

## **The Practice of Academic Freedom in South Africa**

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This is a very opportune time for the Council on Higher Education (CHE) to investigate the issue of whether institutional autonomy and academic freedom is under threat in South Africa. Xolela Mangcu's departure from the Human Sciences Research Council and Ashwin Desai's troubles with University of KwaZulu-Natal have sparked a national debate on academic freedom and on government's involvement in academic and research institutions. This debate follows one a year or so earlier when Jonathan Jansen accused the Department of Education of undermining institutions' autonomy and academics' freedom through the funding formulae and legislative interventions. However, for this investigation and the debate it inspires to be fruitful, it is necessary that we transcend emotional interaction and deal with the issue as dispassionately as is possible under the circumstances.

At the outset, it is important to identify who we are talking about when we engage in this debate. Who are the alleged violators of academic freedom? Clearly the debate in contemporary South Africa is not the same as that under apartheid. Neither is it the same as in some other parts of the continent and the world where academics are regularly harassed, maimed, jailed and even killed. In these cases, the repressive apparatus of the state violates academics' freedom. Contemporary South Africa is not confronted with such a threat.

But who then are the perpetrators of this crime in contemporary South Africa? If you listen to Jonathan Jansen and many of the institutional managers in the historically white universities, then the alleged violator is the state. But their ire is directed not at the repressive arm of the state, but rather at the institutional bureaucrats at the Department of Education and dare I say, the CHE. For Jansen, these bureaucrats have made severe incursions into institutional autonomy through the funding formulae and the post-apartheid legislative apparatus. The result is not only a violation of the university's autonomy but also of the individual academic's freedom.

But there is a second perpetrator of this crime, namely the institutional bureaucrat. This alleged violator is identified not only by Jansen, but also by Southall and Cobbing, and even by André du Toit. All of these academics speak and write of the corporatisation of the university, the new managerialism and how it undermines the collegiate atmosphere of the academy. This is the essence of du Toit's critique of Jansen. He argues that Jansen is able to conflate institutional autonomy and academic freedom, following T.B. Davie's original formulation, because he sees the threat as external. But once it is recognized as internal as du Toit does, then the conflation in fact becomes dangerous for academic freedom itself. This is because institutional autonomy could land up empowering the institutional bureaucrat rather than the individual academic.

The third alleged violator of academic freedom is seen to be the senior academics themselves. This has not often been recognized in the recent debate, but this argument was made in a provocative article published in the late 1990s in a left wing intellectual journal entitled *Debate*. The article, authored by Ashwin Desai, entitled 'Death of the Intellectual, Birth of the Salesman' effectively tracked the writing of leading Marxist scholars in the 1980s and 1990s, and it argued that their research agenda is no longer determined by themselves, but rather by those who are prepared to buy their research and writing skills, most often either the government or the private sector. Academic freedom in this case is said to be violated by the senior academic's propensity to sell his or her skills to the highest bidder.

I raise this issue not to contest or support any of these perspectives. After all, I think there is at least a kernel of truth in all of these analyses. My purpose in reflecting on these articles is to bring to the fore the variety of stakeholders involved in this debate. Moreover, it is also useful to demonstrate that the divide is not as neat as one may first assume and one needs to conceptualize the debate in much more nuanced terms than may have happened thus far.

It is important to identify the conundrum we confront as the South African academy, and it is the same as that confronted by the rest of the continent in the first decade or two of their own post-colonial transitions. In these societies at the dawn of their transitions, their academies were confronted with higher education institutions largely staffed by expatriates or settlers. Newly trained African intellectuals felt very much marginalized in these institutions. Confronted by this, these newly trained black intellectuals turned to the state to intervene. The settler academics and expatriates raised the banner of institutional autonomy and academic freedom but they were soon overpowered. The problem, however, was that almost as soon as the state entered these institutions, it refused to leave. The irony was that a decade or two later the very academics who had asked the state to intervene convened in Kampala, Uganda, to raise the banner of academic freedom and institutional autonomy - those same demands raised by the expatriate and settler academics of a decade or two earlier.

What are the lessons to be learnt from these experiences? The problem with the debate in South Africa thus far is that it has eerie echoes of that which took place in the continent a decade or two earlier. So Jansen raises the critique of the state's intervention in the university, and the response raised by the Minister of Education, Naledi Pandor, is that intervention is necessary in order to advance the cause of democratization and transformation. In this she is supported by a number of black academics. The debate is of course polarized. On the one hand you have politicians, technocrats, and some black academics, all of whom raise the flag of democratization and transformation. On the other hand, you have institutional managers, the white academy and some black academics, who are the flag bearers of institutional autonomy and academic freedom. Southall and Cobbing would be on this side of the debate, although they would see the institutional managers as the conduit of the state's neo-liberal logic. How to get out of this binary mess, for if we do not, we are doomed to repeat the mistakes and, as a result, experience the consequences of our compatriots to the north of us?

We can begin conceptualizing a way out of this intellectual quagmire with André du Toit's formulation of academic freedom. Du Toit makes a distinction between libertarian and republican conceptions of academic freedom. In the former, it is conceptualized as a negative right, whereas in the latter, the definition is conceptualized in more positive terms. In this more positive conception, academic freedom is seen to be compatible with social accountability. Using this conception we can hold that academic freedom needs to be coupled with transformation if it is to retain any relevance in contemporary South Africa. This position, I believe, would be supported by even Jansen and the more far-sighted institutional bureaucrats and state technocrats.

But I do not think this breakthrough goes far enough. This is because it suffers from the same methodological weaknesses associated with state technocrats and institutional bureaucrats. For these actors, if freedom and autonomy are conceptualized in a progressive way, and if they are codified in a regulatory framework, then somehow this will magically translate into reality. But the African experience shows that this is not the case. Even though the nationalist academics called for an intervention in the language of rights and responsibilities, events on the ground soon overtook them. This is because the contestations on the ground were determined not by abstract conceptions and a framework. Rather they were determined by how power was organized. The state prevailed because power was dispersed in its favour.

So I want to construct a solution beyond the perspective of the state technocrat and institutional bureaucrat. I want to use the lens of the political science academic or even the social activist. I want to start by recognizing that while having a republican conception of freedom is useful, we need to go beyond it. There is an urgent need to reform the higher education system and its practice to realize a dispersal of power. And, it is precisely in the contestation of empowered stakeholders - state technocrats, institutional bureaucrats, academics, students and a variety of other collectives - that institutional autonomy and academic freedom get constructed.

So what are these reforms of the higher education system and academic practice that can lead to this dispersal of power? I have identified four such reforms, two of which facilitate institutional autonomy, which is a necessary but not a sufficient condition for academic freedom, while the remaining two speak directly to the latter right. First, a plurality of stakeholders must be represented in the higher education system. This need not only mean that the higher education system must be representative of our demographics. Of course this is necessary and a path must be charted to achieve this end. But the higher system must also reflect a plurality of ideological voices including those that are intellectual dissidents in our society. It is precisely this demographic and ideological plurality that will legitimize the higher education system, and enhance its credibility vis-à-vis state technocrats and other empowered stakeholders.

Second, the higher education system must have a diversity of income streams supporting its activities. Presently, it is almost entirely reliant on state funding and student fees. While public funding will inevitably comprise a sizable component of the university system, it is important that higher education managers open up other income streams to support their institutions' activities. This would obviously involve

accessing the resources of the private sector, individual benefactors, and domestic and foreign foundations. And, it would require transforming research from an institutional cost to an income stream. There are a number of successful cases, both international and local, where these reforms have been attempted with some success. Lessons need to be learnt from these experiences for multiple funding streams for higher education can only but enhance universities' power vis-à-vis the Department of Education.

Third, institutional cultures that reward scholarship and intellectual productivity need to be built in the higher education system. Currently, a relatively egalitarian tradition in the academy, reflected in fairly equitable remuneration scales within hierarchical bands, tends to undermine the incentives that may inspire research productivity and innovation. Indeed, the problem is even further aggravated by the embarrassing remuneration afforded to members of the academy especially in relation to other professions, organized in both the public and private realms in the country. The net effect is that the brightest minds tend to gravitate away from the academy with dire consequences for not only the higher education system, but also for economic development in South Africa. A system of rewards for scholarship and intellectual productivity reflected in both better remuneration for productive academics, and better financial support for research by public and private stakeholders would go a long way to reforming the system of the incentives in the universities. More significantly however, it will, in addition to attracting great minds to the academy, also enhance their power vis-à-vis institutional bureaucrats who would recognize the value of productive academics because their academic stature and intellectual output would be so instrumental in enhancing resource flows to the university.

Finally, academic entrepreneurialism is something that needs to be encouraged, valued, and even actively built in the higher education system. This is because such entrepreneurialism, meaning the active marketing of the academy, is necessary for translating academic work to the benefit of a variety of stakeholders, including marginalized sections of society. This not only brings greater credibility to the higher education system, but it can also translate into increased resource flows into the university. And, it is precisely academics' involvement in the generation of these benefits for the university that enhances their power vis-à-vis institutional bureaucrats.

Collectively these four reforms then can have the systemic effect of dispersing power to a variety of stakeholders in the higher education system. And, as has been argued earlier, it is in the contestation of these empowered stakeholders that academic freedom and institutional autonomy can be constructed. This recommendation is of course very different from that which seems to implicitly emerge in the existing literature. In this literature, either there is a hope for some distant institutional revolution to recreate the macro-economic fundamentals for a better resourced or even free higher education system, or there is incessant hand-wringing and continuous complaints about the neo-liberal character of our world. Instead, the recommendation advocated by this academic intervention is that institutional autonomy and academic freedom need to be constructed through the contestation of empowered stakeholders, which itself is a product of the messy process of higher education reform and entrepreneurial academic practice.