Challenging the Gates: Religious Freedom and Access in South Africa's Theology Faculties

Jonas Sello Thinane[1*]

[1] University of South Africa (UNISA), College of Human Sciences (CHS), Research Institute for Theology and Religion (RITR), South Africa; e-mail: thinajs@unisa.ac.za

[*] Correspondence

Abstract: The location, acceptance, and tolerance of religious education in public spaces have been fiercely debated since South Africa's democratic transition in 1994. As a result, South Africa's constitution now guarantees religious freedom in all public places, including educational institutions. The primary question is, however, how much do these public universities' theological and religious faculties guarantee that all religious or faith traditions have equal access to their curricula? Simply put, this article examines the theological and religious education programs at universities such as the University of the Free State (UFS), North-West University (NWU), Stellenbosch University (SU), and University of Pretoria (UP) and asks whether they promote justice to the extent that they incorporate all faith traditions into their curricula. Given this, the paper posits that the majority of religious communities are not sufficiently represented in the curricula of South African public universities' theological and religious faculties. It then advocates, as a practical measure, the establishment of the theological-religious ombudsman to guarantee that students of all faiths have equitable access to theological and religious curricula at South African public universities.

Keywords: Curriculum; Public University; Religion; South Africa; Theology; Unjust.

Abstrak: Lokasi, penerimaan, dan toleransi pendidikan agama di ruang publik telah diperdebatkan dengan sengit sejak transisi demokrasi Afrika Selatan pada tahun 1994. Hasilnya, konstitusi Afrika Selatan kini menjamin kebebasan beragama di semua tempat umum, termasuk institusi pendidikan. Namun, pertanyaan utamanya adalah, seberapa jauh fakultas teologi dan agama di universitas-universitas negeri ini menjamin bahwa semua aliran kepercayaan dan agama memiliki akses yang sama terhadap kurikulum mereka? Secara sederhana, artikel ini mengkaji program-program pendidikan teologi dan agama di universitas-universitas seperti University of the Free State (UFS), North-West University (NWU), Stellenbosch University (SU), dan University of Pretoria (UP), dan menanyakan apakah mereka mempromosikan keadilan sejauh mereka memasukkan semua tradisi agama ke dalam kurikulum mereka. Mengingat hal ini, makalah ini menyatakan bahwa mayoritas komunitas agama tidak cukup terwakili dalam kurikulum fakultas teologi dan agama di universitas-universitas negeri di Afrika Selatan. Makalah ini kemudian mengadvokasi, sebagai langkah praktis, pembentukan ombudsman teologis-agama untuk menjamin bahwa mahasiswa dari semua agama memiliki akses yang adil terhadap kurikulum teologi dan agama di universitas-universitas negeri Afrika Selatan.

Kata Kunci: Kurikulum; Universitas Negeri; Agama; Afrika Selatan; Teologi; Ketidakadilan.

1. Introduction

Generations of human societies have surely recognised religion's crucial role in providing a moral compass, social virtues, and a comprehensive ethical framework related to or reflecting the ultimate meaning and purpose of human life (Fagan, 1996; Palomino, 2018). Correspondingly, the relevance and importance of religious/faith communities for human societies' development have been recognised equally (Flood, 2012; Radcliffe-Brown, 1945, pp. 33–43; Van Ness, 1999, pp. 15–26). On the contrary, the manifestation or embodiment of religious predispositions in public has always been a source of

controversy (Ferrari & Pastorelli, 2012; Herbert, 2017), leading to calls for separation of state and religion (Bilchitz & Williams, 2012, pp. 146–175; Fox, 2006, pp. 537–569). Correspondingly, the status of theological/religious faculties in public universities has remained problematic for some time, as it borders on the oft-cited doctrine of separating state and religious institutions. The issue is complex and nuanced, reasonably requiring a balance between the role of religion in society and the importance of theological/religious faculties in public universities. In this paper, theology, and religion are first paired as theology/religion to give equal consideration to faculties of theology, theology and religion, and faculties of religion or religious studies. These designations are used differently where such faculties exist in public universities in South Africa. Still, all refer to the science of God about the universe in general, or as Buitendag (2019) would put it in layman's language, that these institutions embark together on a journey to understand the notion of God about the world and its realities (Buitendag, 2019, p. 3).

Theological/religious faculties at several universities, such as the University of the Free State (UFS)[1], North-West University (NWU)[2], Stellenbosch University (SU)[3], and the University of Pretoria (UP)[4] continue to give greater attention to Reformed denominations, excluding all other denominations in South Africa. A simple search for the word Reformed[5] these universities' documents yield more results than a search for any other denominations, such as Catholic, Presbyterian, Methodist, or Baptist, to name a few (Du Toit, 2009; UFS Theology and Religion, 2022, p. 14). In addition to these universities, all other theological/religious faculties/departments within public universities continue to glorify Christianity except for all other religions such as Judaism, Islam, Hinduism, and more, particularly the African Traditional Religion (ATR). A basic search for the word Christianity in the regulations or programs of the universities yields results, while the search for other religions is usually unsuccessful. In addition, these university websites mainly show Christian religious symbols such as the cross[6], commentaries[7], and the Bible[8], excluding other religious symbols.

Section 15 of the Constitution provides that any religious exercise conducted in a government-sponsored facility should be on an equitable basis (RSA Constitution, 1996, p. 1249), the South African Charter of Religious Rights and Freedoms (SACRRF) stated firmly that: 'Every educational institution may adopt a particular religious or other ethos, as long as it is observed in an equitable, free, voluntary and non-discriminatory way, and with due regard to the rights of minorities' (SACRRF, 2010, p. 12). Minority religious organizations and Christian denominations are both left out of university curricula in South Africa, suggesting that there may be some unequal access to theological and religious studies in public universities. This paper generally challenges the reality that in a country like South Africa, where no single denomination predominates, where African Traditional Religions (ATR) and African Initiated Churches (AIC) are counted among the major denominations (Chidester & Al, 1997; Masondo, 2014), but years after the collapse of the apartheid era, public university's theological/religious faculties still struggle to reflect such demographics in their curricula.

With the background mentioned above, this paper relies upon a literature search to problematise unequal access to theology/religious faculties within public universities in South Africa. First, the inherent role of religion in a society like South Africa is discussed. Second, it will examine religious freedom in relation to the right to education. Third, the role of universities is briefly discussed to outline the importance of theological/religious faculties in advocating for fair access to higher education. Finally, it recommends the establishment of a theological/religious ombudsman to investigate and ensure that theological/religious faculties provide fair access to the curriculum for all religious organizations and denominations in South Africa.

---

[1] See https://www.ufs.ac.za/theology - University of the Free State (UFS) Theology and Religion

[2] See https://theology.nwu.ac.za/ - North-West University (NWU) Theology

[3] See http://www.sun.ac.za/english/faculty/theology - Stellenbosch University (SU) Theology

[4] See https://www.up.ac.za/faculty-of-theology-and-religion - University of Pretoria (UP) Theology and Religion

[5] See https://www.up.ac.za/faculty-of-theology-and-religion/article/33458/kuratorium-van-die-ng-kerk

[6] See https://urcsa.net/ - SU – Cross display

[7] See https://www.ufs.ac.za/theology - UFS - Commentary display

[8] See https://www.facebook.com/NWUTheology/ - NWU – Bible display

2.   The Role of Religion

Religion has been widely studied, and many substantive and functional definitions of what constitutes a religion have been put forward throughout human history (Comstock, 1984, pp. 499–517; Dobbelaere, 2011, pp. 191–204). However, attempts to define religion fall into the trap of being too broad or too narrow to exclude important elements (Beyers, 2010, pp. 1–7). That being the case, it can be said that all attempts to define religion have sought to describe it in a way that encompasses the whole spiritual nature of human beings concerning the existence of God, the unknown powers, and spiritual superbeings (Bruce, 2011, pp. 107–119). Broadly in line with the wide-ranging purpose of this paper, religion is here defined as a somewhat profound conviction in the realism of spiritual life (Ellwood, 1913, p. 293).

Just as democratic governments cannot be dismissed merely for their corrupt appearance, the importance of religion in societies cannot be dismissed merely for their corrupt appearance, and the same is true even for the study of religion at any level of education. Nonetheless, religious education is not allowed to be a part of the national curriculum in South Africa, at least as far as state-controlled public schools are concerned. It is seen as the obligation of local religious organisations, families, parents, and establishments other than state-run public schools. In this case, even though some academics have ardently supported the study of religion, even going so far as to note that religion and culture are inextricably linked and serve as the foundation for any societal identity (Beyers, 2017, pp. 1–8). Since it is considered to be the shared experience of the majority of members of society, and since spirituality or religion is a significant component of culture, religion, in this sense, symbolises or characterises social identity. While religion is arguably important even in elementary school, its importance may even be greater in universities. This fact occurred because semi-adult populations predominate in higher education institutions like universities, in contrast to basic education institutions. As if to corroborate this analysis, Maistry and Thakrar (2012) observed that most students feel that their spirituality or religiosity has to be considered in a balanced education (Maistry & Thakrar, 2012, p. 71). These views reverberate Delanty (2001), who argued that universities should be treated as flexible societal platforms to reflect the mediation between knowledge as science and culture. In other words, universities must equally produce knowledge from science and culture (Delanty, 2001, p. 151). Accordingly, any university dedicated only to science to the exclusion of culture offers fragmented knowledge to the society it seeks to produce. Therefore, universities must always find ways to integrate both into their curricula without letting the other dominate in any way. Delanty (2001) puts it more straightforwardly that: 'the university, as a producer and transformer of knowledge as science and of knowledge as culture, cannot be reduced to either science or culture for it is an institution that mediates' (Delanty, 2001, p. 151). In a country like South Africa, where religion plays an important part in the everyday lives of its citizens, it is therefore not possible for any public university to continue teaching and learning without including religion in its curricula.

Accordingly, the importance or place of religion in any society, but especially in South African society, is central or forms the central stage of the discourse of this paper. If anything, the complex history of religion or its administration in South Africa has taught that some can use religion as a powerful weapon to divide or, at the same time, unite societies (Mhlauli, Salani, & Mokotedi, 2015, pp. 203–209). Therefore, based on the above characteristics, it can be argued that although attempts or trends towards the secularization of education in general or higher education, in particular, may seem fashionable, most South Africans, in particular, remain instinctively religious and, therefore, it will be a blunder to separate spirituality from intellectual life. Any university serious about its importance to the people of South Africa should include religion as an important cultural element in its curricula.

3.   Freedom of religion

The place of religion in the life of the public university remains a matter of paramount importance. It is even more important that public universities demonstrate a much deeper understanding of religious freedom in all their programs rather than showing a propensity to suppress it for whatever

reasons. In fact, from time immemorial, scholars have recognised public university platforms as an important place to reflect the freedom of religious experience among students (Blakeman, 1930, pp. 326–331; Shedd, 1941, p. 408). In accordance with Article 18 of the Universal Declaration of Human Rights, as in many other countries around the world, Section 15 of the Bill of Rights as enshrined in the Constitution of South Africa, Section 15 (1) recognises that everyone has the right to freedom of thought, conscience, and religion (Bilchitz & de Freitas, 2012, pp. 141–145; Lindkvist, 2013, pp. 429–444; UDHR, 2015, p. 38). Contrary to apartheid's Christian National Education (CNE) policy which sought to indoctrinate the whole nation in accordance with Christian views or ideals (Dean & Sieborger, 1995, pp. 32–38; Heyningen, 1990, pp. 50–56), the democratic South Africa embraces a plethora of religions or religious pluralism (Kumar, 2006, pp. 273–293; Omar, 2002, pp. 219–224), including but not limited to Christianity, to which the majority of its population profess allegiance, African traditional religions, Judaism, Islam and Hinduism (Fessha & Dessalegn, 2021, pp. 1–10; Schoeman, 2017, pp. 1–7). As might be expected, religious diversity characterised by differing doctrinal opinions can inevitably create certain religious tensions, particularly when religious communities or practitioners exercise the freedom to manifest their religion through multiple religious acts such as worship, teaching, and observance (Mestry, 2006, pp. 57–68). An immediate challenge for such a society will be giving all religions a fair public platform without favouring one another. In other words, it has become important for countries like South Africa to establish strict conditions to regulate or strike a reasonable and objective balance in the manifestations of religious freedoms by different religions or their practitioners in the public spheres, including public education settings like universities. This section attempts to briefly put into proper conceptual perspective the meaning of religious freedom in the context of public schools in general and public universities in South Africa. This policy will inherently set the course for how religious freedom is to be interpreted and implemented in public universities in South Africa.

Simply put, religious freedom means that a religious person or community has the right to assert their religious identity freely in public space. It means that such a person or community is permitted to think, dress, express themselves, and even act by their religious beliefs in public. In South Africa, as in many other democratic countries across the world, this is done to accommodate the diversity of all religions within its borders and to deepen the democratic values of its citizens. Du Plessis (2014) commented that: 'South Africa thus favours both a religiously inclusive conception of the public sphere and a plural conception of the public sphere' (G. A. du Plessis, 2014, p. 99). With such an understanding, the right to religious freedom is granted equally to all learners in elementary and secondary public schools and all students in public universities. The premise of this approach is that university students, regardless of their inclination towards complex secular studies, remain inherently religious and are always confronted with many religious identities that they will also encounter in their future work environment. Actually, scholars like Shedd (1941) had rightly characterised them (university students) as good breeding grounds for planting and cultivating religious truths that constitute their common social and cultural heritage (Shedd, 1941, p. 408). Similarly, Denson and Bowman (2013) concluded that the university's diversity experience is important in initiating or preparing students for a global society where they are expected to interact or form relationships with diverse peers (Denson & Bowman, 2013, pp. 555–570). Suppose a person takes part in a discussion in which words like Islamic extremism, Sharia law are used without having the slightest idea what is meant, simply because university curricula have denied them the opportunity to learn about world religions as if a proper understanding of such religions was always readily available. It can then be argued that public universities are a much better place to diversely model religious freedom and education, both in practice and curricula, than state institutions, including public elementary and secondary schools.

Extending the previous argument, one could contend that the right to freedom of religion is violated when theology or religious education is lacking in a public university, as in many South African universities. These universities include the University of the Witwatersrand (Wits) in the Gauteng province, the Central University of Technology (CUT) in the Free State, the University of Limpopo (UL), the Sol Plaatje University (SPU) in the Northern Cape, and numerous other public universities. Regardless of desired academic specialisations, the total lack of religious instruction at

public universities amounts to discrimination and a disdain for the freedom of religion guaranteed by the Constitution. In fact, it can be argued that any public institution that is somewhat hostile towards theology/religious education inadvertently shows a preference for those who believe in no religion at the expense of the masses who believe in religion. Likewise, if it is found that public universities with theological-religious faculties who provide sectarian instruction or do not in any way provide equal access to the curricula of all society religions as it is suspected with several public universities like the University of the Free State (UFS), Stellenbosch University (SU) in the Western Cape, University of Pretoria (UP) in the Gauteng Province, University of Kwazulu-Natal (UKZN), the University of Fort Hare (UFH) in the Eastern Cape, and possibly many other public universities, such behaviour is to be declared unconstitutional as it fundamentally undermines the religious freedom of the affected group of religious communities or students.

4.   The Right to Education

According to Article 26 of the Universal Declaration of Human Rights, every human being has the right to freely access education from elementary to higher education (McCowan, 2010, pp. 509–525; Tomasevski, 2001, pp. 5–43). It states: 'It shall promote understanding, tolerance, and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace' (Right to Education Initiative, 2019, p. 47). What is underscored in the right to education is the correct recognition that every person must be exposed to meaningful educational programs designed to affect such person's knowledge or skills to enable him or her to participate freely in society, in which, among other things, understanding, tolerance, and ethics are part of the social contract. It also presupposes that this right should give equal consideration to religious and secular citizens (RSA Constitution, 1996, p. 1257). When properly interpreted, this right is closely related to the right to freedom of thought, belief, and religion. In line with the global world, the right to education in South Africa extends to primary, secondary, and higher education without distinction (Mubangizi, 2015, pp. 496–514; Russell, Sirota, & Ahmed, 2019, pp. 1–27). It means the state must ensure that education in its entirety is equally accessible to all members of society, regardless of their race, culture, age, and even their religion or beliefs. In other words, the state is constitutionally obliged to exercise its authority to ensure that education at a primary, secondary, or higher education level remains inclusive to all members of society.

Accordingly, the right to education, like the right to freedom of religion, is a fundamental human right to which every citizen is entitled without discrimination. Nevertheless, education remains central as its primary purpose is to educate members of society about the very human rights they wish to espouse. For example, members of society must first have access to education to respect, interpret, and even understand what is meant by the right to freedom of thought, conscience, and religion. In fact, South Africa's National Policy on Religion and Education provides that public institutions must teach a religion or belief in accordance with the aspirations of the society in which that institution is located. It states: 'Public institutions have a responsibility to teach about religion and religions in ways that reflect a profound appreciation of the spiritual, non-material aspects of life' (Dreyer, 2007, pp. 40–58; RSA National Policy, 2003, p. 4). Actually, not so long ago, scholars such as Katz (1966) recognised that public universities in various societies are obligated to ensure academic freedom by providing religious education in a manner consistent with the highest academic standards universities seek to achieve (Katz, 1966, p. 297). Perhaps to allay the likelihood of public universities claiming to be unable, financially or otherwise, to provide religious education to certain religious groups, the South African Charter of Religious Rights and Freedoms (SACRRF) states categorically: 'The state may subsidise such education, training and instruction' (SACRRF, 2010, p. 12). It undoubtedly gives public universities leeway to either apply directly to the state for funding or to go to court and institute legal proceedings against the state for such funding. Therefore, public universities have no reasons whatsoever to deny or exclude religious education from their curriculum, and for that, it can be argued that those public universities that do not offer religious education in whole or in part inherently violate the right to education of the very students they wish to educate. On the contrary, every public university in South

Africa must first include religious education in its curriculum and ensure that this education reflects the religious demographics of local societies and is delivered in a manner inspired by the highest academic standards.

As the above constitutional aspirations demonstrate, public universities have theological/religious faculties. It is against the above-outlined background that this section attempts to describe the constitutional right to education in relation to theological/religious education in public universities or higher education curricula. Then it can be argued that if universities are supposed to support societies in the creation, absorption, advancement, and dissemination of knowledge through research and teaching, the exclusion of denominations by theological/religious faculties at public universities is merely absurd for lack of better words. The conclusion that can be drawn from such a situation is that while certain elite theological/religious communities reap the benefits of advances in research, minorities or other religious communities are left out in the cold.

Universities in South Africa must become welcoming to serve and respect the diverse religious identity of societies where they find themselves. Conversely, it is not suitable for a public university not to assume or show the identity of the society in which it is located. Concerning religious identity, for example, the Theology/Religious Faculty of the University of the Free State (UFS) must design a demographically oriented curriculum so that no single religious community based in the Free State is discriminated against. The department can then do the same for the Study of Religions at the University of Cape Town (UCT), the School of Religion at the University of KwaZulu-Natal (UKZN), the Faculty of Theology and Religion at the University of Pretoria (UP) and all other public universities in the respective provinces of South Africa. The foreseeable challenge of space or capacity to accommodate all faith communities can always be mitigated by increased adoption of flexible or blended learning. In any case, a minor exclusion of a local faith community from the university's theological-religious curriculum must be seen as a cross-contradiction to the aspirations of the South African constitution.

5.   The Role of Universities in Society

A considerable body of literature contains research dedicated to exploring the importance of higher learning institutions such as universities. Additionally, several studies have explored the role of universities in societies. In South Africa, Scholars such as Maistry and Thakrar (2012) underlined that universities are to play an active role in the transformation agenda following the apartheid era. They stated: 'Universities are now required to contribute to the socio-economic development of communities and to promote students' social and civic responsibilities through community engagement' (Maistry & Thakrar, 2012, p. 58). Similarly, Harkavy (2006) described university role in relation to a democratic society and referred to the core mission of the university, namely the obligation to educate students to be creative, caring, constructive, and democratic citizens in or for a democratic society (Harkavy, 2006, p. 5), qualified by Delanty (2001), who had also argued that the university space must always be characterised by a form of ideological democracy reflecting the inherent tension between national culture and cosmopolitanism, modernity and tradition, religion and secularism, particularism and universalism, knowledge and democracy, culture and power (Delanty, 2001, p. 150). These sit comfortably with the views of Laurillard (2002), who characterised local societies as learning societies that could benefit from university knowledge and further emphasised that such university knowledge should be largely owned by local context and not represent the outlooks of some imported knowledge (Laurillard, 2002, p. 136). In this sense, any ideological contradiction clandestinely or openly espoused by society must be communicated democratically through university teaching and research. To put it more bluntly, in a situation where a society struggles to find a balance between religion and secularism, universities exist to first point out such a contradiction and, secondly, help such a society overcome such contradictions. When a society like South Africa faces differing religious ideologies, universities are there to democratically highlight those differences and even help the society constructively master the art of living together regardless of ideologies through teaching and research.

6.   Theology/religious education at a public University

Absurdly, certain groups of churches, particularly the divided so-called family of Reformed Churches, which comprises the Dutch Reformed Church (DRC – mainly White), Dutch Reformed Church in Africa (DRCA – mainly Black), Uniting Reformed Church of Southern Africa (URCSA – Blacks and Coloureds), Reformed Church in Africa (RCA – mainly Indians) and Reformed Mission Church (DRMC) (Kritzinger, 2013, pp. 1–13; Modise, 2016, pp. 30–53; Smith, 2013, pp. 315–331). This family of churches, which is predominately led by their mother church (DRC-White), improperly maintained control of pre-1994 theological and religious faculties under colonial and apartheid administration, and they continue to rule public university spaces to the exclusion of other faith traditions. Despite recent protests to decolonise education in general and theology/religious education in particular (Dreyer, 2017, pp. 1–7; Knoetze, 2021, pp. 1–15; Nell, 2021, pp. 1–7) or to disentangle it from the legacy of apartheid as it were (Loubser, 1996, pp. 321–337). Largely, these protests were fuelled by student's anger directed at the lack of transformation in education since the demise of colonisation and apartheid. They believed the curricula were somewhat divorced from their experiences and local community identities. They further felt that the instructional policies, assessment strategies, examples used in university courses, and the general culture of the universities are all somehow designed to protect the culture of white students while remaining inferior to that of black students (P. Du Plessis, 2021, pp. 54–69).

Analogous to the observation made by the author of this paper as a theology student at the University of the Free State (UFS) in recent years (2011-2017), Nell (2021) points out that between 2000 and 2010, the theological faculty at Stellenbosch University (SU) was almost 95% dominated by white students from the Reformed tradition, even though he claims that is no longer the case (Nell, 2021, p. 2). Similarly, Tshaka (2014) advances the same observation by mentioning that theological hegemony in South Africa is largely cloaked in a Reformed identity. It is somewhat odd that in a country like South Africa, where African-initiated churches (AIC) such as the Zion Christian Church (ZCC), Apostolic Churches, and Pentecostal/Charismatic Churches are reported to be on the leading line, however, University's Theology/religious curricula hardly ever display such demographics.

Another important point to mention here concerns some public universities in South Africa that have somehow chosen not to include theology/religious education in their curricula or are sensible enough to at least recognise its value in student life for whatever purpose. In particular, there seems to be a dismissal of logic in the decision to admit faculties of law, education, health sciences, agricultural sciences, and many other faculties that embrace human methods to the exclusion of the one institution that presupposes the existence of a supreme being in accordance with the sacred identity of the students they wish to train. It is contrary to Article 7 of the South African Charter of Religious Rights and Freedoms (SACRRF) call for in stating that: 'Every person has the right to be educated or to educate their children, or have them educated, in accordance with their religious or philosophical convictions' (Coertzen, 2014, p. 130; SACRRF, 2010, p. 12). Thus, on this basis, one can argue that such universities contradict the religious realities of the very societies in which they are located and treat students from such societies as irreligious individuals who are seldom exposed to their religiosity or expected to wear them down like morning sleepers. Questionably, such universities seem inclined to reduce the professed reality of a supreme being to a dead concept, refusing to offer courses that reflect the reality that most people belong to the societies in which they reside and remain deeply religious. When public universities abandon theology/religious education or delegate it to religious organizations such as churches and mosques, they infringe on society's religious freedom and the right to quality education. Consequently, it is argued that all members of Universities South Africa, a total of 26 public universities spread across all nine provinces to be specific, are duty-bound to give space to theology/religious education consistent with the undeterred religious identity and aspirations of the societies in which they are based.

7. Theological/Religious Ombudsman

The unnecessarily unbalanced representation of faith communities in state-aided theological-religious universities can and should be addressed as a matter of urgency. Unfair admission of faith

communities is widespread in South Africa as there is no single mechanism to address this adequately and to ensure equal access to theological/religious education in public universities. To this end, this paper recommends the institutionalisation of the Office of the Ombudsman as a means for the South African Government to ensure that universities live up to constitutional aspirations or carry out their constitutional mandate fairly and equitably. Such an office must be capacitated to investigate, test, and even promote non-discriminatory criteria universities can use to ensure a balanced representation of faith communities in theological-religious faculties. In addition, on rare occasions and when necessary, such a body must also be able to refer cases of discriminatory practices by universities or theology/religious faculties to the competent courts.

Several scholars such as Abedin (2011), Bizjack (1998), Cheng (1968), and Gregory and Giddings (2000) have written extensively on the institution of the ombudsman and its advantages or benefits to countries of the world, particularly countries with new democracies. South Africa, as one of the countries that appear to be struggling to deepen democracy (Tapscott, 2006, pp. 1–7), does not, as might be expected, overlook the importance of institutions such as the Ombudsman (Ayeni, 1997, pp. 543–563; Rudolph, 1983, pp. 92–109). As if to direct the importance of the Ombudsman to South Africa as one of the countries dealing with inherited social problems, Abedin (2011) recited Bizjack (1998), who argued that every thinking person must be in support of institutions that are formed to be mediators between ordinary people and institutions (Abedin, 2011, p. 902; Bizjack, 1998, p. 58), on the other hand, scholars such as Gregory and Giddings (2000) have written excellent books with descriptive titles such as 'Righting Wrongs', deliberately alluding to the importance and role of the ombudsman in society. The greatest and notable advantage of the Ombudsman institution is that it is mainly one of the most flexible systems that operates independently to conduct investigations (Abedin, 2011, pp. 900–901). Although this office is normally instituted for civil affairs, its flexibility allows it to be utilised even in other societal affairs, such as religious affairs. As if support this view, Cheng (1968) indicated that this system is flexible enough to be used by countries to promote administrative efficiency and as a bridge between government and people (Cheng, 1968, p. 20). Harmoniously, Abedin (2011) stated: 'In a nutshell, his or her primary goals and objectives are to redress or amend public grievances and to protect and defend human rights in a broad sense of the term' (Abedin, 2011, p. 900).

Although the Office of the Theological/Religious Ombudsman can be just as helpful in religious matters and complaints in general, this paper recommends it as an appropriate office to transparently monitor theological/religious faculties in public universities, identify unfair curricula, and ensure equitable access to such faculties in public universities. Of course, this office will not seek to substitute the position of existing broad institutions such as the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities (CRL Rights Commission), which in section 185 of the constitution is primarily tasked with monitoring the realization of religious entitlements guaranteed in section 31 of the constitution (RSA Constitution, 1996, pp. 1257, 1331). Still, it will only focus on how public universities administer theology/religious education. But even if this were not the case, the mere fact that theological-religious faculties within public universities arguably appear not to comply with constitutional aspirations or may have violated the religious rights of ordinary citizens reinforces the desire to set up such a flexible institution. The continued lack of such an authoritative body gives public universities exceedingly extensive powers to freely not recognise or suppress the constitutional religious and educational liberties of particular students belonging to a somewhat marginalised religious community. Because it is possible that some members of society often do not know where or to whom to complain about religious matters, it could just as easily act as a competent body or guardian of the religious citizens to consult freely with interested parties, to refer or escalate cases to the proper bodies. To lighten its workload and ensure its efficiency in society, it should have agencies in the form of single or commission of ombudspersons at both national and provincial levels.

In conclusion, it is important to emphasise that this office will not oversee and regulate religious communities. Its purpose is to effectively monitor, expeditiously investigate, and consultatively regulate the fairness of religious representation in the curricula of university theological/religious

faculties. It allows public universities to formally demonstrate that they have made reasonable efforts to incorporate all theological/religious traditions into their curriculum rather than merely claiming to have done so without formal due diligence or checks and balances. Consequently, this process should correctly result in a certificate of compliance, notice of maladministration, or pronouncement of unfairness.

8.   Conclusion

This paper drew on the literature review to address the unequal access of theological/religious faculties to public universities in South Africa. First, it discussed the inherent role of religion in a society like South Africa. Second, it examined religious freedom in relation to the right to education. Thirdly, it found that the majority of religious minorities do not have equal access to the theological and religious programs' curricula at the nation's public universities. The paper's initial conclusion is that even though religious freedom is still a right that is guaranteed by the constitution, many South African public universities do not offer religious education. Even at public universities that offer theological and religious instruction, the main conclusion demonstrates that there is unequal curriculum access concerning the representation of religious communities. The constitutional requirement that these South African public universities provide equal access to theology and religious education for all religious organisations and denominations is thus not met by these universities. A theological/religious ombudsman office was suggested as a remedy to look into and guarantee that the curriculum is equally accessible to all South African religious organizations. Consequently, further investigation is needed to ascertain the details concerning all South African public universities, especially those that provide theology and religious studies.

References

Abedin, N. (2011). Conceptual and functional diversity of the ombudsman institution: A classification. *Administration \& Society*, *43*(8), 896–929. https://doi.org/10.1177/0095399711417700

Ayeni, V. O. (1997). Evolution of and prospects for the ombudsman in Southern Africa. *International Review of Administrative Sciences*, *63*(4), 543–563. https://doi.org/10.1177/002085239706300407

Beyers, J. (2010). What is religion? An African understanding. *HTS Theological Studies*, *66*(1), 1–8. https://doi.org/10.4102/hts.v66i1.341

Beyers, J. (2017). Religion and culture: Revisiting a close relative. *HTS Theological Studies*, *73*(1), 1–9. https://doi.org/10.4102/hts.v73i1.3864

Bilchitz, D., & de Freitas, S. (2012). Introduction: The Right to Freedom of Religion in South Africa and Related Challenges. *South African Journal on Human Rights*, *28*(2), 141–145. https://doi.org/10.1080/19962126.2012.11865040

Bilchitz, D., & Williams, A. (2012). Religion and the public sphere: Towards a model that positively recognises diversity. *South African Journal on Human Rights*, *28*(2), 146–175. https://doi.org/10.1080/19962126.2012.11865041

Bizjack, I. (1998). The role and experience of an ombudsman in a new democracy. In L. C. Reif (Ed.), *The International Ombudsman Yearbook* (pp. 57–62). The Hague, Netherlands: Kluwer Law International. https://doi.org/10.1163/9789004632530_004

Blakeman, E. W. (1930). Religion at State Universities. *Religious Education*, *25*(4), 326–331. https://doi.org/10.1080/0034408300250409

Bruce, S. (2011). Defining religion: a practical response. *International Review of Sociology*, *21*(1), 107–120. https://doi.org/10.1080/03906701.2011.544190

Buitendag, J. (2019). What is so theological about a faculty of theology at a public university? Athens - Berlin - Pretoria. *HTS Theological Studies*, *75*(4), 1–8. https://doi.org/10.4102/hts.v75i4.5488

Cheng, H. Y. (1968). The emergence and spread of the Ombudsman institution. *The Annals of the American Academy of Political and Social Science*, *377*(1), 20–30. https://doi.org/10.1177/000271626837700103

Chidester, D., & Al, E. (1997). *African traditional religion in South Africa: an annotated bibliography*. Westport, Connecticut; London: Greenwood Press. https://doi.org/10.5040/9798400608216

Coertzen, P. (2014). Constitution, Charter and religions in South Africa. *African Human Rights Law Journal*, *14*(1), 126–141.

Comstock, W. R. (1984). Toward Open Definitions of Religion. *Journal of the American Academy of Religion*, *52*(3),

499–517. https://doi.org/10.1093/jaarel/52.3.499

Dean, J., & Sieborger, R. (1995). After apartheid: the outlook for history. *Teaching History*, (79), 32–38.

Delanty, G. (2001). The University in the knowledge society. *Organization*, *8*(2), 149–153. https://doi.org/10.1177/1350508401082002

Denson, N., & Bowman, N. (2013). University diversity and preparation for a global society: the role of diversity in shaping intergroup attitudes and civic outcomes. *Studies in Higher Education*, *38*(4), 555–570. https://doi.org/10.1080/03075079.2011.584971

Dobbelaere, K. (2011). The contextualization of definitions of religion. *International Review of Sociology*, *21*(1), 191–204. https://doi.org/10.1080/03906701.2011.544199

Dreyer, J. S. (2007). The National Policy on Religion and Education in South Africa: Reflections from a Public Practical Theology. *Practical Theology in South Africa*, *22*(2), 40–50.

Dreyer, J. S. (2017). Practical theology and the call for the decolonisation of higher education in South Africa: Reflections and proposals. *HTS Theological Studies*, *73*(4), 1–7. https://doi.org/10.4102/hts.v73i4.4805

du Plessis, G. A. (2014). Religious freedom, reasonable accommodation and the protection of the conscience of learners in South African public schools. *International Journal for Religious Freedom (IJRF)*, *7*(1/2), 97–112. https://doi.org/10.10520/EJC176850

Du Toit, P. R. (2009). The Dutch Reformed Church and the Faculty of Theology at the University of Pretoria. *Verbum et Ecclesia*, *30*(3). https://doi.org/10.4102/ve.v30i3.263

Ellwood, C. A. (1913). The Social Function of Religion. *American Journal of Sociology*, *19*(3), 289–307. https://doi.org/10.1086/212254

Fagan, P. (1996). *Why religion matters: The impact of religious practice on social stability*. Retrieved from https://www.heritage.org/civil-society/report/why-religion-matters-the-impact-religious-practice-social-stability

Ferrari, S., & Pastorelli, S. (Eds.). (2012). *Religion in Public Spaces: A European Perspective*. London, England: Ashgate Publishing.

Fessha, Y. T., & Dessalegn, B. (2021). Freedom of religion and minority rights in South Africa. *Religions*, *12*(10), 1–10. https://doi.org/10.3390/rel12100901

Flood, G. (2012). *The importance of religion: Meaning and action in our strange world*. Wiley-Blackwell.

Fox, J. (2006). World separation of religion and state into the 21st century. *Comparative Political Studies*, *39*(5), 537–569. https://doi.org/10.1177/0010414005276310

Gregory, R., & Giddings, P. (Eds.). (2000). *Righting wrongs: The ombudsman in six continents*.

Harkavy, I. (2006). The role of universities in advancing citizenship and social justice in the 21st century. *Education, Citizenship and Social Justice*, *1*(1), 5–37. https://doi.org/10.1177/1746197906060711

Herbert, D. (2017). *Religion and civil society: Rethinking public religion in the contemporary world*. Routledge. https://doi.org/10.4324/9781315244822

Heyningen, C. Van. (1990). *Christian National Education* (pp. 50–56). pp. 50–56. Potchefstroom University for Christian Higher Education. Retrieved from https://disa.ukzn.ac.za/sites/default/files/pdf_files/asapr60.9.pdf

Katz, W. G. (1966). Religious Studies in State Universities. *Wisconsin Law Review*, *1*(2), 297–305.

Knoetze, J. (2021). Decolonising or africanisation of the theological curriculum: A critical reflection. *Scriptura*, *120*(1), 1–15. https://doi.org/10.7833/120-1-1874

Kritzinger, K. (2013). The role of the Dutch Reformed Mission Church and the Dutch Reformed Church in Africa in the struggle for justice in South Africa, 1986-1990. *Org.Za*, *39*(2). Retrieved from http://www.scielo.org.za/pdf/she/v39n2/12.pdf

Kumar, P. P. (2006). Religious Pluralism and Religion Education in South Africa. *Method \& Theory in the Study of Religion*, *18*(3), 273–293. https://doi.org/10.1163/157006806778553534

Laurillard, D. (2002). Rethinking Teaching for the Knowledge Society. *EDUCAUSE Review*, *37*(1), 133–156.

Lindkvist, L. (2013). The politics of article 18: Religious liberty in the universal declaration of human rights. *Humanity an International Journal of Human Rights Humanitarianism and Development*, *4*(3), 429–447. https://doi.org/10.1353/hum.2013.0023

Loubser, J. A. (1996). Apartheid theology: A "contextual" theology gone wrong? *A Journal of Church and State*, *38*(2), 321–337. https://doi.org/10.1093/jcs/38.2.321

Maistry, M., & Thakrar, J. (2012). Educating students for effective community engagement: student perspectives on curriculum imperatives for universities in South Africa. *South African Review of Sociology*, *43*(2), 58–75. https://doi.org/10.1080/21528586.2012.694243

Masondo, S. T. (2014). The African indigenous churches' spiritual resources for democracy and social cohesion. *Verbum et Ecclesia*, *35*(3). https://doi.org/10.4102/ve.v35i3.1341

McCowan, T. (2010). Reframing the universal right to education. *Comparative Education*, *46*(4), 509–525. https://doi.org/10.1080/03050068.2010.519482

Mestry, R. (2006). The Constitutional Right to Freedom of Religion in South African primary schools. *Australia \& New Zealand Journal of Law \& Education*, *12*(2), 57–68.

Mhlauli, M. B., Salani, E., & Mokotedi, R. (2015). Understanding Apartheid in South Africa through the Racial Contract. *International Journal of Asian Social Science*, *5*(4), 203–209. https://doi.org/10.18488/journal.1/2015.5.4/1.4.203.209

Modise, L. J. (2016). The unification process in the dutch reformed church (drc) family and uniting reformed church in southern Africa (urcsa): The confessional basis of the Belhar Confession. *Studia Historiae Ecclesiasticae*, *42*(2), 30–53. https://doi.org/10.25159/2412-4265/388

Mubangizi, J. C. (2015). Human rights education in South Africa: Whose responsibility is it anyway? *African Human Rights Law Journal*, *15*(2), 496–514. https://doi.org/10.17159/1996-2096/2015/v15n2a13

Nell, I. A. (2021). Decolonising an introductory course in practical theology and missiology: Some tentative reflections on shifting identities. *Transformation in Higher Education*, *6*(1), 1–7. https://doi.org/10.4102/the.v6i0.103

Omar, A. R. (2002). Muslims and Religious Pluralism in Post-Apartheid South Africa. *Journal of Muslim Minority Affairs*, *22*(1), 219–224. https://doi.org/10.1080/13602000220124926

Palomino, R. (2018). *The importance of religion in the development of our societies today and tomorrow*. Retrieved from https://eprints.ucm.es/id/eprint/46057/1/Presentation Rafael Palomino %28sin vínculos notas%29.pdf

Plessis, P. Du. (2021). Decolonisation of education in South Africa: Challenges to decolonise the university curriculum. *South African Journal of Higher Education*, *35*(1), 54–69. https://doi.org/10.20853/35-1-4426

Radcliffe-Brown, A. R. (1945). Religion and Society. *The Journal of the Royal Anthropological Institute of Great Britain and Ireland*, *75*(1/2), 33–43. https://doi.org/10.2307/2844278

Right to Education Initiative. (2019). *Right to Education Handbook*. London: United Nations Educational, Scientific and Cultural Organization. Retrieved from https://www.right-to-education.org/sites/right-to-education.org/files/resource-attachments/RTE-UnitedNESCO_Right to education handbook_2019_En.pdf

RSA Constitution. (1996). *The Constitution of the Republic of South Africa, 1996: to introduce a new constitution for the Republic of South Africa and to provide for matters incidental thereto*. Pretoria: Gov. Printer.

RSA National Policy. (2003). National Policy on Religion and Education. Retrieved January 23, 2023, from Government Gazette website: https://www.dhet.gov.za/Legal and Legislative Services/National Policy on Religion in Education (GG25459, Notice 1307) Amended.pdf

Rudolph, H. (1983). The ombudsman and South Africa. *South African Law Journal*, *100*(1), 92–109.

Russell, S. G., Sirota, S. L., & Ahmed, A. K. (2019). Human rights education in South Africa: Ideological shifts and curricular reforms. *Comparative Education Review*, *63*(1), 1–27. https://doi.org/10.1086/701100

SACRRF. (2010). The South African Charter of Religious Rights and Freedoms. Retrieved January 6, 2023, from SACRRF website: https://www.strasbourgconsortium.org/content/blurb/files/South African Charter.pdf

Schoeman, W. J. (2017). South African religious demography: The 2013 General Household Survey. *HTS Theological Studies*, *73*(2), 1–7. https://doi.org/10.4102/hts.v73i2.3837

Shedd, C. P. (1941). Religion in State Universities. *The Journal of Higher Education*, *12*(8), 408–417. https://doi.org/10.1080/00221546.1941.11773210

Smith, N. J. (2013). The relevance of unity to the future development of the Dutch Reformed Church in South Africa. *Scriptura*, *83*(0), 315–331. https://doi.org/10.7833/83-0-888

Tapscott, C. (2006). *The challenges of deepening democracy in post-apartheid South Africa*. Retrieved from https://web.archive.org/web/20170811114905id_/http://lorc.ryukoku.ac.jp/phase1/docs/prof_tapscott_060707.pdf

Tomasevski, K. (2001). *Human rights obligations: Making education available, accessible, Acceptable and adaptable*. Retrieved from www.right-to-education.org

Tshaka, R. S. (2014). On being African and Reformed? Towards an African Reformed theology enthused by an interlocution of those on the margins of society. *HTS Theological Studies*, *70*(1), 1–7. https://doi.org/10.4102/hts.v70i1.2070

UDHR. (2015). *Universal Declaration of Human Rights*. United Nations. Retrieved from https://www.un.org/en/udhrbook/pdf/udhr_booklet_en_web.pdf

UFS Theology and Religion. (2022). *Theology and Religion: Rulebook 2022*. University of the Free State (UFS). Retrieved from https://apps.ufs.ac.za/dl/yearbooks/390_yearbook_eng.pdf

Van Ness, P. H. (1999). Religion and Public Health. *Journal of Religion and Health*, *38*(1), 15–26. https://doi.org/10.1023/A:1022959731396