

Academic Freedom and Institutional Autonomy in South Africa: Internal and External Threats in the Context of Transformation

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SPEAKER NOTES

Introductory Remarks

1. Introductory statements of appreciation to the Council on Higher Education (CHE) for the invitation to be the lead-speaker at this session; to Prof du Toit for agreeing to serve as discussant—a great privilege considering the enormous work he has done in the area and the sensitivity with which he has approached many of the issues that we will be discussing; and to University of KwaZulu-Natal (UKZN) staff and students for hosting the event.
2. Outline of my discussion:
 - a. In section 1 of the presentation, I will explore briefly the contentious and competing ideas of *academic freedom* on the one hand, and *institutional autonomy*, on the other hand, *sui generis*; the debate in the context of apartheid South Africa, and the challenges in the post-apartheid South Africa. I will explore the dominance of the Lockean premise of much of the liberal discourse of academic freedom and institutional autonomy—which casts the state as the primary source of threat to academic freedom and institutional autonomy. I will contrast this with the much wider understandings of the threat internal and external to the academic community (state, civil society and intra-academic community) and the fundamental issue of intellectual responsibility. The emphasis here is the *dynamic* understanding of rights.
 - b. In section 2, I offer a grounded analysis of the specific South African context in the discussions of academic freedom and institutional autonomy pre- and post-1994, and the extent to which the demand for academic freedom and institutional autonomy coincided with the maintenance of a racist, patriarchal, and an authoritarian civic order within the universities themselves (or the higher education sector). I will argue that it is quite unclear the extent to which the specific texture of academic freedom and institutional autonomy is not essentially about "leave us alone," which raises the question: "... to do what?" Looking at a comparative review of the experience of other countries in the immediate post-colonial situation: it was the small fraction of the expatriate academic staff, who entered the universities when under colonial rule, that often made the loudest demands "to be left alone" in the context of unreformed institutional culture and curriculum. By contrast, some of the most energetic efforts at transforming the inherited colonial institutional culture—converting colonial institutions into national institutions—took place outside of state-directed efforts of 'nationalist' minded intellectual community. We will draw examples from Dakar, Ibadan, and Dar-es-Salaam.

- c. In section 3, I examine the external and internal threats to academic freedom and institutional autonomy in contemporary South Africa. While there have been some concerns about the dangers that some government actions pose to academic freedom and institutional autonomy, I will seek to show that the more compelling threats are in fact internal. A contextual understanding of the challenges that South Africa faces compels us to deconstruct the demand for institutional autonomy in the context of poor records of transformation and equity in precisely the section of the higher education sector where claims for autonomy are loudest. While, in assessing the external threats we tend to focus on the state, the increasing hold of commercial interest on knowledge production and dissemination receives little or no attention, even though it represents a present and grave threat. Much of the problem with the nature of government involvement is defined by contradictory impulses—of 'equity' and 'efficiency'—rather than outright threats to academic freedom and institutional autonomy. The nature of the state is not only about infringement on rights but taking active steps to protect the rights of citizens when these are infringed by other citizens. We will raise here the issue of the perverse manifestations of institutional autonomy in South Africa and other parts of the world.
- d. I end with some notes on facing the future.

Academic Freedom and Institutional Autonomy

1. The Normative Foundations of Academic Freedom and Institutional Autonomy:

- a. Knowledge production and the unexpected directions in the frontiers of findings and idea—inherent in this is the imperative of avoiding externally imposed limits on what may be enquired into and in what direction, within the limits of a collectively agreed upon ethical framework.
- b. Active and free dissemination of knowledge as a vital mechanism for extending the frontiers of knowledge—this includes not only peers but also students and the wider society.
- c. It seeks to protect, *ab initio*, the right “to seek and disseminate the truth” and “not to be penalized for finding and publishing unpopular truths” (Fernando *et al* 1990:8).
- d. Institutional autonomy receives its justification on the basis that there is a need to provide an enabling environment for facilitating unfair abridgment of knowledge production and dissemination.

2. Contentious and Competing Ideas of Academic Freedom and Institutional Autonomy:

- a. **The Liberal Discourse and Academic Freedom and Institutional Autonomy:** Much of the liberal ideas of academic freedom and institutional autonomy derive from a Lockean foundation: academic freedom and institutional autonomy are largely in the negative—‘freedom from...’ much more than ‘freedom to...’ It takes the state as the primary source of threats, and is part of the wider ‘need’ to protect society and citizens against the vagaries of the absolutist state. Often in the formulations, academic freedom

and institutional autonomy are treated as one and the same—guaranteeing institutional autonomy automatically facilitates academic freedom.

The TB Davie formulation involving academic freedom is a strand of this liberal discourse:

- Freedom to select who teaches;
- Those so appointed “teach the truth as they see it”;
- Non-interference in teaching method, non-imposition of “standardisation at the expense of originality”;
- The doors of learning opening to all those who “can show that they are intellectually capable of benefiting” from what is to be taught, and “are morally worthy of entry into the close intimacy of the great brotherhood” that is a university (cf. Higgins 2000).

The DCS Oosthuizen formulation is in similar vein. As du Toit noted, “the TB Davie formulation tends to generate the wrong question: ‘Is the institutional autonomy of the universities under external threat by the state in post-apartheid South Africa?’” (2005:5).

Much of the state-centric (Lockean) notions of defence of academic freedom is apparent in organisations such as the Human Rights Watch.

b. **Beyond Lockean-Liberal Discourse:** collectivity, rights, and responsibility:

- **Lima Declaration/Kampala Declaration:** Both conceive of academic freedom as human right, although specially applicable to the academic community: “Even in its special application to higher education, it encompasses the freedom and right of all sections of the academic community”, which is understood as “all those persons teaching, studying, researching, and working at an institution of higher education”. The “point of departure... is that no freedom can be protected for a section of a community if the rights and freedoms of other sections of the community are unprotected” (Fernando *et al* 2000:9).
- Both the Lima Declaration (1988) and the Kampala Declaration (1990) concurrently insist on the *responsibility of intellectuals* towards society, their students, and their colleagues; recognise the threats of *perverse institutional autonomy*; and the feasibility of threats from within the academia, state, civil society, and corporate/business interests. The responsibility of intellectuals also stretches to the issues of not only censorship from others but *self-censorship*. These were Claude Ake’s (1994) points of departure.
- For our context, therefore, while academic freedom is not conditional, it immediately valorises obligations and responsibility, not as a quid pro quo for the rights but as a mutually inclusive web of social obligations.

Academic Freedom and Institutional Autonomy in the South African Context

1. Liberal Discourse, Scholars, Universities and the Racist Order:

- a. Much of what counts for the TB Davie discourse on academic freedom and institutional autonomy fails the test of the Lima and Kampala Declarations. It suffers from abstracted definition; an “outcome of oppositional discourse” (CHE 2005, Higgins 2000) of predominantly English enclave universities to an ‘Afrikaner State.’ In reality, it co-existed not too dis-comfortably with racialism (cf. Appiah 2001), if not outright racism; sexism, and a feudal mindset in the running of universities and academic departments. When in 1968 University of Cape Town (UCT) denied Archie Mafeje an academic post, it was not as a passive victim of the apartheid state. Similar illustrations abound for University of the Witwatersrand, Rhodes University or University of Natal.
- b. A shared legacy of racism, patriarchy and authoritarian order: Here the case of Rhodes University under the apartheid system may suffice. From Terence Beard to Barry Streek; from Steve Biko to Zubeida Jaffer, what came across was a record of cold complicity in a system of intolerance, racism, and authoritarianism (cf. the *African Sociological Review* 9 (1) for illustrations).

2. Immunity, Academia and Post-apartheid Settlement:

In the transitional period, three key beneficiary/perpetrating institutions of the apartheid order received a virtual amnesty: high capital, the security forces, and the universities; one economic, another the military/political, and the third, the cultural arm of the apartheid/racist order. If we recast, as Mahmood Mamdani (1999) urged us to do, the post-apartheid narrative of change and transformation as not just one between perpetrators and victims but between beneficiaries and victims, then making sense of the challenges of the post-apartheid higher education sector might be easier to comprehend.

External and Internal Threats: Academic Freedom and Institutional Autonomy in a Democratic Context

For the purpose of my discussion, I wish to focus on internal threats to academic freedom, as understood in the context of the Lima and Kampala Declarations. This is not to avoid focusing on the ‘threat’ from the state. My sense is that whatever threats from the state exist are in fact less today than a few years ago. The initial threats had more to do with misplaced ideas of the university in relation to skill procurement for the labour market rather than education; initial efforts at homogeneity in the name of efficiency, and a command and control approach to addressing the crisis of university implosion.

In much of what is considered as the threats of the first eight years of the post-1994 era, the capacity for institutions to negotiate compliance would suggest more of ‘state steering’ than state control. I draw an example of the capacity of a university like Rhodes University to negotiate retention of a discipline-focus formative education structure while others plunged headlong into the programme-based system with the fragmentation of their disciplinary units.

Evidence would suggest that there are significant steps away from these early efforts, and one senses a state that is more baffled and confused about the poor record of transformation in our higher education system than an aggressive and threatening one. I will therefore focus on three dimensions of internal threat, in the context of the Lima and Kampala

Declarations.

1. Unreformed Institutional Culture:

- a. Invocation of institutional autonomy comes across as self-serving, especially in the context of unreformed institutional culture defined by acute intolerance and authoritarianism. Relations remain largely socially incestuous that inscribes the institutions with the markers of insiders and outsiders. A few instances are:
 - i. The Malegapuru Makgoba Affair at University of the Witwatersrand;
 - ii. The Mahmood Mamdani Affair at University of Cape Town; and
 - iii. The Rob Shell Affair at Rhodes University.
- b. In a number of cases, racism and xenophobia remain profoundly inscribed into the institutional cultures. There is persistence of institutional culture steeped in subliminal racism—a seeming sense of unilateral declaration of independence (UDI) that remains hostile to newcomers (cf. du Toit 2000a, 2000b).
- c. Demographic manoeuvre: substituting “designated groups” for “historically disadvantaged” in recruitment policy—perception of this in several universities. Paying lip-service to transformation of faculty.
- d. Fundamentally unreformed curriculum, which while it meets the TB Davie rule violates the right of those who seek learning to be taught in a manner and a medium that acknowledges and affirms their identity—rather than produce schizophrenia among the students—or the responsibility of academia and academics to meet their responsibility to a new society.

Invocation of institutional autonomy, in this context, comes very close to the demands at the University of the Gold Coast in the late 1950s by the expatriate staff “to be left alone”. By contrast, much of the transformative pedagogy and institutional framework of knowledge production and dissemination in the Universities of Dakar (Senegal), Ibadan (Nigeria), and Dar-es-Salaam (Tanzania) involved intellectuals who defined the transformative agenda **when the state was least intrusive**, especially in the case of Ibadan. What emerged out of these in the field of History for instance, were the Dakar School associated with the works of Cheikh Anta Diop, the Ibadan School of History, and the Dar-es-Salaam School of History. (These efforts were not exclusive or ‘nativistic’—they involved both local and international scholars.) In the case of Dar-es-Salaam, it coincided with an element of advocacy by the country’s leader (Julius Nyerere) for the right of academics to dissent. In both Dakar and Dar-es-Salaam, the relationship between the government and student bodies was often conflict-ridden and tense, but academics’ right to dissent was hardly abridged.

The growing crisis of failure of sufficient institutional and curriculum transformation poses grave threats to the higher education sector—not only in the growing restiveness of those who feel hard done by by it but in the increasingly vociferous turn of the debate. While the attempt to make this a race-based or melanin-based discourse is fundamentally wrong, since it falls victim to essentialising people, there would seem to be insufficient appreciation of the depth of the anger and renewed determination that gave rise to initiatives such as the “Native Club”. It is insufficient and inappropriate to lash out at the terminology of “settler intellectuals” credited to Chris Landsberg; rather the question is why, twelve years after 1994, such initiatives are seen as necessary. When one of the organisers of the Native Club conference said “It is time for the natives to write their own stories” the reaction should be one of introspection, not lashing out. The appropriate question should not be “How dare

you?"; it should get us to question the poor record of change in our universities and public intellectual discourse that is giving rise to its anti-thesis.

2. Managerialism, and Corporatisation and Intolerance:

Managerialism, Market Discourse and Academia:

- a. Market discourse and academic work (instances of closure of departments because they are not 'cost-effective');
- b. Wage gap, resource crisis, and the 'executive management'—with negative implications for collegiality;
- c. Replacement of academic leaders with managers. Managerialism, *ipso facto*, tends to destroy the spirit of collegiality and mutual accountability on which scholarship and academia rest;
- d. Growing culture of exclusion, intolerance, and invocation of 'loyalty': reference recent strike action at UKZN and the responses of 'executive managers to complaints or dissent; threats and deployment of power rather than intellect;
- e. Growing intolerance to dissent, no matter how boisterous; if we cannot have dissent in universities, then where? Again, the Makgoba, Mamdani, Shell, and more recently Ashwin Desai cases illustrate this.

3. Culture of Self-Censorship:

A key aspect of the response to the two issues above is the compromise of intellectual responsibility in the pursuit of knowledge and 'the truth' wherever it may lead. Self-censorship as a response to unreformed and authoritarian institutional culture; acquiescence and self-preservation. This was a central issue of concern that the Kampala Declaration sought to address.

4. Corporate Interest, Commercialism and Academic Freedom:

The role of corporate/commercial interests in driving research and the limits imposed on dissemination of research findings. This is as much internal as it is external; internal interlocutors who are themselves beneficiaries mediate its internal impact. Increasing role of proprietary control of the outcome of research in setting up commercial ventures not only compromises relationships among peers but also the attention that teachers pay to student needs vis-à-vis commercial interests.

Invocation of institutional autonomy in the light of the above, as demonstrated in several cases around the world, comes across as perverse.

Facing the Future

- What manner of state intervention or state steering for accelerated reform? When is state intervention made inevitable? When does the state become the protector of rights against internal violation?

Is it justifiable to invoke institutional autonomy when there is gross abuse of position by those in the leadership of a university or when the rights of others in the academic community are abused? What mechanism will be necessary for addressing

such a situation short of state intervention?

- Intellectual responsibility and public accountability: the collective ownership of South Africa and commitment to a joint home.

How do we address the pervasive failure to reform our curricula and institutional culture—which continues to produce the bulk of our scholarship as if we are marooned on the southern tip of Africa? What responsibility do we bear as an academic community in remedying the conditions that seem to have made the Native Club inevitable? How do our institutional culture and curricula match our claims that “we are all Africans” now?