

Academic Freedom, Institutional Autonomy and the Search for Relevancy in Higher Education in South Africa

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Introduction

For the sake of this discussion, I would like to emphasize the following factors as background statements to this presentation and discussion: First, higher education systems and institutions in different countries are structured in a variety of forms, mixes and have different capacities/interests. The South African higher education system is also characterised by its own distinctive institutional formations, mix and different institutional capacities and interests derived from their colonial and apartheid history and current developmental and transitional challenges/goals. The implication of this consideration is that concepts such as ‘academic freedom’, ‘institutional autonomy’ and ‘accountability’ do not have the same meaning in all countries, educational systems and institutions (du Toit, 2004).

Second, various prominent scholars have already made a number of brilliant contributions to this debate in the past. These include among others, the late Professor Thomas Benjamin Davie, Vice-Chancellor and Principal, University of Cape Town (UCT), 1948-1955, who defined academic freedom as:

our freedom from external interference in (a) *who* shall teach, (b) *what* we teach, (c) *how* we teach, and (d) *whom* we teach (Davie, as cited in Higgins, 2000: 106).

Although other scholars due to its historical generality have questioned his formulation of academic freedom, the formulation has achieved a paradigmatic status in the South African debate on academic freedom and autonomy in higher education. It remained central to the most recent major interventions in the ongoing institutional autonomy debate, such as the one given by Prof Jonathan Jansen in his 2004 UCT T.B. Davie Memorial Lecture, “Accounting for Autonomy”.

Professor Jonathan Jansen, Dean of Education, University of Pretoria defined institutional autonomy as:

the right of institutions to decide for themselves on core academic concerns; and academic freedom to mean the absence of external interference in pursuing these concerns. (Jansen, 2004)

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These important contributions and others (du Toit, 2004; Gillard, 2004; Hoadley, 2004; Higgins, 2000; Higgins, 1999) reflect a diversity of views and concerns from different sectors of South African society with regard to the nature of government involvement in the governance and management of higher education, during and after apartheid, including a concern that the government is moving, or has moved, from 'state steering' to 'state interference'. As 'steering' becomes 'interfering', the intellectual life of the university suffers. There is less experimentation with alternative programmes, and less diversity with respect to research and innovation. The government through various bureaucratic structures decides on what can be taught; which institutions will offer what programmes; who can be taught; how students will be taught; which programmes will be funded at what levels; and can now displace a Vice-Chancellor on the basis of a review and install its own Administrator to run the institution.

On the other side of the debate, the state calls for 'cooperative governance' as being consistent with the country's Constitution, i.e. the government would not be a single agent of transformation, but would have a range of roles and obligations in a variety of coordinated arrangements with other national actors. Other contributors to the debate have argued for institutional autonomy in South Africa in terms of 'conditional' and 'differentiated' autonomy. The former concept emphasizes negotiated limits of state steering and the distinctive roles of state and the higher education sector, while the latter emphasizes differentiated policy and the distinctive nature of the university, within the broad framework of a social contract.

A number of arguments have been advanced to explain and justify the different positions of this debate between state 'steering' and state 'interfering' in higher education. These include among others:

- i) The need to bring state control in post-apartheid higher education in the interests of equity, access and redress.
- ii) The existence of a crisis of governance especially within some of the historically black universities during the early transition (1994-1999), characterized variously by dysfunctional councils, corrupt managers, violent student protests, authoritarian leadership, financial crises, hostage taking and campus occupations by private militias. These challenges posed direct questions of the need for the new democratic government to intervene in the governance of higher education.
- iii) The pressure from external factors, including the challenges of the global economy and technologies. It is argued that there is a 'contemporary capitalist globalisation' of higher education, which has impact on higher education in Africa including South Africa. This includes: corporatization of higher education characterised by the market ideology and managerial notions of efficiency, accountability and relevance; commercialisation of higher education, in which the enterprise culture makes universities more responsive to the needs of the economy and national competitiveness, but erodes some of the broader social purposes of higher education including academic freedom and institutional autonomy; faculty/academics becoming

increasingly divided between those in the marketable disciplines (with higher salaries and benefits) and those in the marginalised disciplines (with growing numbers of part-time and poorly paid academics); commodification of knowledge production (where universities are expected to attract resources from industry and donors as public funds dry up, but at the expense of undue interference and the application of proprietary principles in research); computerisation of education as online education is increasingly promoted, while the benefits for pedagogy and quality may not be properly explored. (Zezeza, 2003)

The above exposition provides a brief a picture of the current concerns and debate on the quest for academic freedom and institutional autonomy and accountability in South Africa. In the following sections I would like to add certain dimensions, which I consider relevant to this debate within South Africa and the continent at large. This is due to the fact that the debate on academic freedom, institutional autonomy and the search for relevancy in higher education is not unique to post-apartheid South Africa. Moreover, it does not only apply to academic staff but university students as well. The latter section of the academic sector tends to be neglected in the debate.

The Contradiction between Academic Freedom and Academic Democracy in Higher Education

Mazrui (1978) shows that throughout the modern phase of its history, the university as an institution in the world has rested on a basic contradiction, i.e. the tension between academic freedom and academic democracy. Academic freedom as defined by Professor Thomas Benjamin Davie (see Higgins, 2000:106) includes within it the right to hold and to express opinions, the right to teach and to be taught without external interference, the right of access to academic knowledge, and the right to participate in expanding the frontiers of knowledge. Academic democracy, on the other hand, concerns the process of decision making within the academic institution, i.e. the distribution of the right to participate in decision making among the different constituencies of the institution.

This tension is not unique to post-independence Africa. Historically, until the eruption of the student revolution in the 1960s there was relatively little academic democracy in Western academic institutions. Western universities provided an atmosphere of free discussion and lively debates; but were also basically hierarchical structures of authority, with institutions which tended to keep out of active power important sectors of opinion in the university. Even academic freedom itself was by no means present from the beginning of the history of Western higher education institutions. This is due to the fact that the history of higher education in these countries was connected at one time with religion and the constraints imposed by religion. Scholarship itself was overwhelmingly towards theological issues, or restrained by theological considerations. For hundreds of years universities in the West were deeply immersed in the religious mythologies of their period.

Academic Freedom and the Search for Social Accountability

At a conference in 1966 to discuss with overseas donors the establishment of the University of East Africa (Tanzania, Kenya and Uganda), the Chancellor of one of the three constituent colleges of the University of East Africa pronounced the two principles which were to guide the development of the new university in post-colonial East Africa. The principles were “relevance and excellence, in that order of priority”. Should there ever be a conflict between those two principles, that particular head of state would rather opt for relevance. According to him, what is relevant, even if it is not excellent, is to be preferred to what is excellent but not relevant. In this context he was concerned with relevance of higher education to national development and national identity (Mazrui, 1978).

During his inaugural lecture at the Association of Commonwealth Universities/Mandela Rhodes Foundation and the African Leadership Award at the University of Cape Town on 4th November 2004, the President of South Africa, Thabo Mbeki, acknowledged academic freedom by saying:

The spirit of the African university is more than the sum total of its outreach projects, now called social responsibility. It includes fully acknowledging and restoring dignity to the self-actualizing activities of teaching, learning, and the search for new knowledge; and recognizing the capacity of the human intellect to liberate through questioning and disputation.

However, at the same lecture he said:

the question is whether our universities, here in South Africa, have sufficiently transformed, not only with regard to the important matter of ensuring that these institutions are representative of all our peoples and cultures, but importantly, on the issue of curriculum content which would simultaneously prepare students adequately for the challenges of the world of modern technology, science and commerce while not losing their identity, their history, their culture and their responsibility to their African countries ...

He went on to say:

Are we able to say, without any hesitation, that these centres are not enclaves of our colonial and apartheid past, but have instead embarked on the important path, ... of decolonising our collective mind?

On the same issue of relevancy of higher education, the Association of African Universities, at its General Conference on 9 February 2001 in Nairobi, issued a *Declaration on the African University in the Third Millennium*. The Association called for “the revitalization of the African university, and for a renewed sense of urgency in acknowledging the crucial role African universities should play in contributing to the

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solution of the many problems facing our continent. African universities should help Africa find solutions to its perennial problems poverty, diseases, and conflicts.”

These concerns from within and outside South Africa are expressions of concerns as to whether the whole concept of modern Western-oriented education is relevant to the African environment. The critiques of Western education in post-independence Africa, including post-apartheid South Africa, argue that modern education in Africa suffers from two acute failings. It is both too foreign and too rationalistic. It is too foreign partly because it has emerged from Western European educational and academic traditions, and partly because a high proportion of the educational innovators are Western-oriented. As for the African university itself, it is too rationalist for reasons connected with its Western European ancestry.

It is argued that the ethos of Western university systems puts special premium on a form of rationality, which aspires to neutral universalism. To be ‘scholarly’ and ‘scientific’, in Western terminology, includes a stance of detachment from political and societal concerns. It is this sense of detachment which has sometimes led to demands by some African nationalist reformers for rethinking the role of academics and academic freedom including institutional autonomy in a developing society characterized by poverty, disease and social inequality. The question they put forward is: Can an African university, facing the challenges of poverty, diseases, inequality and globalization, afford the production of pure academics?

This concern for ‘pure academics’ in an underdeveloped society by African nationalist reformers goes beyond the mere fear of ideological subversion, which can flourish under the umbrella of intellectual free-play, academic freedom and institutional autonomy. It is also an attack on the ivory tower approach to learning and education because in its extreme and excessive form it might divorce the process of education from the process of living and social responsibility. The most persistent moral imperative demanded by African reformers is one which seeks to establish for the African university a tradition and commitment of responsiveness to the practical needs of the moment.

The Significance of Academic Freedom and Institutional Autonomy in Higher Education in an Underdeveloped African Environment

The quest for academic freedom and institutional autonomy in higher education has had fewer defenders in Africa. There is a widespread belief, especially among African leaders that it is wrong for students and African academics in general, to live in a hazy mist of intellectual detachment and to appear unaware of the fact that they are a privileged little group in an unprivileged and unequal society (Blomqvist, 1997; Mazrui, 1978; Nyerere, 1974). However, it would also be a mistake to assume that the philosophy of intellectual concentration, academic freedom and the demand for institutional autonomy is devoid of solid arguments in its defence.

Why should African academics, especially university students, concentrate on intellectual pursuits? And what are these intellectual pursuits? Mazrui (1978) clarifies that

intellectual concentration is not the same thing as the life of a bookworm because the latter term is usually intended to be derogatory. It denotes a hungry attachment to books as books, and in the case of students, very often implies study for the sole purpose of preparing oneself for some test, which lies ahead. But the philosophy of intellectual concentration is not interested in books for their own sake, but would assert that books are valuable only in so far as they are sources of intellectual nourishment.

Some defenders of the philosophy of academic freedom, especially in an environment of underdevelopment as is the case in most African countries, question whether a university in an underdeveloped African society and environment can ever help being an ivory tower? In a society in which the masses of the people are barely literate, and where there are very few institutions to compare with the university in technical and intellectual sophistication, the university becomes an isolated oasis in an academic desert.

Given this situation, what are the implications for the university student? One possible position to take is to insist that the student must make the most of the intellectual opportunities available to him/her at the university in the limited time that he/she is going to spend there. This is due to the fact that many of the opportunities, including facilities, available at the university will be lost to the student forever when he/she leaves the intellectual oasis of the university for the broader academic wilderness of his/her country. There are facilities at universities which no African can ever find anywhere else in the country, particularly in the remote rural areas, whereas the opportunities of serving the community by practical involvement in the village will recur time and again in his/her life. The poverty of the village will not disappear while the student is busy with intellectual pursuits at the university. But many of the intellectual pursuits will indeed disappear when later the student finds him/herself more fully involved with alleviating the poverty of the masses. The moral argument of this sociological situation is that the student must concentrate intellectually while he/she has a chance to do so within his/her brief three to five years at the university (Mazrui, 1978).

This is supported by the *Dar-es-Salaam Declaration on Academic Freedom and Social Responsibility of Academics* adopted on 19 April 1990, by the staff associations of six higher education institutions in Tanzania. This declaration was partly inspired by United Nations documents, such as the *Lima Declaration on Academic Freedom and Autonomy of Institutions of Higher Education*, and emphasizes universal rights and values. It sees education as part of the broader political process of human emancipation, rather than as an instrument of socio-economic development only; it re-asserts the right of the academic community to generate its own conception of national interests and societal needs; it couples autonomy with social responsibility. This brings us to another issue, which tends to be neglected or marginalized in this debate

Academic Freedom as a Human Right: A Neglected Perspective

In several countries of the world including some in Africa, academics and students continue to be targeted when they publicly criticize government authorities, are active in political opposition parties or citizens' groups, or seek to investigate subjects deemed 'politically sensitive' by the authorities. According to a 1991 Human Rights Watch

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(Africa Watch) report, academic communities, and individual academics, became a vulnerable target of state repression in a wide variety of forms and in many countries in Africa after national independence. Forms of repression included, amongst others: restrictions on freedom of expression, association, assembly and movement; imprisonment, detention without trial, torture and execution; dismissal of staff and expulsion of students; and closure of universities.

Although pressures to limit critical inquiry and academic debate can come from diverse quarters, the arbitrary exercise of government power continues to represent the most significant threat to the academic community. Because the great majority of universities around the world are public institutions or are dependent on government funding, governments have considerable power to influence what takes place on campus.

In the South African policy and legal framework, academic freedom is a constitutional right (Republic of South Africa, 1996). The White Paper (Department of Education, 1997) defines academic freedom in the following words:

The principle of academic freedom implies the absence of outside interference, censure or obstacles in the pursuit and practice of academic work. It is a precondition for critical, experimental and creative thought and therefore for the advancement of intellectual inquiry and knowledge.

International law has long recognized the cardinal significance of the right to education and the importance of academic freedom in fulfilling this right. The United Nations Committee on Economic, Social and Cultural Rights (UN CESCR), responsible for authoritatively interpreting the content of the rights enumerated in the *International Covenant on Economic, Social and Cultural Rights* (ICESCR), has explained the importance of the right to education thus: "Education is both a human right in itself and an indispensable means of realizing other human rights" (UN CESCR, 1999). The ESCR Committee has identified a clear link between academic freedom and fulfilment of the right to education: "the right to education can only be enjoyed if accompanied by the academic freedom of staff and students" (UN CESCR, 1999). It is useful here to refer in full to the Committee's definition of academic freedom:

Members of the academic community, individually or collectively, are free to pursue, develop and transmit knowledge and ideas, through research, teaching, study, discussion, documentation, production, creation or writing. Academic freedom includes the liberty of individuals to express freely opinions about the institution or system in which they work, to fulfil their functions without discrimination or fear of repression by the State or any other actor, to participate in professional or representative academic bodies, and to enjoy all the internationally recognized human rights applicable to other individuals in the same jurisdiction. (UN CESCR, 1999)

However, concerns have been raised that while many scientific associations have long had active human rights programmes, little work is being done by academics to defend

academic freedom and institutional autonomy. In particular, academics can and should make a contribution to public awareness and understanding of the values served by free expression. To date, international attention to this basic right has understandably emphasized artistic freedom and freedom of the press, essential attributes of a free society. Relatively little attention, however, has been paid to the crucial role played by academic institutions, dedicated as they are to inquiry, information, and ideas, in preserving and giving meaning to the right.

Conclusion and Recommendations

The issues raised in this presentation and which have also been raised by other contributors to this debate need to be taken seriously as part of the transformation and democratic process in South Africa. I agree with the proposition that the function and significance of claims to institutional autonomy will differ according to the interests involved. In the case of weak and formerly disadvantaged institutions any claims to institutional autonomy might be unrealistic because left on their own, their conditions might go from bad to worse; in the case of the previous advantaged institutions, claims to institutional autonomy might be realistic and feasible but might be self-serving. From the perspective of the government and higher education policy a recognition of institutional autonomy will require a differentiated approach by taking into consideration the capacities of the different higher education institutions including their capability and feasibility for this autonomy (du Toit, 2004). It is on the basis of this consideration that the usefulness of the conceptualizations of institutional autonomy in South Africa in terms of 'conditional' and 'differentiated' autonomy needs further exploration.

In the case of academic freedom, like other scientific associations in the world, academics in all disciplines, as one sector, should find common strategies of speaking in one voice to defend academic freedom as a human right. Education should be seen as part of the broader political process of human emancipation, rather than as an instrument of development only. Education should re-assert the right of the academic community to generate its own conception of national interests and societal needs. However, strategies need to be developed in higher education institutions to couple autonomy with social responsibility. Moreover, when teaching law, and specifically fundamental rights, the right to academic freedom should not be relegated to the category of peripheral themes. Academics can and should make a contribution to public awareness including the awareness of their own students with regard to the understanding of the values served by free expression.

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