



INCLUSIVE SOCIETY INSTITUTE

Op-ed

AKADEMIA DOES NOT NEED PERMISSION TO BE AFRIKAANS

By Daryl Swanepoel

The debate over Akademia's new Afrikaans university campus has taken an unfortunate turn. One former higher education minister has questioned the establishment of such an institution, while a prominent political figure has gone further, arguing that the project should not be allowed to proceed. Their interventions raise a broader question: is an Afrikaans-medium independent university compatible with the constitutional character of post-apartheid South Africa?

There is nothing wrong with questioning Akademia. No institution in a constitutional democracy is beyond scrutiny, and language, race and education cannot be divorced from our history. But history cannot be invoked to make the Constitution say something it does not say.

Section 29 deals expressly with education. Section 29(2) recognises the right to receive education in an official language of choice in public educational institutions where reasonably practicable. In doing so, the state must consider equity, practicability and redress, as well as reasonable educational alternatives, "including single medium institutions."

The Constitution therefore expressly recognises single-medium education. An Afrikaans institution can teach in Afrikaans, just as an isiZulu institution could teach in isiZulu or an English institution in English.

But Akademia is not a public university. Section 29(3) is therefore more directly relevant. It gives everyone the right to establish and maintain, "at their own expense", independent educational institutions, subject to three conditions: they may not discriminate on the basis of race; they must be registered with the state; and their standards may not be inferior to comparable public institutions.

That is the constitutional bargain.

There is no fourth condition requiring an independent institution to be multilingual, nor does the Constitution withdraw this right because the chosen language happens to be Afrikaans. Sections 30 and 31 further protect linguistic and cultural rights and the ability of communities to maintain associations and other organs of civil society. The Constitution does not require cultural and linguistic uniformity. It creates space for difference.

But that is only half the argument.

If Akademia claims the constitutional protection afforded to an Afrikaans linguistic institution, it must be equally clear that language, not race, is the principle around which it organises itself. Its admissions policies and practices must therefore be unequivocally non-racial. An Afrikaans-speaking Coloured student must enjoy precisely the same opportunity to study there as a white Afrikaans-speaking

student. The same must apply to black, Indian or other South Africans who are proficient in Afrikaans and willing and able to study through Afrikaans.

Akademia may require students to function academically in its chosen medium of instruction. It may not use race, directly or indirectly, as a barrier to admission.

But simply saying that it does not discriminate is not enough. If Akademia wants South Africans to distinguish between an Afrikaans institution and a white institution, it should actively demonstrate the difference.

Its commitment to racial inclusivity should not be hidden in the fine print of an admissions policy. It should be evident in how Akademia describes itself, whom it recruits, where it recruits and whom it publicly welcomes into its academic community.

The test is not merely whether Akademia would admit an Afrikaans-speaking Coloured, black or Indian student who applies. It is whether Akademia actively wants those students to apply.

That means recruiting across the full Afrikaans-speaking community. Afrikaans-speaking Coloured South Africans are an obvious and substantial part of that community. Nor should black or Indian South Africans proficient in Afrikaans regard Akademia as an institution intended for somebody else.

There is a practical reason too. The white Afrikaans-speaking population is declining and will represent a progressively smaller potential student pool. An institution that effectively conceives of its natural constituency as white Afrikaans speakers risks building itself into a demographic cul-de-sac. Akademia's sustainable future cannot lie in becoming a university for white Afrikaans speakers. It must lie in becoming an Afrikaans university for Afrikaans speakers, irrespective of race.

Indeed, Akademia cannot reasonably object when critics conflate Afrikaans with whiteness if its own recruitment and institutional culture do too little to demonstrate the distinction. Those who defend its constitutional right to exist should also be prepared to hold it to account.

The same principle, however, applies to its critics.

For years, Afrikaans-speaking South Africans concerned about the diminishing place of Afrikaans at public universities have been told, with considerable constitutional justification, that public universities belong to the broader population and cannot be preserved as the cultural property of one linguistic community.

Fair enough.

But what happens when Afrikaans speakers accept that and, instead of demanding that the state provide them with an Afrikaans university, pool their own resources, acquire land, build a campus and establish an independent university? That is essentially what is happening with Akademia.

It cannot simultaneously be argued that Afrikaans speakers may not expect the state to preserve an Afrikaans public university and that they may not establish one with their own resources. Otherwise, what remains of the right contained in section 29(3)?

Constitutional rights do not depend on political approval. Rather, that is the point of having them.

A religious community may establish an independent educational institution shaped by its ethos; a linguistic community may organise itself around the preservation and development of its language.

All remain subject to the Constitution and the law. The test cannot change because the community exercising those rights happens to be Afrikaans-speaking.

South Africa also desperately needs investment in education, skills, research and infrastructure. If private citizens invest substantial resources in additional higher-education capacity, the response should be to ensure compliance with the Constitution, the law and proper academic standards, not to object to the institution because one dislikes its linguistic character.

Afrikaans was undoubtedly used by the apartheid state as an instrument of power and exclusion. That history must be acknowledged. But the democratic Constitution did not respond by outlawing Afrikaans identity or Afrikaans institutions. It did something more sophisticated: it prohibited racial discrimination while protecting linguistic and cultural freedom. That distinction should guide both sides.

To Akademia's critics: an Afrikaans-medium institution is not, by virtue of its language, racially exclusive, and constitutional rights cannot be denied simply because Afrikaans carries a difficult history.

To Akademia: if you ask South Africans to distinguish Afrikaans identity from racial identity, your admissions policies, recruitment practices and institutional culture must make that distinction unmistakable.

Akademia must obey the Constitution. So must its critics.

South Africa fought hard to establish a constitutional democracy in which diversity did not have to be eliminated to achieve equality. Our national motto, !ke e: /xarra //ke - "Diverse People Unite" - captures that ideal. It does not require South Africans to surrender their differences in order to belong. We should be mature enough to distinguish between racial exclusion, which the Constitution prohibits, and linguistic association, which it protects.

The challenge for Akademia is to prove, openly and continuously, that it understands the difference too.

That is not a defence of the past. It is a defence of the constitutional future South Africans collectively chose.

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