

Academic Freedom, Institutional Autonomy, and Responsible Action: A Response to Martin Hall

Yusef Waghid

Stellenbosch University

Abstract

Martin Hall's essay does offer us a way to make better sense of some of the conceptual and pragmatic links between academic freedom and institutional autonomy in relation to higher education. His analysis of the classic and contextual views of the two concepts also gives us some pathways according to which we could begin to re-imagine conceptions of academic freedom and institutional autonomy constitutive of our own institutions. What I find surprising is his seemingly uncritical treatment of prominent theoretical positions on which he bases his main claims, which leaves his arguments somewhat truncated. In this response I raise some of the issues which I find troubling and also extend existing arguments in defence of academic freedom and institutional autonomy by making a case for responsible action.

I

Firstly, in elucidating the 'classic' view of academic freedom and institutional autonomy – considered as indissoluble – Hall draws on the thoughts of John Higgins, who claims that higher education fulfils a utilitarian purpose dictated by economic labour-market imperatives. This neo-liberal agenda of higher education as enunciated in the Higher Education Act of 1997, Higgins argues, has contributed to the current crisis of intellectual life in the academy, namely, the inability of higher education institutions 'to preserve the conditions necessary for free thought and expression' (Higgins as cited in Hall, 2006: 2). If Higgins is correct, as Hall claims, in the sense that such an impoverished view of academic freedom is incommensurate with the task of the university in achieving critical and participatory democracy, then I want to pose the question whether this is in fact so. Put differently, does the idea of a market-driven or entrepreneurial university with its emphasis on performativity necessarily erode the task of the university to achieve 'critical and participatory democracy'? Or, does the university necessarily abandon critical and deliberative engagement if it is dictated to by a neo-liberal agenda?

My contention is that the university does not have to relinquish its pursuit of criticality and democratic participation if ‘steered by the requirements of the labour market’. Why not? Elsewhere (Waghid, 2001: 455) I have made an argument for achieving democracy in a sphere of marketisation, if higher education is considered as a public good that allows space for the development of relations of trust, individual autonomy and democratic dialogue. Similarly, even if the university needs to develop human capital for global competitiveness and the establishment of a democratic citizenry (which are neo-liberal concerns), then higher education institutions need to restructure according to an organizational discourse which resonates with the ‘language of inclusion, social cohesion and increased participation’ (Avis, 2000: 196). For instance, when a faculty has to develop an academic programme which aims to prepare students for participation in a global economy and a democratic society, I cannot imagine how this can be done without the deliberative engagement of academic staff, as well as giving consideration to students’ voices.

II

Secondly, when Hall articulates the ‘contextual’ view of academic freedom and institutional autonomy, he relies on André du Toit’s decoupling of the two ‘distinct’ concepts. For du Toit, the state has a legitimate interest in the internal affairs of the university, such as expecting the university to contribute towards economic development and social justice – that is, to carry out its civic responsibility, on the one hand. In this way, institutional autonomy does not seem absolute, which would entail institutions doing what they want to do without being accountable to the state. On the other hand, the university remains free in a republican sense: that is, academics (and students) have a ‘duty to speak their mind freely and honestly, without fear of consequences’ (du Toit in Hall, 2006: 3). What troubles me is Hall’s apparently uncritical treatment of du Toit’s ‘republican’ philosophy on freedom of speech. Why? In the first instance, freedom of speech cannot be unconditional – referred to by Hall as ‘without fear of consequences’.

To use the same mind experiment that Hall does: if a lecturer teaches that members of the university community of a race different to her or his own are genetically inferior and are therefore not qualified to take part in the lecturer’s class, then permitting unhindered freedom of speech does not seem appropriate – Hall would agree with me here. In other words, following Amy Gutmann (2003: 200), the right to free and unconstrained expression ends

when injustice to others begins. One can no longer lay claim to being *responsible* if one advocates a particular point of view that cannot be separated from advocating the exclusion of certain individuals – that is, discriminating invidiously against others (particularly those individuals in society most vulnerable and who lack the same expressive freedom as those who are excluding them) on grounds such as gender, race, sexual orientation, ethnicity and religion. For me, the idea of republican freedom is seriously compromised if a lecturer continues to express him/herself with unhindered freedom, making unsubstantiated claims about some students with the aim of excluding them from classes – all in the name of academic freedom. Hall would agree with this view, as is evident from his understanding of the republican notion of free public speech which is not ‘antithetical to notions of social accountability’ – what I would call responsible action (Hall, 2006: 4).

III

Thirdly, Hall’s own work in collaboration with Ashley Symes cogently advances an argument for ‘conditional autonomy’ – that is, the university does not have absolute autonomy but rather ‘conditional autonomy’. This view is particularly refreshing, because it recognises the procedural role of the state in ensuring the effective use of public funds and the substantive rights of the university to academic freedom in teaching and research. And I agree with Hall that such a view of ‘conditional autonomy’ could potentially minimise state control or interference in the academic domain of higher education institutions. In his words, ‘conditional autonomy recognises the role of the state in steering the system and its outcomes through procedural controls, while respecting the autonomy of individual institutions in the substantive fields of their intellectual work’ (Hall & Symes in Hall, 2006: 4). This would imply that individual institutions would assert their right to ‘pursue research objectives on their own terms, to interpret their social responsibilities, to determine the content of the curriculum and to think in the manner that they think best ... (while) the democratic state would always have a legitimate, overarching accountability for the disbursement of public funds and for the authentication of academic qualifications’ (Hall, 2006: 5).

I have no qualms about such a view and in fact also recognise ‘conditional autonomy’ as a legitimate basis in framing relationships between the university and state. What I am perhaps concerned about is whether the substantive autonomy institutions are permitted to assert can be unconditional. For instance, during the higher Education Quality Committee (HEQC) MEd Review of 2005 I witnessed the belligerent contestation of the content of academic

programmes on the part of HEQC panellists, which in fact bordered on the verge of academic interference regarding what some universities ‘freely’ decided to offer. But, I would consider such interference justifiably desirable because institutions need to retain rigorous levels of scholarship. What this would mean is that substantive autonomy cannot proceed unaccountably, which in itself makes their autonomy conditional. So, what Hall does not give sufficient attention to in his essay is whether substantive autonomy is unconditional and what ought to be the limits of procedural autonomy exercised by the state.

IV

Finally, Hall (2006: 6) takes issue with the University of Cape Town Academic Freedom Committee’s (AFC) decision to afford ‘those accused of racism a space for action when those feeling aggrieved do not feel they have been provided an effective institutional space’. The point he makes is that academic freedom cannot really be asserted if institutional conditions (culture) allow for discrimination within the university, that is, these conditions do not permit equality among staff, since the university ‘has proposed constraints on those who may use their freedom of speech to allege racism’ (Hall, 2006: 7). I share Hall’s sentiments that those who claim to be subjected to racism should be allowed to speak out without being curtailed. But, at the same time, those accused of racism should have an equal opportunity to defend themselves against such allegations. Only then would the debate on academic freedom in relation to racism not be closed down. Hence, to prevent the closure of debate so vital to an institution’s culture, the AFC cannot unreasonably constrain the claims of those alleged to have been subjected to racism as well as those who want to refute such claims of racism against them.

References

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