answers:

> Not really. ... They will for instance, they will come to X and tell her can you please – but they will not be aggressive and demanding …
> They will come and make arrangements – can we come and take the child and this and this … But they not co-operating because they are not highly skilled at the end of the day. But if you need them, they will come.
>
> Q: Can they speak Afrikaans?
> Some are Sotho – and can't speak English or Afrikaans. The parents are a little bit slow. They have the urge for their children to be educated.
> (interview with hostel head and staff / teacher in former whites only school – November 2011)

This is not simply a problem of the boarding school failing to do the necessary consultations with community representatives. The problem is measurably more ingrained than that. It is not only that the process of including black, working-class children into an up-to-date, non-racial education system is faulty – the bigger problem was with the system into which they were to be included. The boarding school is sure of its modernising teleology and it cannot be derailed by the opinions of 'the community' – which in any case are likely to be so heterogeneous as to be impossible to implement. The educational project is clear about its purpose.

In South Africa, that purpose in the post-apartheid era is modernist, an attempt to catapult the country from its isolationism into a global economy and at the same time driven by the need to build a common identity as a nation. Borrowing from international curriculum developments, Curriculum 2005 promised to: "foster learning which encompasses a culture of human rights, multilingualism and multi-culturalism and a sensitivity to the values of reconciliation and nation building" (DoE, 1997 Curriculum 2005: Lifelong Learning for the Twenty-First Century). It was accompanied by learner-centred teaching strategies. The curriculum was a new brush for the democratic government as it swept away the musty conservatism of the past for a shiny, new model of teaching and learning. As Baxen and Soudien argue, central to OBE was its over-riding effort to be modernist and to fit in with global trends. They claim that the questions of epistemology and ontology, coherence, inclusion and so on were "sublimated in the discourse of reform in favour of a narrow discourse of progress" (1999, p. 134).

The assurance and speed with which reforms were set in motion did not leave time for the ponderousness of democratic consultation. Neither could it wait for school communities so far behind the median in terms of resources and skills to catch up with current performance expectations. And then, as if to excuse the need for dramatic systemic changes, those schools failing to comply with the changes in teaching and learning were described in deficit terms – so making it easier to over-ride any objections they might have had to the sweeping changes. Blame for learners' poor educational performance is placed either at the household door or the classroom door. Families and / or teachers are censured when children fail, never the wide gambit of possible culprits and never modernity itself – the ways in which society is structured to give support and resources to some while withholding the same from others. Even as modernity creates the conditions that make it difficult for the children of farm workers to succeed, it stereotypes them, describes them in deficit terms and so pardons the state from needing to consult.

For the communitarian, the failure to consult with communities is an injustice. Exclusion from mainstream policy decisions – even where these impact directly on people – is determined at the outset by social structures, discourses that respond to or silence voices and bureaucracies that enable and constrain action. Postmodern theories on power have stressed

these structural conditions, hardwired into everyday practice so that they seem innocuous but leave people powerless. Young, for example, defines injustice as including: "oppression, the institutional constraint on self-development, and domination, the institutional constraint on self-determination" (1990, p. 37). It is a definition that takes into account a broader scope than the fair conditions for distribution of material goods. Injustice is therefore ironically possible even in welfare societies that strive for greater equality in the distribution of wealth – if they do not also take account of the institutional conditions that allow for the development and exercise of one's capacities and expression of experience and for participating in determining one's actions (Young, p. 37). Young argues that oppression has become a feature of "well-intentioned liberal society" (1990, p. 41) precisely because its institutions have become so dedicated to resource distribution that the "background issues of organization and goals of production, the positions and procedures of decision making, and other such institutional issues do not come into question" (1990, p. 70). Moreover: "Domination consists in institutional conditions which inhibit or prevent people from participating in determining their actions or the conditions of their action. Persons live within structures of domination if other persons or groups can determine without reciprocation the conditions of their action either directly or by virtue of the structural consequences of their action" (1990, p. 38). Policy work is the purview of policy makers and as long as such welfare policy is in accordance to the principles of fair distribution, there is no intent to democratise the process or to consult with beneficiaries on the means of its implementation.

Fixing the gaps in service delivery to rural schools may ameliorate the problems but it does not transform society. In all likelihood, it has the potential of entrenching unequal power relations. Drawing on the experience of Latin America, Jelin writes that by the middle of the 20th century "populist regimes had established a pattern of relationships between the state and subordinate classes in which the expansion of social services was associated with increasing state regulation and intervention in the living conditions of diverse social strata" (1996, p. 107). This relationship was more often than not expressed as "clientelism or paternalism than in terms of citizenship, rights and obligations" (Jelin, 1996, p. 107). The package of democratic rights becomes fragmented, with social rights overshooting civil and political rights

The boarding school as an end - as a product of the modernising imperative – is a given. There is no possibility that there might be some other way to achieve its goals. The boarding school is a rational, efficient and effective institution. Farm workers are taken to be consumers of the boarding school rather than as citizens involved in deciding how the service is delivered. Indeed, there is an expectation that they ought to be grateful for what government is providing. As a head of one hostel explained in an interview, "the farm people … they are just so thankful that their children are in school and have a place to stay. There are no demands from parents" (interview, 23 November 2011).

It leaves beneficiaries in a subservient position. Young explains: "Being a dependent in our [US] society implies being legitimately subject to the often arbitrary and invasive authority of social service providers and other public and private administrators, who enforce rules with which the marginal must comply, and otherwise exercise power over the conditions of their lives" (1990, p. 54).

The failure to anticipate alternatives – or to restrict policy only to the most efficient technical solutions – leaves out the more complicated issues communitarians might want addressed around social relationships and institutions that normalise hierarchies of power. In the South African rural context, the concern is with the dominance of a Western, urban, liberal paradigm of education that takes on a universalising mantle which is impenetrable to any unconventional options. For example, Nkambule, Balfour, Pillay and Moletsane (2011) argue that 'rural education' was never given proper attention. They write: "The emphasis made by the [Rural Education] Directorate on gaps and 'service delivery' does not suggest a comprehensive enough focus on rural education, but rather an ameliorate stance towards 'fixing the problems; rather than problematising the issue of compatibility between curricula designed for urban largely middle class contexts with little applicability beyond these" (2011, p. 344). It is not enough to try better service schools in the rural context, but to challenge the curriculum and pedagogy that is largely irrelevant to the rural economy, ignores its contribution and, worse still, belittles its people and politics. Attempts to try side-step under-development and poverty – for example, by ignoring the prejudices that beset rural areas or hurrying its inhabitants into conforming to urban, modern behaviour – only serves to compound the injustice further. Rather, they suggest: "the challenge of such a legacy lies not

only in our collective desire to eradicate it, to 'fill the gaps', but also to address its very assumptions about education, context, and difference" (Nkambule et al., 2011, p. 345).

Though Nkambule et al (2011) are not addressing boarding schools specifically, their argument resonates with one that goes against the explanation that boarding schools are necessary for reasons of efficiency. As long as the boarding school is used to speed up the integration of rural youth into a global curriculum and as long as it fails to take into account the agency of parents and communities to construct space differently from urban experiences, it is an obstacle to authentic rural development (Nkambule et al., 2011). Boarding schools cannot simply be imposed in a top-down way. It is necessary to surface the agency of rural 'subjects' and to be sensitive to 'rurality'. According to Moletsane what is important is:

> for the utilisation of strength paradigms and the harnessing of the social, physical, educational and cultural resources and assets residing in both the home (and community) and the school in addressing the social and educational needs of learners in rural contexts. This is based on the understanding that the disregard of the socio-political context of schooling is detrimental to social change, in general, and to widening educational access and success, in particular (2012, p. 4).

The communitarian insists on the distinctiveness of the rural – parents and communities have their own identities quite apart from the school. The family, the community, the local is important in explaining (even causing) change. They have a role to play in a way eclipsed by the modernising theory and they must therefore be consulted.

This brings to me to the other communitarian objection. Not only is the boarding school negligent in engaging with rural communities because it is seen as unnecessary, the boarding school is implicated in accelerating cultural loss.

Problem 2: boarding schools lead to deculturation

The second possible communitarian concern with boarding schools is that they lead to the deculturation of their residents. It is a fear based on historical experience. Boarding institutions have been used in countries such as Canada, the US, Australia and Finland to forcefully integrate minority Aboriginal children into the dominant white culture (Davis,

2001; Jacobs, 2006; Juutilainen et al., 2014; MacDonald & Hudson, 2012). According to O'Connor: "the culturally destructive effects of residential schools have also left many First Nations people rootless. The children found on returning to their communities that they had lost their native language and culture, and had been taught to despise their traditional beliefs and practices. They found themselves stranded between two cultures" (2000, p. 264).

The removal of children from their families in Canada and Australia, like in present day South Africa, was often excused as having been pursued with benevolent intent. The Canadian government maintained for many years that the purpose of the residential schools was to educate and thereby civilise indigenous children (O'Connor, 2000). An 'indigenous curriculum' was argued to be incapable of preparing children for new roles in the colonial system (Jacobs, 2006). But scholars have picked away at its stated goal of assimilation[31] and argued boarding schools were really meant for "cultural genocide" (MacDonald & Hudson, 2012) and "colonial control" (Jacobs, 2006). It has taken many decades for the children in these residential schools to lobby for a public inquiry. O'Connor notes: "Canada, like Australia, is belatedly confronting a problem that has long been denied and ignored. Each country is now reckoning the social costs of past policies which sought to achieve the forced assimilation of indigenous children" (2000, p. 232). Those social costs include widespread sexual, emotional and physical abuse and in the longer term social maladjustment, family breakdown, suicide, alcoholism, domestic violence and loss of parenting skills (O'Connor, 2000).

While these colonial experiences may be extreme cases, it is this nightmare vision of deculturation that animates much of the concern of communitarians. The context may have changed but splitting individuals from their communities continues to have destructive social and personal costs[32]. As suggested by its name, communitarians hold community as ontologically prior to individuals. Often critical of what they disparagingly term liberalism's atomised individuals, communitarians view individuals as embedded within social

[31] And often more euphemistically, "rescuing and protecting" (Jacobs, 2006).

[32] Interestingly, a current campaign on the Shetland Islands (called Communities United for Rural Education or Cure), against a plan to close small schools and send children to residential schools raises concerns not only about the impact on family life, "but on the sustainability of the Shetlands as a place to live". According to a Guardian newspaper article: "The loss of an entire cohort of young teenagers from community life is a prospect many parents view with dread – not just in terms of their own families, but also because of what they fear it will do to the future viability of the islands' culture" (Tickle, 2014).

relationships characterised by dependence. Far more than simply a description of people's functional connections to each other, community is seen to be contingently central to the make-up of individual identity, to their values and norms. The individual is constitutive of the community. Their experiences and worldviews can only be understood as having been forged in concert. As Gyekye points out: "Members of a community share goals and values. They have intellectual and ideological, as well as emotional, attachments to those goals and values; as long as they cherish them, they are ever ready to pursue and defend them" (2002, p. 299).

Deculturation is a two-step process. In the first step, young people lose contact with and knowledge of the culture of their parents. Secondly, and concurrently, they are integrated into liberal (predominantly Western) society. For the communitarian, this severing of child from culture – perhaps most clearly displayed in the residential school – is neither healthy for the individual child nor for the broader community. It leaves children bereft of a sense of identity and it limits the reproduction of communities.

Community is an incubator for developing virtues and achieving the good life. Communities encompass traditions, values and knowledge systems that provide a solid grounding for children into adulthood – and the primary aim of education therefore ought to be to supply youngsters with an identity and orientation into the worldview of the communities into which they are born. Initially, the transfer of values takes place through dialogue with parents and intimate others before induction into wider community structures. As Gyekye writes: "It is evidently true that in the social context, in terms of functioning or flourishing in a human community, the individual person is not self-sufficient; his/her capacities, talents and dispositions are not adequate for the realisation of his/her potentialities and basic needs. What accrues to a person's natural sociality – and hence natural rationality – provides the buttress indispensible to the actualization of his/her possibilities" (2002, p. 300).

Moreover, communities are entitled to educate future generations in order to ensure the survival of the community. Any state-sponsored education system that undermines the ability of communities to share with its children a commitment to its norms is viewed as an imposition, an attempt to assimilate cultures into a dominant paradigm.

Deculturation is not an inevitable feature of boarding schools. Indeed, for many elite boarding schools the primary purpose is to build a unifying ethos, a camaraderie, a common culture. Some states have used boarding schools for nation-building purposes, such as the kibbutzim in Israel (Kashti, 1988). The boarding school for the children of farm workers is a different kind of community – strung together by practical need rather than having a cultural predisposition to connect a disparate group of people. The children may all be from a similar social class and by dint of geography share cultural roots, but those characteristics are incidental to the hostel, rather than its *raison d'e^tre.* A further objection, then, is that in the case of boarding schools for farm workers the process of deculturation is not followed by enculturation into any of the kinds of communities endorsed by communitarians. Instead, in the context of liberal modernisation, the state is involved in engineering a liberal community and encouraging (non-perfectionist) liberal tenets.

That includes the allowance to choose. In this quote from an interview with the head of a boarding school, she draws on legal decree to explain why the children are not forced to attend church services arranged at the boarding school on weekends:

> Q: Do they attend church?
>
> What we have done here we had Pastor X (a coloured pastor) that comes here and gives a message and then last year we had a boy frequently on a Sunday he brought a message. But some of them are very reluctant – they don't want to go there. I don't know why.
> We had a pastor here two months ago that talked to them – and some of them just refused. And by law, we can't force religion down them… (interview with hostel head and staff / teacher – November 2011)

It is liberal education in particular that rankles. This is despite liberal theorists assertion that liberalism is ultimately about choosing between any comprehensive doctrine and education ought not to impose a single belief system onto its learners (even if that doctrine is a liberal one). For the non-perfectionist liberal, the idea is to hold a neutral perspective on the good life. A plural (public) community is held together only by the principles that everyone can agree to. (Rawls calls this "an overlapping consensus"). The implication for education is

that public institutions, such as schools, are duty-bound to advance only those principles that everyone can reasonably commit to. The proper scope of education must be sufficient to allow children an appreciation of the burdens of reason and to enable them to participate in civic society. It should encourage political virtue and inculcate an appreciation of the terms of fair social co-operation – but education's role is not to promote any single comprehensive doctrine's idea of a worthwhile life – not even a liberal one (Rawls, 1993). As Fowler explains, for political liberals "It is illegitimate for the state to foster ideals to govern the whole of life, thus the aims of education are restricted to engendering an effective sense of justice. This implies that the state will be silent with regards to aspects of education which are not related to this civic aim" (2010, p. 373).

To escape the accusation that it is indoctrinating children, Arieli, Beker and Kashti suggest boarding schools be restricted to what they call "'Incidental' Group Care Settings" in which "no *deliberate* use is made of the 'power' of the residential situation" (2001, p. 404). Such a neutral position would have the state act only as an arbitrator between comprehensive doctrines and not use its position to convince young people in its care of what it believes are moral truths.

The metaphysical content of comprehensive doctrines is set aside in favour of an emphasis on inducting children into the procedures of logical reasoning and judgement so that they can make independent choices on the good life. Education should not be involved in promoting any culture over another. Liberal education signifies a break from the unchosen attachments of home. It is of necessity distinct from community interests. Feinberg and McDonough point to cosmopolitan interpretation: "some people believe that both local cultural allegiance and national loyalty are outdated ideals, dating back to a time before the high-tech revolution and before we knew much about the threat to our environment arising from overpopulation and overconsumption. According to this cosmopolitan view the greatest need is to establish global objects of loyalty that supersede local and national ones" (2003, pp. 9-10). Autonomy is prized and the ability to critically evaluate different perspectives on the good life. Mark Piper argues that the "prudential value of autonomy" is based on three reasons: first, that everyone desires to live freely; second, that everyone desires to treated as ends in themselves (and not to be used as pawns); and thirdly, that it is attached to rights associated with democratic citizenship and human rights (2011, p. 22).

Communitarians have two main challenges to this model of education. The first is that it cannot prepare young people for a life lived in community. It fails to take into account our relationships with others amongst the conditions necessary for individuals to actually pursue opportunities. It is positive freedom (and not negative freedom) that provides the resources and capabilities for individuals to attain self-mastery or autonomy – and crucially, for the communitarians, those resources are to be found and developed in community. Piper explains: "the liberal view takes an agent's good to be in important ways undetermined – or at least underdetermined – until the agent engages, in some way, in an act of *personal appropriation* of a way of life, while a traditionalist view understands an agent's good to be in important ways predetermined, as constituted by acceptance of and participation in the pre-established, substantive view of the good held by the community" (2011, p. 28).

It simply cannot be that the individual is autonomously able to choose a life plan without reference to norms and affiliations built up over history. The liberal's fairly minimal account of what is necessary to hold together a community is unsatisfactory for communitarians. McLaughlin (1985), for example, describes the need for a 'strong' upbringing which must *involve* young people in a coherent initial primary culture (and not simply acquaint them with it). As such there is:

> the need for families to constitute an ***organic unity,*** which involves not merely a sharing in practices and family events, but also in some sense a common ***world view,*** a shared range of commitments and loyalties: a sense of solidarity which would be diminished if children were merely spectators upon certain key elements of the family's life. It is this kind of organic unit which constitutes the family ***as*** a family and marks it off from other groupings of individuals (1985, p. 123).

True understanding of religious (and even political) beliefs can only come from being involved and engaged in practice. This is in contrast with liberal's 'overlapping consensus' which offers no emotional attachment to other members of a community. The overlapping consensus is precisely designed as a contract to allow for mutual co-operation. It does not extend to fellowship or confederacy. It is not intended to be a badge of identity.

The second problem communitarians have with liberal education is that its stated universality and neutrality is no more than a cover for justifying liberal – capitalist – doctrine. The

modern democratic state needs to ensure that the production of citizens coheres with the principles necessary for the stability of its institutions. So although the liberal state may be committed to an agnostic position on what counts as the good, the tension lies with whether it can discharge that and at the same time satisfy its own need to produce ideal liberal citizens[33]. Schinkel (2010) notes that there is little empirical evidence to back up the claim that the multi-cultural neutrality of liberalism would in itself have the autonomy-promoting effects liberals claim. What is at stake, he argues, is the preservation of the current form of liberal democracy. He writes: "the claim that compulsory autonomy-promoting education is necessary to preserve the just society is not neutral; it invokes a particular comprehensive conception of the good life, which the state would endorse by making autonomy promoting education mandatory" (2010, p. 108). The notion of neutrality is little more than propaganda for a liberal comprehensive doctrine. Moreover, it is far from clear whether state-sponsored schooling actually promotes autonomy – rather than just another form of docility, in the form of unquestioning loyalty to the values of the capitalist state.

Such is the power of capitalist ideology. James Conroy (2006) argues that liberal democratic states have become the handmaiden of global capital – they therefore have a stake in ensuring learners become uncritical citizens. He argues that education in liberal democratic countries is an "adjunct of government" and has fallen prey to the impulse of globalisation (2006, p. 50). "The market," he writes, "is indeed a seductive place with the capacity to draw a disparate range of human goods and services into its orbit – an orbit that creates a common, consensus-driven conversation based on our collective enjoyments with a few trivial truths about each other and our aspirations" (2006, p. 50). In the process, "pluralism, as a social and educational practice, has evolved so as to excise all those elements of the other's culture which are truly alien, which don't make sense to us, that we don't understand, that discomfit us" (2006, p. 50). Globalisation as a phenomenon concerned with breaking down borders and the free exchange of goods and ideas leads to a false sense of inclusivity, a superficial consensus.

For Africanist communitarians, the assumption that liberalism can stand as a neutral arbitrator amongst a range of community attachments fails to recognise its association with

[33] Non-perfectionist liberalism, in which no comprehensive doctrine is elevated over another, is thus unfeasible. Liberalism here is understood by communitarians as a comprehensive doctrine.

Western, developed nations, its historical roots traced back to 19th century political movements and writers such as JS Mill. As Ivison explains, liberal accounts are grounded in "a particular set of presumptions about power, the relevance of history and the nature of public reason" (2002, p. 22). Amongst the challenges presented by postcolonial theory is that the liberal claim to have found universal principles ignores its own cultural location and therefore fails to recognise the ways in which a liberal education is an imposition on indigenous African cultures. At worst, then, a liberal democratic education is a form of cultural imperialism. According to Odora-Hoppers:

> "The experience of the rural school learner in the local community outside the school is not only anathema but is also absolutely refractory to the Western-compatible, exogenously oriented establishments we call the school. 'Eyeless in Gaza', the rural school learner experiences school as the first point of cultural and epistemological disenfranchisement as the relentless and lifelong cultural debriefing begins." (2004, p. 21).

The allegation here is that schools strip away cultural identity to replace it with Western norms, which are to be read as neo-liberal and individualist. Odora Hoppers implies that schools ought to be integrated seamlessly into local communities, that they should mirror and reproduce cultural norms and practices. The boarding school amplifies the process of creating the modern citizen because what is at stake is concentrated in a closed-off environment where outside influences on the child are regulated, leaving the relationship between the state (or its representatives) and the child more or less uninterrupted.

Whatever the liberal might claim about creating a pluralistic environment in which young people choose between various ideas of the good life, in practice boarding schools are hardly 'liberal' institutions – they are more like total institutions. When upbringing and care falls under a single authority, there is a denial of the pluralism of views on how children ought to be reared and a construction of a homogenous identity. In the total institution, the distinction between comprehensive doctrine and an overlapping consensus becomes almost indistinguishable. The liberal principles – of personal development, of autonomy, of choice – has little to overlap with. The promise of plurality shifts shape as liberalism becomes a monopoly position. The total institution by its very nature only has space for a perfectionist position. Worldviews from outside the boundary of the school do not have much chance of entrance. Access to the outside is restricted (in theory at least). And so while the idea is that

children are opened up to a world beyond the farm – the boarding school is in fact only a step outside. The hostel becomes it own limiting environment.

In sum, the communitarian argument may run as follows: in the context of liberal education, in the context of increased individualism and in the context of denigrated rural farm workers, the boarding school is not a stabilising cultural institution, maintaining the status quo (though in other contexts, it plays this role). Instead these are institutions where existing social structures are broken up. The liberal might shrug, may even celebrate this as educational and see it as an opportunity for social change and mobility. The communitarian instead worries. The fear is that there is a loss in culture – and inevitably the loss is felt most keenly on the side of the weakest. As Moswela argues: "Boarding schools' cultures therefore tend to be competitive than cooperative" (Moswela, 2006, p. 38). Those who have seniority – because of age or economic background or ethnicity – establish their influence through aggression, coercion or outright force.

The strength of the communitarian position is its reminder that the education and rearing of children is not the prerogative of the state or its in-school-actors at a local level. Schools are



Picture 9: The Cultural House at a Free State boarding school hosts music and dance events

networked into a range of stakeholders, none of which can claim sole propriety over children. The liberal attempt to sidestep such plurality by elevating the individual above the group results in the abstracted, disconnected almost lonely figure who can rationalise their believes based on principle but cannot account emotionally for the attachments and associative responsibilities to others. Individual identities are at least partly constituted by group affiliation. The boarding school that ignores the attachment of the individual to a social group or the social group's claim on the individual risks real psychological damage to children.

The communitarian complaint against boarding schools is also hardest to reply to because the attack goes straight to the character of the liberal state. There is no technical solution, no way for the state to adapt, reform or improve provision. It is not possible, for example to split the day school (and its form of liberal education) off from the boarding institution (and some kind of communitarian identity) without resulting in a schizophrenic state. There could be clear dissonance, for example between encouraging the role and status of women in patriarchal situations with the Constitutional promise for gender equity. As long as education is rooted in liberalism, communitarians will worry that the greater good is at risk to the hegemony of individualism. This is not a benign concern. It relates to the domination and oppression (to use Young's terminology) that social groups experience when institutional arrangements marginalise them or leave them out of decision making processes on account of some identifiable difference.

Nevertheless, the communitarian position is not without problems. The next section addresses three shortcomings.

The problems with communitarian arguments

The first (of three) limitations with the communitarian argument against boarding institutions is that there is some empirical evidence (from a different country context, it is true) that boarding schools may not have the intended deculturation effect. A Canadian study of the long-term effects of the forcible removal of indigenous children to residential schools provides an interesting case in point. Using quantitative statistical data, Feir (2013) shows that the boarding schools (which consciously adhered to an assimilation policy) resulted in

significant loss of traditional skills and cultural connection: past students were 16% more likely than their peers to live outside Aboriginal communities, 10% less likely to participate in traditional activities and 8% less likely to speak an Aboriginal language in the home (2013, p. 5). But at the same time, she argues: "even though residential schools actively, and at times aggressively, tried to eliminate cultural connection, the extreme assimilation policy within the schools did not drive cultural loss. Segregating indigenous children from non-indigenous children in residential schools may have actually preserved cultural connectedness into adulthood relative to alternatives that also removed them from the home. Those children that lived with and went to school with predominately non-indigenous people were, if anything, more economically and culturally assimilated than those who attended residential schools with their indigenous peers" (2013, pp. 5-6). It seems that a great deal of cultural transmission is in the informal play and interaction with friends and amongst cohorts. The closed nature of the boarding school may encourage assimilation with the cultural reference group present rather than the abstract multi-cultural identity they are meant to engender.

The fear of cultural loss may be exaggerated[34] and the boarding institution can provide opportunities for transmission of traditions[35] or create occasions for fermenting resistance to the dominant (Western / liberal) culture. In the ex-bantustan boarding school visited during the research, the children participated in cultural activities over weekends – mainly traditional music and dance events (see picture 9). Davis (2001) notes that despite the strict controls over American Indians in boarding schools, they also helped shape identities that eventually fuelled the drive for political and cultural self-determination in the late 20th century. Jacobs (2006) similarly recognises that as older forms of transmitting cultural values and knowledge receded, so a new peer culture evolved amongst children in boarding schools that provided "solace and comfort"[36]. South African's mission boarding schools also have stories of resistance[37] and institutions such as Lovedale College graduated such well-known political

[34] Of course, in the South African case, apartheid has already had a devastating effect on culture – and boarding schools can hardly carry any burden of blame.

[35] At the ex-bantustan boarding school, for example, the children regularly visited the Basotho Cultural Village and had even won traditional dance competitions.

[36] Jacobs nevertheless maintains that these new forms of cultural transmission had devastating consequences on communities and were also a form of peer pressure and bullying.

[37] In August 1946, for example, students at Lovedale College embarked on a strike against the new Code of Conduct and the appointment of the new Headmaster. The following year they went on another strike against deplorable conditions in the boarding school. SA History Online, http://www.sahistory.org.za/dated-event/students-lovedale-strike-against-new-code-conduct

activists and leaders as Cecilia Makiwane, Ellen Khuzwayo, Archibald Gumede, Thabo Mbeki, Chris Hani and Steve Biko (www.sahistoryonline.co.za).

The second problem with the communitarian argument against boarding schools is an extension of the first: that its own definition of an ideal community seems more suited to boarding schools than a (non-perfectionist) liberal definition of community. The communitarian's community is both conservative and romanticised. It tends to homogenise identity either on ethnic criteria, on one side, or national boundaries, on the other. Rarely do the complexities, conflicts and tensions that arise within communities make an appearance. The myriad of groups and organisations that people belong to – including trade unions, women's groups, political parties – are often erased by the communitarian narrative (Young, 2000). Rural areas seem to lend themselves to a conservative reading of communitarianism, perhaps because there are so few opportunities for such a variety of interest groups to meet.

The communitarian's flattening out of plurality in favour of homogeneity, in which schools fix on reproducing a commitment to the values of a community is reminiscent of Amy Gutmann's characterization of Plato's *Family State:* "The defining feature of the family state is that it claims exclusive educational authority as a means of establishing a harmony - one might say, a constitutive relation - between individual and social good based on knowledge" (1987, p. 23). In the Family State, the role of education is to inculcate a common desire for a single good, to recognise one's own views in the collective and to see the benefits of such homogeneity. The most immediate advantage is the stability of the state, with conflicts superseded in the name of community development. But the communal cause is a majoritarian project that may chafe at the interests of those who do not identify with its culture. As Gutmann argues: "Our good might conceivably be overridden by the prospects of achieving the objectively good life for our children, but the objectively good is likely to be the fully operative good only for a society of orphaned infants" (1987, p. 27) [38]. The total institution might then be precisely the kind of boarding school to match a communitarian's objectives. In it the common good could be enforced. But the costs of establishing such an

[38] Also see James & James who argue that the communitarianism of New Labour in the UK tends to represent a form of social control over children. They argue that expecting children to live up to the responsibilities of being members of a community and conforming to adult norms is problematic because it assumes children have consented to that. In truth children's behaviour is increasingly being regulated in the way that policy defines and shapes childhood (James & James, 2001).

institution are too high. It has costs on individuals whose range of possible associations (outside of the common) are narrowed down and who risk serious personal harm if they transgress the bounds of their community's believes. It also has costs for the development of the community in the "marketplace of ideas" if it becomes insulated from outside criticism and debate. As Strike points out: "[identity talk] can render their group identities impermeable and isolate oppressed minorities from the cultural products of the larger culture" (2003, p. 93).

The third limitation of the communitarian argument against boarding schools is that it does not offer much in terms of a solution. The only alternative appears to be a return to the farm school model. But the preferred model for day-to-day family and /or community contact that these objections seem to imply is simply not tenable – nor necessarily advisable. Whatever may be fundamentally wrong with boarding schools does not immediately secure kudos for its alternative. Farm schools (though we need to recognise their diversity) were generally of sub-standard quality. The CALS study (Centre for Applied Legal Studies, 2005) suggests that life on farms systematically undermines any possibility for learners (or adults) to gain autonomy. It is a life afflicted by poverty, regulated by long working hours and relations of patronage with farm management. Indeed, their recommendation is that the only means of escaping the binds of agricultural capitalism is for children (and schools) to be physically removed from farms. Christie and Ganganakis (1989) came to a similar conclusion in their study in the 1980s. The anti-modernisation stand ought not to bemoan the closure of farm schools. As Kallaway (2001, p. 16) laments:

> the tendency to dismiss educational initiatives that seek to make direct interventions into issues of development as attempts to control and subordinate rural people to the colonial order or dismiss them as an aspect of failed socialist experiments, or even see in them only the machinations of apartheid social engineering, as throwing out the baby with bathwater (2001, p. 16).

Lacking alternatives does not necessarily weaken the communitarian argument that boarding schools cannot account for group rights over children's upbringing. We need to take seriously the potency of the communitarian case against boarding institutions to see what is missing from a more fully rounded justification of residential schools for the children of farm workers.

Conclusion

The communitarian argument against the current South African boarding schools project cannot be easily answered. It is not simply a matter of administering the boarding schools better or about including communities into its management. What troubles the communitarian is that boarding schools make a much cleaner break between children and their communities than that experienced by day scholars. In these institutions, the state takes over the functions of custodial care and dominates the lives of children in their formative years. But for the state to defend this is tricky. The liberal state relies on: "a 'division of labour' between the state and parents with respect to the upbringing of children: the state is responsible for ensuring that all children receive an education adequate for them to be free and equal citizens, capable of interacting with other citizens on the basis of civic respect, whereas parents are free to raise their children in accordance with their 'comprehensive' religious, moral, and philosophical views." (Neufeld & Davis, 2010, p. 94). Without this division of labour, the state's influence in shaping the values, norms and allegiances of young people is over-whelming – and unjustified. Communitarian theorists want communities to be allowed to socialise young people into the norms and values of a community, which will in turn provide the individuals with a source of well-being and security needed to flourish.

For the communitarian, then, the fundamental problem with the boarding school is its purpose. The aim of boarding schools (in a liberal, modernising context) is to raise citizens who are able to distance themselves from the pull of cultural attachments and make reasonable choices on their normative believes. The purpose of hostels is (as the state argues) to protect children's rights over the 'rights' of communities to social reproduction and values distribution. That's irreconcilable with communitarian theory.

One way to answer the communitarian argument is therefore to amend the purpose of boarding schools. That will be the task of the next (and concluding) chapter. I will argue in that chapter the aim of boarding schools is beyond protecting children's rights. It must take into account a broader role in social reproduction that simultaneously recognises the rights and responsibilities of the state, parents and communities more generally in the upbringing of children. Altering the purpose of the hostels in this way will help address the objections to

boarding schools discussed in the thesis. It will also strengthen the justifiability of the hostelling project.

Section 4

Chapter 9: Bo(a)rdering justice and care

"It is not easy for me to think of my school days without seeming to breathe in a whiff of something cold and evil smelling – a sort of compound of sweaty stockings, dirty towels, fecal smells blowing along corridors, forks with old food between the prongs, neck-of-mutton stew, and the banging doors of lavatories and the echoing chamber pots in the dormitories"
George Orwell 'Such, Such Were the Joys', Partisan Review XIX, September-October, 1952, p.523.

It is the last day of the school year at the former-white hostel in the Free State. Their rooms cleaned and cleared, waiting on top of their packed bags for the bus home, the children receive a final parting pack of sweets, chips and juice from the matron. There are hugs and the last words of holiday cheer and reprimand for the year. The children here are clearly cared for. Over the year, they have created shared bonds. They are in a way a kind of family. And yet, it bears reminding that the children are not orphans – that they have families who have interests in how they grow up – and that the responsibilities of those charged with their care during the school term are worked out by a bureaucracy in a distant provincial town. While the children are cared for in general, in the crowd, only a few stand out for a special word.

The three preceding chapters raised concerns with whether the hostel institution was adequately able to account for children's rights, parental obligations and communitarian claims over the best way to rear children. The objections point to a number of difficulties with the justification of the hostelling project based on the argument that a developmental, interventionist state ought to side with children's rights (the justification presented in Chapter 3). That justification drew on capabilities to substantiate the priority of children's rights over the rights of others. It also established that the state's authority to intervene in social (and not merely political or economic) matters rests on the promise that the developmental state will

improve living conditions. But while that justification is strong and is based on norms of fairness, justice and capability, its interrogation in the face of the practical realities of boarding schools has left it a little dented. First, it is not entirely clear that placing children into institutions is in their long-term best interest despite the state's argument that it is acting on behalf of children's rights. The regulations that make institutions function to keep large numbers of children fed and safe may not necessarily give the individualized care needed to grow confident adolescents. Second, a children's rights justification may not be sufficient if it detracts from parental rights or obligations to be involved in the lives of their children. Third, since hostels are institutions cut off from community, they are subject to objections by communitarians that they cannot be reconciled with notions of group rights to social reproduction. Children's rights cannot be looked at in isolation.

So while the justification for boarding schools relies on a benevolent state empowered with authority (by universal agreement) to care for the most vulnerable in public institutions, the worry is that it does not have the capacity to do so and it does not have the mandate to intervene in the private sphere. A central tension for boarding schools is a balancing act between the perception of families and communities as intimate and cherished and the institution as official and reserved. As a result, it is not entirely clear what the appropriate mode and manner of the boarding school should be.



Picture 10: The bus home at term end

In this chapter, I consider an alternative theory as a basis for how boarding schools ought to conduct themselves. To succeed, the theory would need to be able to accommodate the objections I outlined in earlier chapters: protect children's rights, have room for parental obligations and oblige communitarian concerns. But at the same time, it cannot fall into the conservative trap that these objections lead to. The intention is not to reprivatize social issues or to make parents and communities solely responsible for social reproduction. If the boarding school is to transform the lives of children otherwise destined to poverty and to make a real difference to social reproduction in farming communities, then it needs to take up the opportunities of a modernizing context but without retreating to a cautious, traditionalist stance.

One possible route is to go with the John Rawls's *Theory of Justice* since it provides a fair way to distribute public resources, while protecting liberties. But to think of boarding schools only in terms of a theory of justice seems to omit a central aspect of what they actually do – the care, even upbringing, of children. So I turn to Care Theory as an alternative option for grounding the operations of residential schools. An ethic of care has often been contrasted to an ethic of justice. Whereas justice is associated with a 'universalistic morality' and the 'ideal of impartiality', care is thought to be contextual, a moral orientation or set of values most often embedded in relationships between people in close contact – such as in a family or community. The ethic of care emphasizes responsibilities and the duties we owe each other on an inter-personal level. It is therefore counterposed with liberalism, which Feinberg and McDonough note was: "intended to lift the individual above the constraints of family and cultural background and education was expected to be the device for realizing this vision" (2003, p. 4).

It would appear therefore that a justification of hostels as institutions of care (rather than of justice) could immediately solve the objections noted in the previous three chapters. An ethic of care would rectify the idea that boarding schools could somehow be divorced from important social and cultural associations. The boarding school cannot simply launch off from the moral embankment of our embedded relationships to come afloat in the abstract individualism of liberalism. Boarding schools are in *loco parentis* – they lie in the borderland between public and private spheres and so mediate different approaches to child rearing, raising normative issues over the best way to ensure children's future autonomy. If care is a

more apt description of what they do, then an ethic of care should justify how they go about doing it.

But I raise some cautions with the bifurcated model of care and justice in relation to boarding schools. By displacing justice with care, we would lose the central tenets of rights and equity. As Ruth Lister notes: "the counterpoising of the ethic of justice, derived from abstract, universal individual rights, with that of an ethic of care, grounded in specific contextual relationships, parallels and has its roots in the equality versus difference dilemma" (1997, p. 100). An ethic of care which refers back to the way in which different cultures or communities expect children to be raised cannot account for the promise of individual liberty to choose a way of life.

The model of the boarding school can therefore not be the family – and its ethic of caring – nor can it be a model based on abstract, impersonal justice. For while the staff of the boarding school stand in *loco parentis*, they also represent the state and do not necessarily have the interests of the family or the community at heart. We need a model that captures the inbetweenism of family and stranger; between intimates and citizens.

I will argue, therefore, that we need a synthesized theory of care and justice to justify residential schools for the children of farmworkers. Such an approach is not simply an extension of aspects of care into the boarding school but neither is it an extension of justice into the hostel (because then it would lose something important about the function of a hostel in caring for children). The model of the hostel should substantively change the nature of care and how decisions over the running of boarding schools are made.

The Theory of Justice as a justification for boarding schools

I begin by reviewing (briefly) the *Theory of Justice* as a basis for boarding schools. This seems appropriate for as John Rawls argues, "justice is the first virtue of social institutions" (1971, p. 3) and it is important to get right because: "the institutions of the basic structure have deep and long-term social effects and in fundamental ways shape citizens' character and aims, the kinds of persons that they are and aspire to be" (Rawls, 1993, p. 68).

According to Rawls's *Theory of Justice* (1971) the best way to decide on the rules for distributing and using public resources is to employ a hypothetical construct – the Original Position. This would result in a procedurally fair approach for arriving at universally acceptable rules. If we were to imagine that in the Original Position, society's representatives tasked to work out how best to distribute primary goods lacked all knowledge of themselves, their status in society, even their talents, then they would enter negotiations on the distributive rules equally self-interested, yet equally vulnerable. Rawls guesses that from behind this 'veil of ignorance', representatives would hedge their bets and set up the rules for ordering the distribution of primary goods in a way that would protect those worst-off in society should they find themselves in that position once the veil of ignorance is lifted. At the same time, they would safeguard individual liberties. For Rawls, any rational person would do the same.

The *Theory of Justice* seems then an appropriate normative theory for how boarding schools should function – except for three problems.

First, the theory only conceives of rational persons as subject to the principles. The idea that the Theory of Justice is a rational choice for individuals to make is central to Rawls's attempt to make it universally applicable. The problem here is that 'rationality' implicitly leaves out important constituents – and in the case of residential schools, excluded are children. Since children are not able to contract into the theory, it cannot pertain to them. Yet those Rawls might classify non-rationale are precisely the ones who are most in need of justice. Nussbaum explains: "his account of the primary goods, introduced, as it is, as an account of the needs of citizens who are characterized by the two moral powers and by the capacity to be 'fully cooperating,' has no place for the need of many real people for the kind of care we give to people who are not independent" (2002, p. 47).

Second, the theory has been questioned by feminists who worry that it fails to take account of how the role of social reproduction or care-giving should be allotted. The Theory of Justice does not properly cost in care. Whether or not children receive the emotional attention, the nurturance they need to flourish is not factored into the balanced distribution of resources. Rawls's legal prose is useful in describing the technical features of a society ruled by justice,

but it does not speak to inter-personal relationships. His theory, while explicitly concerned with primary goods, income, wages and taxes does not extend to the distribution of something as indefinite as care. As Nussbaum puts it: "Care for children, the elderly, and the mentally and physically handicapped is a major part of the work that needs to be done in any society, and in most societies it is a source of great injustice. Any theory of justice needs to think about the problem from the beginning, in the design of the most basic level of institutions, and particularly in its theory of the primary goods. If we do not get clear about this problem at the most basic level, inadequate ways of thinking are bound to creep in later on" (2002, p. 48).

Rawls wants to leave aside the issue of care until the fundamental basic structures are regulated by justice. He argues that the principles might then be extended to these outlier situations. He writes: "care for those with such [unusual and costly medical] requirements is a pressing practical question. But at this initial stage, the fundamental problem of social justice arises between those who are full and active and morally conscientious participants in society, and directly or indirectly associated together throughout a complete life. Therefore, it is sensible to lay aside certain difficult complications. If we can work out a theory that covers the fundamental case, we can try to extend it to other cases later" (1980, p. 546). The trouble with leaving care out of patterns of distribution is that the role of care-giving inevitably falls to women and is sidelined from policy attention. Care therefore becomes a burden shouldered by, in Rawls's terms, "the least advantaged" yet is never given the priority of Constitutional, political and economic matters. Rawls's theory thus has an implicit bias to domains in which men dominate and fails to properly consider the tasks traditionally assigned to women.

A distributive paradigm in which women's identities and needs are not recognized (or is rather subsumed with those of men), will invariably manifest paternalistic overtones. The assumption that women's needs are taken care of simultaneously to their male partners, inevitably means that their specific needs are overlooked. It only goes to reinforce their junior status and confirms existing sex / gender divisions of labour. Writing on their research in the Limpopo farming areas, Hall et al remark: "Women often bear the brunt of problematic dependence on men and landowners, and on the distance between workplace and home;

attention to this is central to building new and more gender equitable patterns of settlement, work and social reproduction" (2013, p. 67).

Thirdly, the just institution operates on an ethic in which moral reasoning is ahistorical and permanent. Accordingly, it is possible to determine the truth and the correct rules for moral behaviour – and by extension, the rules of political institutions (as Rawls does) – on the basis of objective reasoning. Squires explains: "the emphasis on detachment from context, as with Cartesian rationalism, is viewed as a means of transcending the particularity of emotional and interested attachments and achieving a universal point of view" (1999, p. 142). But for some feminists, this expert-driven, detached approach to care has been criticized as a patriarchal account of moral reasoning. It has a logic divorced from the emotional messiness of relationships. In fact, the development of a moral sense of justice is left to families, and as such remains a background condition to the theory.

The procedural rules of the Theory of Justice are intended to provide a fair outcome. With its articulation of moral objectivism and universal rights-based discourse, 'care' becomes something that can be measured by its outcomes. And that is regretful. Smeyers argues that: "The performativity that swept the world in many contexts, that invaded public services, for instance hospitals and post offices, and that continued its destructive consequences within the walls of the school, is now spreading its deplorable effects into the area of child-rearing. It is nourished by the illusion that all problems can be solved or their negative effects at least lessened and that there are experts who know how to do that" (2008, p. 728). Laws are seen to be "counterproductive to cultivating an environment that is nurturing, supportive" (2013, p. 42) and has boarding staff nervously balancing a tightrope between their legal and parental responsibilities – worrying, for example, that hugs be misconstrued as abuse. An ethic of justice is care at arm's-length.

In sum, the Theory of Justice can meet much of the criteria to make it an ideal model for boarding schools. Justice can explain the redistribution of resources in favour of children living on farms, and it gives reason for state intervention in child welfare. But it does not consider justice for children to the exclusion of the rights of others. The Theory of Justice does not fall to blaming parents – particularly those living in poverty – for failing to meet the standards needed for their children to thrive. It recognizes that the structural distribution of

resources cannot be left to unfettered markets without causing grave inequalities and injustices and that it is the duty of the state to shift resources around in a way that everyone (at least those that are rational) can agree to. In this way, the boarding school is not intended to make up for parental neglect but is rather presented as a means to support poor parents in accessing schools and in providing for their children's welfare.

The main trouble with using a Theory of Justice as a model is that it is not clear that residential schools count as primary social goods. Since they mainly serve those not-yet-rational and since they are not basic Constitutional-type institutions, boarding schools do not quite fit the target of Rawls's theory. If it is outside the ambit of justice, then that is because the main function of boarding schools is to care, and caring does not fall into the definition of distributable resources. Care is not a thing that can be shared out according to pre-set rules. Yet care seems so much fuller as an expression of what it is boarding schools do. It shows up in the matron's hugs, the special treats baked on Saturdays and even the discipline meted out when rules have been infringed. Justice displays as mechanical, legalistic and empty beside a word such as care which captures something rather warmer: a moral relationship between persons.

So it is to the ethic of care which I now turn to as a possible alternative to justice.

Boarding schools as institutions of care

By many accounts developed as a retort to the cool, rational patriarchy of liberal justice theory, Care Theory is meant to offer a normative account of the good life based principally on nurturing relationships. The atomized individuals who contract to liberal justice are forced to confront their dependence to each other. For Gheaus, "it is not the mere meeting of needs that is valued by the ethics of care, but the fact that needs are met within the settings of more or less close human relationships" (2009, p. 64). Drawing on the psychological theory of Carol Gilligan, who argues that the ethical orientation of justice and rights can be contrasted with one based on care and responsibility, defenders of an ethic of care have argued that it is connectedness, dependency and nurturance that provide a better alternative to how human relations ought to be organized. Relational aspects between care-giver and recipient mean that the theory is continually shifting perspective between needs and duties,

rights and obligations. Care is the product of a meeting between the two. As Eicher explains: “Far from being stigmatized, dependency should be recognized as a necessary feature of the human condition, and responded to by the state in a humane manner rather than ignored” (2006, p. 465). Our moral obligations start from the fact that we rely on each other to get through the day.

Groenhout explains that it is particularly an analysis of mothering that gives content to Care Theory. “The character traits needed for good mothering,” she writes, “are the character traits the Care theorist advocates that all people develop in order to contribute to a society which is a good one in which to live” (1998, p. 171).

It is this contextual morality that gives an ‘ethic of care’ its heart. Nel Noddings distinguishes ‘caring about’, which accounts for a general predisposition to see to it that children are well treated, from ‘caring for’ which involves the actual practice of care. “Caring about” she claims, can “become self-righteous and politically correct. It can encourage dependence on abstraction and schemes consistent at the theoretical level but unworkable in practice” (2002, p. 22). It is in the concrete and relational acts of care that moral thinking is worked out. Care, therefore, cannot be reduced to abstract, universal principles. But that should not condemn it to second best.

Care theory arises out of concrete human practices, Groenhout (1998) argues that it cannot be considered apart from a conception of human flourishing. “Caring, like virtue, is an inherently teleological practice,” she notes (1998, p. 174). The theory is therefore able to make judgments on what counts as good caring practice and bad practice. Good care is endlessly self-perpetuating – it is “connected to the development of healthy people who can, themselves, care for others” (Groenhout, 1998, p. 175). The link from practice to consequence is not always clear cut, however, and care theorists’ commitment to the particularity of relationships and context means they are weary to set the rules in concrete. As a result, Care Theory has often been dismissed as irrelevant to policy. Policy likes patterns and certainty. But argues Groenhout: “this criticism seems to mistake an attempt to build in respect for particularity with a rejection of broader ethical guidelines, but the two need not be incompatible” (1998, p. 176). The solution lies in recognizing that there are

general rules or principles of action. Parenting, for example, requires "consistency, fairness and regularity" (Groenhout, 1998, p. 177).

Including the notion of 'care' into the function of boarding schools has two important implications: first, it gives definition to care work. Care theory introduces a moral orientation on the kinds of social relations that boarding institutions ought to practice, or, if you will, engender. It provides, therefore, some of the detail on how best to conduct interpersonal relations – which is not within the scope of the Theory of Justice. Groenhout, for example, argues that Care Theory directs people to demonstrate altruism, empathy and sociality (1998, p. 176). Gheaus puts it more boldly: "we have a fundamental need to be loved and to be able to love" (2009, p. 65).

Second, because care has traditionally been associated with women's work, it brings to the fore questions of gender equity and the status of care-givers (in this case, both of the workers in the boarding schools and the care-givers in the family). Squires explains: "This care perspective is held to be distinctly female, whether in determinist terms of biological motherhood or – more commonly – in constructivist terms of socially specific forms of childrearing practices" (1999, p. 143). A justification of residential schools must therefore look not only at whether a there is a fair distribution of the burden of care, but also at the gendered ramifications of such distribution, whether it makes a difference to the status of women or caregivers.

Care Theory thus throws light on the reproductive function of boarding schools. It asks what happens when essentially privatised responsibilities become public matters. Its sensitivity to motherhood opens the way for a feminist interpretation on the role of boarding schools.

There are nevertheless significant limitations to using Care Theory to interpret boarding schools.

First, in spite of its sensitivity to gender issues, it is far from clear that Care Theory offers a feminist basis for boarding schools. Care's association with women and with the practices of child-rearing has been widely criticized for essentialising gender and ring-fencing it within the bounds of the private sphere. It also marginalizes men as carers and fails to acknowledge

the caring done by children (Cockburn, 2005). Moreover, despite its attention to mothering, it is a child-centred theory. In other words, it's children's well-being that is paramount, and the theory is directed at fulfilling the needs of the care-recipient. The needs of care-givers are generally over-looked (except, perhaps, that they be recognized). As Kittay remarks: "A child-centred society will not necessarily raise the status of caregivers if the work of care is still demeaned" (2001, p. 533). The idea of care that remains fixed to the welfare of children is not interested in changing the condition of marginalized women – only to ameliorate it.

Given the importance placed on motherhood, the likely response of Care Theory to boarding schools would be one of umbrage at the potentially damaging effect of separating mothers and their children. For Care Theorists moving children into hostels is likely to mean women find that their status is downgraded further or their self-esteem takes a knock or they are left feeling bereft. This may be especially true for women living on farms where the possibility of employment is remote, and the role of mothering takes on an added significance. Care Theory is likely to want to conserve (and elevate) the one-on-one mothering role. That would make it a contrary position to boarding schools.

It is because of this position that Care Theory forgoes the possibility of using boarding schools as a potentially liberating institution for women. As long as care-giving is connected with mothering, it is sure to irritate equality feminists, for whom child rearing is not the sole domain of mothers and is not something to be romantically celebrated. For Hassim (2008), the problem with the way caring is conceptualized in South Africa is that it is seen as a woman's responsibilities, rather than the state's. The appeal is to communitarian values instead of to distributive justice and so the state manages to sidestep the need to alleviate the care burden that inevitably falls on women. She writes:

> The caring model pursued in South Africa, while ostensibly valuing collective social responsibility, does not value the importance of women's autonomy from the expectations of family and community. Collective social responsibility is in effect privatised (by shifting it onto communities, and therefore women), rather than made a responsibility of the state, and the opportunity to create the conditions for women to exercise their voice and agency in a variety of social and economic arenas – or their full capabilities – is lost" (2008, p. 115).

For equality feminists, men and women should have equal share in social reproduction and equal opportunity in the workforce. Caring should be a collective responsibility. Social institutions therefore need to enable men and women to move freely between home and work and public participation. Boarding schools might therefore be seen as a means for relieving women of their care-giving burden and allowing mothers to seek or take up employment or free up time for subsistence work. Residential schools have the promise "to spread the costs and burdens of dependency more evenly through the population" (Kittay, 2001, p. 537), so that it is not the sole responsibility of mothers. It is a possibility still-born in Care Theory.

The second problem with the Care Theory is that care is often focused on the here and now, superseding future needs. Care is counted over education – and therefore over upward social mobility and the promise of equality of opportunity. Yet when residential schools stress care rather than education, their repute and significance in society drops. A historical case study illustrates the point. Arieli (1997) relates how the purpose of residential educational settings before the establishment of the State of Israel was to resocialise immigrant youth into the "new patterns derived from the pioneering, Zionist, and mostly socialist ethos" (1997, p. 98). The "social *avant-garde"* (1997, p. 98) that graduated from those schools were eventually replaced after 1948 by disadvantaged learners who performed less well academically than their more socially-advantaged peers who eschewed residential education. Arieli surmises that "it may be that residential care and education settings act unintentionally to stabilize and perpetuate their residents' status (compared with their parents) and, thus, that they function as organizations of social reproduction" (1997, p. 98). As the residential school's importance fell from its ideological plinth as nationalist socialiser to simply that of 'care', so the status of the care-workers fell. Arieli writes: "Henceforth he is not the ideological representative of a movement, a central agent of the host society in the process of cultural transition to a new society, and an attractive figure for imitation and identification. His role now focuses on performing diffuse tasks of organizational coordinator, custodian, teacher's aide helping the younger children with their homework" (1997, p. 99).

Finally, although Care Theory "offers guidance for moral deliberation about social practices" (Groenhout, 1998, p. 179), and "must be extended to apply to the social circumstances in which mothering goes on, in which children are raised, taught, and enculturated" (Groenhout, 1998, p. 179), there is an uncomfortable translation between the moral life of mothers and the

moral life of social structures. For some, there is outright skepticism that Care Theory is pertinent to institutions (Tronto, 2010). Anca Gheaus, for example, writes:

> the realization of the intrinsic value of care, which is dependent on the existence of sustained love and meaningful relationships, is often beyond the reach of social institutions. These, no matter how close to perfect, cannot guarantee the existence of good, personalized love. All that can be reasonably expected from caregivers in social institutions is that they do their work professionally. The standards of professionalism should certainly include patience and attention, and may go as far as to include kindness, cheerfulness, and a commitment to the global well-being of the cared-for. However, one cannot expect institutional caregivers to love their clients and to develop personal relationships with them. On the contrary, such relationships often go against the professional ethics of some care occupations" (2009, pp. 69-70).

Yet, such committed, individualized, loving relationships is precisely what care theorists believe is intrinsic to well-being. The bureaucrats in charge of looking after the children may be expected to 'care' for them – that is to be unselfishly concerned with their well-being – but it may be practically impossible to stretch this "loving" impulse across many children. Where resources are limited, the individual attention one might expect in a loving relationship is less likely.

So far I have discussed two theories as a possible basis for justifying residential schools. Justice and care are treated as "comprehensive but strictly incommensurable moral orientations" (Callan, 1992, p. 430). They do not naturally gel. Yet both offer necessary, if insufficient, principles for operating boarding schools. Justice is principally a distributive model but it cannot account for the how to distribute care – which is such a central function of boarding schools. A Theory of Care, on the other hand, does the work of explaining what it is boarding schools do (and describing how it might best be done), but it cannot account for how it is to be distributed in an institution. The question then is whether it possible to use some philosophical alchemy to join the theories of care and justice? Many theorists have tried (Held, 1995; Moore, 1999).

In the next section, I use Joan Tronto's political ethics of care as a way to map out the possibility of joining justice and care into a single framework. It goes beyond care + justice. The concepts have to mutate in fundamental ways in order to sit comfortably together. That

mutation leads to an opportunity to develop a theoretical basis for boarding schools that transforms the purpose and operation of these institutions.

The care-justice helix

If a central problem with care is its insularity, Tronto (1993) moves instead for an understanding of care as a practice within a political framework. In her wide definition (devised with Berenice Fisher) caring is viewed: "*as a species activity that includes everything that we do to maintain, continue, and repair our 'world' so that we can live in it as well as possible"* (1993, p. 103) italics in original). On this definition, care is neither "dyadic or individualistic", as framed in a relationship between two individuals, but "can function socially and politically in a culture" (1993, p. 103). Care crosses moral boundaries – releasing care from traditional women's morality and its containment within the private sphere, to take to the political stage. Far more than simply a disposition, it involves both "thought and action" (Tronto, 1993, p. 108). So it needs planning and structure. Care cannot be left to individuals (mainly women) at home but it should be the shared responsibility of everyone including state and social organisations to ensure that it is available. The addition of 'political' to 'ethics of care' is precisely meant to highlight the need for negotiations over how caregiving work is to be distributed.

Tronto delineates four analytically separate but interconnected phases to caring. The first step in the process, 'caring about', recognizes the needs of persons or groups in ways that are culturally shaped. Second, 'taking care of' is a step in which responsibilities are systematically allocated; which are then applied in the third step of 'care-giving'. Tronto insists on separating 'taking care of' from 'care-giving' to delineate the process of planning and resource provision from the actual physical work involved in meeting needs. While 'taking care of' is usually the duty of those in power, 'care giving' is associated with those who have least power in society. As she explains: "That we quickly equate in the United States the provision of money with the satisfaction of needs points to the undervaluing of care-giving in our society" (1993, p. 107). Finally, the last phase, 'care-receiving', checks that needs are being met in a way that takes the perceptions of the object of care into account. Each step in the care process is linked to an ethic: attentiveness, responsibility, competence and responsiveness (Tronto, 1993, p. 127). She emphasizes that these ethics are context

specific and that care is a practice embedded in social constructs. "Care's moral qualities," notes Tronto, "will take a more ambiguous form than a list of carefully designed moral precepts" (1993, p. 117).

Tronto's ethic of care is a synthesis of a morality of care and of justice. An ethic of care does not displace justice since some standard of justice is needed to assess the fair distribution of the duties of care and its resulting power imbalances of gender, race and class. But her ethic of care asks more than whether there is distributive justice. It is also concerned with how care is delivered (care-giving) and its outcomes on those at the receiving end. It extends the morality of the private sphere into the public – and so the role of the political is to continually push the recognition for care beyond bureaucratic obligations that are formally stated and to take into account the work done to translate resources into meeting the needs of recipients. In other words, her concern is with the conditions that are necessary to transform resources into workable solutions for individual liberty, opportunity and well-being. She writes: "In order to be created and sustained, then, an ethic of care relies upon a political commitment to value care and to reshape institutions to reflect that changed value" (1993, p. 178).

If care is a concept that has traditionally been confined to the private sphere – and consequently neglected by public policy – its extension as a political concept changes its nature. When care synthesizes with the concept of justice, it must take into account the impact of resource distribution. It is therefore not only a moral concept, but one which has direct material implications too. A political notion of care helps bridge the concepts – and it is precisely the unique position of boarding schools as a cross-over of the private-public dichotomy that creates a space in which care can be redefined. For Lange: "This professional refinement of care relations could then be an important cornerstone for the long needed societal recognition of all care activities as important building blocks for the coproduction of welfare between public institutions and private settings" (p92).

Applying Tronto's notion of an ethic of care to boarding schools appears to have a three valuable attributes.

Firstly, it gives the hostels a purpose that is neither fully a public liberal account of justice nor simply an extension of private maternal care. The former, a universal approach based on the

ideas of dignity and a fair distribution of resources, neglects important moral virtues related to care, such as altruistic concern, interdependence and responsiveness to the needs of others. As Nussbaum points out: "[feminists] have worried that liberal theories of justice would turn havens of love and care into collections of isolated mutually disinterested atomic individuals, each bargaining against the others with a view to personal advancement" (2000, p243). Maternal care, on the other hand, reinforces gender stereotypes and its specificity within the family means it is unable to offer a universal commitment to equity.

Secondly, the ethic of care is acutely aware that each individual's needs are taken care of. The boarding school is not simply an aggregated collection of young people. It is not, thus, utilitarian.

Thirdly, Tronto is mindful of the need to elevate the status of careworkers both in the nature of the work that they do – which is not simply one of rule following but includes a complex set of judgments – and in recognizing the importance of their work as a political function. For Tronto: "there is a danger if we think of caring as making the public realm into an enlarged family. Family is a necessarily private and parochial understanding of caring. The only way that transforming the political realm into 'one big happy family' can work is to import with that notion some ideas that seem inherent in family life: hierarchy, unity, partiality, that are anathema to a liberal, democratic society" (1993, p. 169). The institution which values care, includes workers in the decision making. It makes sure that those who do carework, do so under conditions they chose.

These three points accord with Tronto's more recent writing in which she has distilled the translation of private forms of care into public institutions to three necessary attributes: purpose, power, and particularity. She explains:

> to imagine a world organized to care well requires that we focus on three things: politics: recognition and debate/dialogue of relations of power within and outside the organization of competitive and dominative power and agreement of common purpose; particularity and plurality: attention to human activities as particular and admitting of other possible ways of doing them and to diverse humans having diverse preferences about how needs might be met; and purposiveness: awareness and discussion of the ends and purposes of care (2010, p. 162).

The ideal, exemplary *institution* of family has these attributes instinctively. It's not the norm for family meetings to discuss why they are families! At the same time, in families the intent of care rests on lines of power, duty and obedience that are mostly clearly understood. And finally, families are highly particularistic, looking out for the idiosyncrasies of each member.

In an institutional setting, purpose, power and particularity have to be made explicit. This requires one more lever to shift care from private into public – a "locus for the needs-interpretation struggle" (Tronto, 2010, p. 168).

Nancy Fraser usefully makes a distinction between "needs claims" and "the politics of needs interpretation" (1989, p. 162). Needs claims can be endlessly proliferating as the complexity of what is properly sufficient for them to be met is unravelled. Fraser writes: "Such theories assume that the politics of needs concerns only whether various predefined needs will or will not be provided for. As a result, they deflect attention from a number of important political questions" (1989, p. 163). Those questions revolve on how decisions are raised, negotiated and agreed on. Where the state already assumes it knows how best to meet needs, it may suspend democratic processes and no longer justify the normative grounds on how needs are fulfilled. As long as the developmental state is run on the expertise of professionals, objections and conflict over how institutions should function or how social benefits ought to be distributed will be held at bay. In other words, one should not look a gift horse in the mouth. When the benefactor state gives hand-outs, the expected response is gratitude not dissent, or even grudging acceptance. The poor are disempowered from claiming their rights and as long as needs are being met, the state is insulated from defending the means to meeting those ends.

Theories of needs claims fail to take into account interpretative dimensions of needs politics, who determines what interests are and what "the socially authorised forms of public discourse" are (Fraser, 1989, p. 164). The politics of needs, on the other hand, is precisely interested in the struggles over needs identification and satisfaction and, what Fraser calls, "the socio-cultural means of interpretation and communication" (1989, p. 164). For Fraser: "From this perspective, needs talk appears as a site of struggle where groups with unequal discursive (and non-discursive) resources compete to establish as hegemonic their respective interpretations of legitimate social needs" (1989, p. 166).

Fraser's approach is particularly useful in thinking of the institution of the hostel not simply as a culmination of a fulfilment of needs that can be factually verified but rather as an intervention that follows from an interpretation of needs. She is interested in the space between the public and the private, an arena she calls "the social", "a switch point for the meeting of heterogeneous contestants associated with a wide range of different discourse publics" (1989, p. 170). We can imagine the boarding school providing a very tangible manifestation of the social. To think of boarding schools for children living on farms only as a way of providing for their needs would be a missed democratic opportunity to engage with a broader set of stakeholders.

In summary, the objections raised in this thesis against hostelling the children of farmworkers make visible the purpose of residential schools not simply as institutions meant to care for children, but as institutions that service a wider social reproductive role. Boarding schools function to *socialise care.* With that more extensive remit, boarding schools cannot be justified only in terms of children's rights. People are interdependent. Socialised care recognises that there are implications for a wider set of actors – parents and communities – and that a network on rights and obligations entangles the boarding school. The justification for hostels must take those complex relationships into account, together with the need for justice in resource distribution, the norms that regulate social reproduction and gender relations[39]. The political ethic of care seems most suited to the task. It makes explicit the conditions for both a just and caring institution and it also provides for democratic decision making.

[39] The Ministerial Committee on Rural Education (2005) also motivated that interventions intended to improve the quality of rural schooling must have broad, expansive aims. Its list of aims includes:

- investing in human rights and social justice as a prerequisite to improving living conditions;
- developing partnerships with civil society organisations;
- addressing gender inequalities;
- promoting well being, healthy and safe lifestyles;
- ensuring consistency with government's rural development strategy whereby access to economic activities is expanded in order to reduce poverty;
- investing in infrastructure and human capital and preparing rural people for employment outside the field of primary agricultural production by building knowledge and skills capacity;
- making state institutions responsive to poor people;
- monitoring and evaluation of key indicators of activity

Conclusion

I was warned by the staff at one of the boarding schools I visited that I was unlikely to find women in the households on farms I intended to visit as part of my research. They would probably be working on the farms. (In part, the invisibility of mothers aligned with the boarding school's version of parental neglect.) In fact, in every house we visited the following day, women were there. Women's presence often gets missed in political theory and even in the justifications for boarding schools there is little or no attempt to account for the impact of policy on mothers / parents. A model for boarding schools must be concerned with correcting this gender-blindness.

So it is finally that I have come in this chapter to feminist theories as a means of better anchoring boarding schools. They have the pedigree of analysing the repercussions of social reproduction and recognising the interconnections and complex relationships, responsibilities and obligations between adults, children and the state. Feminist theories have also unravelled the untenable distinction between public and private spheres – a space that applies in particular to boarding schools.

This chapter contrasted the boarding school as an institutional model of justice with a model of care. Care theorists offer a potentially fruitful analysis of the boarding school policy because the care of children is traditionally associated as a feminised role. One route to amending the failure of political theory to seriously account for human dependency and the gendered-specific allocation of care has been to develop a notion of care as a corrective to a sole reliance on justice. Parenting is often inconsistent, unfair and irregular and may still be loving and effective. Care Theory therefore suggests a way of recognizing and elevating women's disregarded role in child care. But it does so by romanticizing maternalism. Moreover, Care Theory's tight association with the domestic sphere makes its relevance to public institutions questionable. Care does not translate well into institutions where unrelated people may have little motivation for their jobs other than wages.

If Care Theory seems to essentialise gender roles, a model based on the theory of justice does little to put a face to care-givers. Hostels are no more than a means for allocating inanimate resources and so the traditionally feminized role of care goes unacknowledged. Justice

cannot explain how ‘care’ is distributed. As a result, despite the theory of justice’s concern with equality and with the fair allotment of goods, it falls short in recognizing the additional emotional input necessary in caring for children. Hostels without care would be barren institutions.

Both justice and care are therefore lacking in areas – but together the concepts help provide a clear purpose for boarding schools. The boarding school does not have to sit in an uncomfortable space between school - and its commitment to justice – and a child welfare facility – and its commitment to care. The concepts can be conjoined – the one making up for the gaps in the other. Together, care and justice give the boarding school a unique purpose that crosses the needs of children and parents (and in particular mothers). Children receive the benefits of accessing quality schools and living in a caring environment. Their parents are relieved of many of the burdens and costs of childcare but within a democratic framework, they still hold decision making powers over how the boarding school is run.

The political ethic of care therefore offers a strong justification for hostels. These cannot be institutions of child rescue. They cannot merely be a technical exercise in which the state works out how to look after children as efficiently and effectively as it can. Boarding schools remind us that caring for children is the responsibility of society as a whole.

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Appendix: Interview instruments

Department of Basic Education officials

1. Why did you decide to rationalize the farm schools?
2. Please explain the criteria for deciding which children get moved into the boarding schools.
3. What procedures did you follow? Who (which organizations) did you consult (about the hostelling of learners)?
4. How did you communicate to parents about the closure of the farm school and the hostelling of the learners?
5. Is there a governing body for the hostels? If so, how is it made up? How often do they meet? What are their roles and responsibilities?
6. How is the day-to-day management of the hostels determined? Who makes the rules in the hostel?
7. Was any cognizance taken of the children's home culture when determining the rules, day-to-day routine of the hostel?
8. How often do the children go home? How is this determined?
9. Do you contact the parents of the children? How often? What reasons do you have to contact them?
10. How are the hostels funded?
11. What costs do the parents have to cover?
12. Are the hostels inspected by the provincial department? Who does the inspections? How often are visits conducted? What specifically do inspectors look for? (Can I get a copy of the inspection protocol?)
13. Have you had complaints about the hostels? Please provide details: who has complained and what issues were raised? Alternatively, have you received praise for the hostels? Please provide details.
14. Do you think the hostelling policy has been a success? Why / why not?
15. How would you improve the hostels?

Hostel officials

1. Tell me about the work you do in the hostel.

2. What are the rules of the hostel? Who determines the rules?
3. Is there a governing body? Who sits on the governing body? How often do they meet? What are their roles and responsibilities?
4. Does the provincial department do inspections of the hostel? How often are you visited by the provincial department? What kinds of things do they look for?

5. What is the daily / weekly routine in the hostel? (Do you have a timetable?)
6. What is on the hostel menu? Are there children with specific diets that need to be catered for?
7. Is there homework supervision? Are you able to provide sufficient support for school work?
8. What happens when a child falls ill?
9. What do the children do over weekends? (Are religious and / or cultural activities catered for? Explain)
10. How often do the children go home? Do the children get homesick?
11. What do you do when a child seems depressed or unhappy?
12. Do the children have trouble adjusting to hostel life? Are there particular children who struggle more than others?
13. Is bullying a problem? How do you deal with cases of bullying?
14. Is sexual harassment a problem? How do you manage such cases?

15. What infringements are punished? How is punishment meted out?

16. Would you say the children are happy here? Why / why not?
17. Do you think you are able to give the children sufficient care and support? Please explain.

18. Do you contact the parents of the children? How often do you contact them? What do you contact them about?
19. Do parents visit the hostel? What are their impressions?
20. Do parents contact you if they have concerns? If so, what kinds of things do they raise with you?

21. What do you think needs to be done to improve the hostel (if anything)?

Parent interview questions

Autobiography

1. Can you tell me a bit more about yourself: background, religion, beliefs?

Household profile

2. How many children do you have (by age and grade)? Which schools do they go to?
3. Do you receive the Child Support Grant?

The Farm School

4. Tell me about the farm school. Did you think it was a good or bad school? Can you explain?
5. Were you involved in the school? How?

Procedures in rationalising farm schools and the hostelling of learners

6. How were you told about the closure of the farm school?
7. How were you told that your child would be moved to a boarding school
8. Did you go see the boarding school before your child was moved there? Was it arranged by the DBE? How did you get there? Who showed you around the hostel? Did you ask questions?
9. Were you asked to give consent for your child to move to the boarding school? How did you give consent (verbally or signing a form)?

The hostel

10. Are you happy with the conditions in the boarding school? What do you like about the boarding school? Is there anything you do not like? (Prompt: food; accommodation; level of care; homework supervision; discipline; language; religion; sports and cultural activities).
11. How much do you have to pay for school? How much do you have to pay for the boarding school? (What costs are there?)
12. How do you feel about your child being in a boarding school?
13. How do you find out about your child's progress in school?
14. Does the boarding school contact you? How often do they contact you? What reasons do they have to get in touch with you? (prompt: behavioural issues, illness, feedback?)
15. Have you ever contacted the boarding school? What do you contact them about?
16. Do you ever visit the boarding school?
17. Have you ever complained about the boarding school? Who did you complain to? What were you concerned about?
18. How often does your child come home from boarding school? Would you like him/her to come home more often? How often?
19. Are you able to contact your child while they are away? How often do you speak to them?
20. What do your children do when they are home? Do they help you in the house? Do they help with farm work?
21. Do you know of any children who stopped going to school because the farm school closed down?
22. What would you say to other parents whose children will be going to boarding schools for the first time?
23. Would you prefer your child to go to a school where he/she comes home every day? Can you explain why.
24. What are your wishes for your child's future?