

## **South African Academic Freedom Today**

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During the twentieth century, a particular set of historic circumstances let South Africa develop a particular definition of academic freedom. This paper is premised on the idea that while that definition retains validity and potency, it is insufficient to deal with the principal challenges to academic freedom apt to lie ahead in a democratic dispensation. That classic definition assumes the autonomy of a particular institution as an absolute good and takes as the potential danger the interfering hand of a central state (this despite the fact that in South Africa the state has always been the major source of university funding).

In the apartheid era, English language universities struggled against the state over issues concerning the right to name their own teaching staff and to select their own student body regardless of race. They were at the forefront of taking up academic freedom as a cause; by contrast Afrikaans medium universities were close to the state and manned largely by those who supported its policies. The 'historically black universities' once they were established witnessed opposition to the state which however could easily be assimilated into general and total political opposition to the entire political system rather than focussed on academic freedom more narrowly. The opposition universities may be said to have at first largely based their opposition on party-political and semi-ethnic lines but gradually they moved towards defending the idea of non-racialism as a principle. The state was eager to segregate student bodies and informally described the opposition universities as potential or actual Moscovs on the Hill rife with subversion. As apartheid became an international issue, it was in the interests of these universities to do so: raising academic freedom as an issue mitigated the increasing threat of sanctions, of international isolation which ran completely against their sense of their own history and significance. There was also an assumption in these universities of relatively democratic internal (self-) governance according to established procedural rules which asserted the right to make decisions about issues such as student admissions.

It is argued here that these circumstances have changed and with it the academic freedom issue as well. Obviously one basic change is the end of apartheid and the institution of a democratic government responsible to a majority of voters. Today there is no distinction in hiring or admission practices between universities based on race or other such divisive category. However, I would like to suggest that two other shifts also require attention. First of all, and well before the end of apartheid, South African universities started to become big complex massified institutions inaugurating students into a large array of careers and with a growing majority of students enrolled in courses where 'academic freedom' is unlikely to loom large very frequently. The classic science/humanities/social science curricula which lack a clear vocational outcome attract a diminishing percentage

of the student body. The number of students has grown enormously and the problems in administering to very diverse markets suggest a need to re-think the relevance of academic freedom today.

Secondly, and here I want to focus the rest of my argument, there has been a major shift in university governance through so-called restructuring, a process which was initiated through agreement amongst administrators but never argued through openly or candidly with much enthusiasm in the early post-apartheid years. A characteristic feature of this restructuring has been to take away autonomy from teaching units and create administration-friendly larger units called Schools and the like. Executives have extended their function and faculty boards and Senates have lost effective vitality and power. Today it seems as though Vice-Chancellors have become the most important figures in universities with pay packages that uniquely are beyond discussion. They seem to have become responsible largely to Councils who consist primarily in turn of non-academic representatives, whose interests rarely lie in the academic excellence or international reputation of particular institutions. In my university, the University of KwaZulu-Natal (UKZN), this academic year began with a strike against the Executive on the part of students, workers and teaching staff. This strike lasted all in all over three weeks and it created noticeable élan and optimism amongst the latter group at least just by happening and disrupting a distasteful normality: noticeably academics felt that they were finally being given a genuine say over their conditions of work and able to express their feelings to a disliked Vice-Chancellor. In the words of a colleague which might be taken to heart, the strike would never have happened if the Executive were much weaker and the faculty boards and Senates had the authority and influence that was typical a couple of decades ago.

I would like to point out two examples from my university which to me illustrate the point about where academic freedom issues of today are likely to be found. In neither case do I wish to be seen as an individual supporter of the staff member concerned with regard to personality, although I would consider both as friends. A fair judgment would have to be that both were and are difficult characters who did raise problems for administrators but in both cases I question how the university has chosen to deal with them. The first case to which I would like to refer was that of Prof. Caroline White who was brought to the University of Natal with a great deal of fanfare and special attention at the time when Prof. Brenda Gourlay was Vice-Chancellor. Prof. White was supposed to resuscitate the fortunes of Anthropology, an important subject which was languishing after the retirement of several senior practitioners. One of her principal supporters early on convinced her to join an unlikely and intellectually unneeded School of Psychology and Anthropology by offering to make possible new appointments which a stingy administration would otherwise never have allowed for. However this subsequently created a 'School' where two very different kinds of student bodies were forced to take courses they would otherwise never have opted for.

These were the circumstances which led to very disgruntled Psychology students complaining bitterly about Prof. White, a capable woman who did not suffer fools, as a teacher. I can attest that I have myself taught students who were enrolled in that course

and were so impressed that they changed majors out of Psychology but others were less than happy. Since Prof. White was Head of School no less, this led to complaints being brought to the psychologist Dean above her head. Conflict escalated between Prof. White and the Dean, of which the essence consisted, so far as I could tell from the subsequent proceedings, of him saying this to her and her not appearing at this meeting, etc., etc.—a growing fog of petty resentments of a kind academic life has always known. The point is that the administration thought what was needed was to back authority, i.e. the Dean, and dozens of charges were laid at Prof. White's door. She was cleared of all but four of these as I remember, and minor they were, but the Executive then saw fit to fire her. It is true that she had not quite been around enough to have her appointment confirmed but this seems to me like a detail.

To my horror, when Prof. White brought the matter to the Commission for Conciliation, Mediation and Arbitration (CCMA), it was ruled that, like any middle executive in a corporation, she needed to be disciplined and if required, dismissed, if she could not get along with her "superiors" It underscores the lack of a decent tenure system in South African universities. This was a terrible moment in South African academic history in my view. There is no question that Prof. White was a competent, capable, published scholar in her field. She had already presided over an excellent remake of the Anthropology curriculum and was responsible for a couple of very good appointments ... but what difference did that make to the CCMA which clearly does not recognize classic university procedures as the norm?

I would suggest that this was a very serious matter in which the Gourlay administration violated academic freedom and all of us in the universities lost out, although I have no doubt that Prof. White could be and was a "difficult subject". Firing her was however a completely inappropriate way of dealing with the situation. Getting rid of the useless Schools concept might have been one crucial step towards a better resolution of the problem.

My second example is a more recent one that has been in the newspapers in recent months. This concerns the attempt by the School of Development Studies to offer a research position tied to a specific project to Dr. Ashwin Desai, an applicant for the position. Dr. Desai had by any standards been a difficult figure who had helped to bring about major problems at the University of Durban-Westville (UDW) where he had been employed in past years. In my view he confused an idealized notion of revolutionary change with university struggles that were certainly not going to bring about a revolution of any sort. UDW finally resolved its problems with Dr. Desai by offering him a cash payment to accept resignation and disappear from campus, a decision with which I certainly would not wish to quarrel.

Nobody could possibly blame the Vice-Chancellor Prof. William Makgoba, once he got wind of the intention of a School to bring Dr. Desai to UKZN, for having real concerns. However it is important to note that over the years Dr. Desai's situation in the community has changed very substantially. Over time he had acquired an important reputation in Durban as a journalist and campaigner for the poor. His writings, notably *We Are the*

*Poors*, have been published internationally and he is one of the best-known commentators on South African society today. To declare him unemployable is to put the university in bad odour with many very worthwhile organisations and people.

Moreover, his relationship with the university has changed. The last Vice-Chancellor of UDW effectively forgave him in writing, a matter reported in Durban in the public media. At the University of Natal, Desai had a record of teaching on temporary appointment with no consequent problems at all. Under these circumstances, it would have made most sense for Prof. Makgoba to have accepted the appointment, a very constrained one, with some conditions for which nobody would have blamed him. Instead, he has gone out of his way to try to prevent the appointment of this individual (Desai eventually gave up the attempt as a result). The claim that the ruling of one university that made up the current UKZN still holds was insisted upon in contrast to the usual position taken that we are in a new situation and previous rulings by one component university is irrelevant; the documentation showing that Prof. Saths Cooper had effectively forgiven Desai was deliberately ignored in presentation to Council contrary to an agreement with Desai that this would be done; all stops were pulled to prevent an unwelcome appointment, in effect. While there is more merit here in the administrative case, in my view the result has been very unwise and the methods to obtain it questionable.

In using these two examples, I have deliberately tried to take on the academic freedom issue without reference to race. In the first case, the academic and Vice-Chancellor concerned were both white women and in the second, they were both men of colour. However, I would suggest that the shadowy area of affirmative action and racial preference policies in the sphere of hirings and promotions, etc. in the universities might likely make this an area where academic freedom cases today are most likely to come to the fore.

In addition, while I have tried to make my own position as clear as I can, I would like to suggest that an objective perspective would stress that, whatever you may think in individual cases, the main academic freedom issues today are not particularly likely to reside in direct conflict between the central state and autonomous universities crusading for universal principles; they are far more likely to reside in conflicts within universities and the increasingly authoritarian form of governance that 'restructuring' exercises have imposed on the universities is far more likely to be at the seat of such conflicts. I don't think, coming to a conclusion, that one can hope to root out conflicts—they are endemic in our professional situation; but restoring much of the power (in terms of academic decision-making) to academic teaching units and reducing substantially the power of Councils, Vice-Chancellors and Executives, which really should be interfering very seldom in academic governance issues, would go a long way to creating the right environment in which academic freedom can flourish.