



The vexed question of race-based admission to medical school

Sixty-two years after the much reviled and now repealed Population Registration Act of 1950 was enacted, and 18 years into our new non-racial democracy, it continues to haunt South African public life. The Act classified South Africans into 'race' categories, thus creating the framework for the differentiated allocation of opportunity and privilege, and resulted in severe inequalities between the white elite and the black underclass. The historical inequalities continue to manifest themselves in all aspects of daily living such as housing, health, wealth, employment, skills, assets, education and more. Democratic South Africa has chosen to redress these inequalities through 'affirmative action', a concept that is perhaps best expressed in the Afrikaans equivalent of *regstellende aksie*. It was US President John F Kennedy who coined the phrase 'affirmative action' back in 1961. But it fell to his successor, Lyndon B Johnson, to implement the concept, declaring that 'We seek ... not just equality as a right and a theory, but equality as a fact and as a result.' Since that time five decades ago, affirmative action has found wide application in all spheres of life in the USA, including preferential admission to university of African Americans, Hispanics and Native Americans.

The objectives of affirmative action in South Africa are noble enough: to redress past 'race'-based deprivations, promote equity, broaden access by all in previously racially exclusive terrains, and foster diversity and normalisation of the demographic profile in socio-economic spaces and institutions previously demarcated as the exclusive domains of the erstwhile socio-political elite. However, to implement this remedy, South Africa has resuscitated the 'race' categories of the Population Registration Act as markers of historical disadvantage and as indicators of progress in redressing disadvantage. At every turn, South Africans are therefore required to declare their 'race' by ticking the appropriate box, and in government circles, transformation has been reduced to 'race'-based statistics calculations. In this setting, historically white universities have felt pressured – in order to retain credibility in the eyes of the government and the public – to implement 'race'-based admission criteria and procedures that set quotas and apportion preferential admission to black students, including those who do not meet the same matriculation scores as their white counterparts.

This essentialist approach to transformation, which has long been a subject of vigorous debate in the USA, has now also come under increasing scrutiny and critique in South Africa. The University of Cape Town (UCT) has confronted the conundrum head-on, continually interrogating its admissions policies beginning 'with a debate in 2007 that takes place around the "justness" and the appropriateness of using "race" as a factor in determining appointments in the University and in its student admission policies'.¹ It can be argued that the crude modality of using 'race'-based bean-counting to determine disadvantage was necessary to shake the established order out of its complacency, given that 'racial prejudice did not evaporate [with the democratic transition] in 1994',² and taking into account the natural inclination for people and institutions to resist change. But, as the Hall Report to the UCT Senate observes, '... as South African society continues to normalise, the use of race as a proxy for disadvantage will become increasingly inappropriate [and therefore] the admissions policies must be continually improved and reviewed'.³

The open-ended use of apartheid 'race' categories as a way to achieve transformation is problematic and ultimately self-defeating. It

perpetuates and institutionalises apartheid 'group think' and identity, and promotes division by linking benefit – or the withholding thereof – to membership of a group rather than to the disadvantage it seeks to redress. Thus, 'Instead of thinking whether a given "Black" is disadvantaged, one focuses only on the fact that he is "Black"'.² It aggravates tensions and promotes resentments among the constructed 'race' groups,⁴ something that is evident in the succession of court challenges in the USA contesting exclusion from admission to university based on 'race'. It stigmatises members of the group that stands to benefit from affirmative action. Recently, a fierce opponent of President Barack Obama condescendingly queried whether the US president had been a beneficiary of affirmative admission to his alma mater, Harvard Law School (he was not). The list of negatives is endless. While affirmative action may result in significant individual benefit, it is not clear – at least in the USA, where the practice has been in place for five decades – that it contributes in measurable ways to the upliftment of communities.

The question, then, is not about the propriety of historically privileged universities embracing admission policies that provide for the targeted intake of disadvantaged students. This goes without saying. The issue is about the criteria of disadvantage, which this editorial argues should not be based on apartheid 'race' categories or on one's skin colour, but rather on a set of criteria that more closely measure disadvantage, are universally applicable and are sustainable over time even as the configuration of the country's socio-economic demographics changes over time. The aim, according to Erasmus, should be to 'shatter the lens of race so that what lives behind race can be revealed in order to disrupt underlying structures of privilege, rather than tinker with or compensate for their outcomes'.⁵

By virtue of our country's history, black people will continue to constitute the majority of the disadvantaged demographic. Equally, and even as we speak, many black students at our universities were born after 1994, and come from comfortable to wealthy and well-educated parental households. As UCT student Sethu Tshabalala told a Cape Town newspaper recently, 'People are not just the colour of their skin. The measure for disadvantage should encapsulate a number of things. A black girl from the rural areas and a black girl from a private school in Sandton have not really been afforded the same opportunities.'

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