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Academic freedom, institutional autonomy and the corporatised university in contemporary South Africa

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This article examines threats from the state, institutional bureaucrats and academics themselves to academic freedom and to the institutional autonomy of universities in South Africa, and argues that the situation is more complex than is often perceived. The generally disappointing post-independence history of academic freedom and autonomy in Sub-Saharan Africa is drawn upon to illustrate the perils that may accompany too eager an embrace of the state by intellectuals in South Africa in confronting persisting racial inequities in institutions of higher learning. The article suggests that a ‘republican’ approach linked to social accountability may provide a way forward. To be securely founded, the advancement of academic freedom and institutional autonomy must be embedded in the prevailing power realities: it must grow from the contestation of empowered stakeholders. Finally, the article makes a number of specific recommendations calculated to strengthen the quest for such freedom and autonomy.

Keywords: academic freedom; institutional autonomy; universities; South Africa

Introduction

The independence of the mind is a condition for the independence of a nation. (Sall 2006)

Several academics have recently departed precipitately from South African institutions of higher learning. Xolela Mangcu’s departure from the Human Sciences Research Council (HSRC) and Ashwin Desai’s troubles with the University of KwaZulu-Natal (UKZN) have sparked a debate in South Africa on academic freedom and institutional autonomy (Haffajee 2005, Macfarlane 2006). Earlier, similar concerns arose from disputes between Caroline White and Robert Shell with their respective managements at UKZN and Rhodes University (Magardie 2000, Southall and Cobbing 2001). These cases generated national, as well as campus, controversy. The concern was whether academic freedom was being violated by institutional managers or by government involvement in academic and research institutions.

Four years ago, Jonathan Jansen, University of Pretoria Dean of Education, sparked another such debate. He accused the Department of Education (DoE) of undermining academic freedom and autonomy through funding formulae and legislative interventions (Jansen 2004a, 2004b). Articles and fora followed where opinions were again sharply polarised (Badsha 2004, CHE 2004, du Toit 2004, 2005, Nongxa 2004, Pandor 2004).

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Cumulatively, these events motivated the Council on Higher Education (CHE) to invoke its mandate to investigate issues of national concern in higher education, and it established a task group on the state of institutional autonomy and academic freedom in South Africa.

Who are the alleged violators of academic freedom? Clearly the debate in contemporary South Africa is not the same as that under apartheid, or as in parts of the continent and world where academics are regularly harassed and even killed (Africa Watch 1991, Diouf and Mamdani 1994). Contemporary South Africa is not confronted with such a threat. Yet Jansen (2004a, 2004b) and many managers in the once white universities believe the supposed violator is the state, blaming bureaucrats at the DoE and maybe CHE. For Jansen, they have invaded institutional autonomy, resulting, he argues, not only in a violation of university autonomy but also of individual academic freedoms.

Institutional bureaucrats are also perpetrators. Many are concerned about the corporatisation of the university, noting how the new managerialism undermines collegiality (Southall and Cobbing 2001, du Toit 2004, 2005). This is the essence of Andre du Toit’s critique of Jansen, who, he argues, conflates institutional autonomy and academic freedom because he sees the threat as external, following the classic formulation of TB Davie, University of Cape Town (UCT) Vice-Chancellor from 1948 to 1955. But once recognised as internal, the conflation becomes dangerous for academic freedom (du Toit 2000b, 2001, 2005), because autonomy could in the end so empower institutional bureaucrats as to imperil individual academic freedom.

The third set of violators are senior academics themselves, as Desai and Bohmke (1996) argue. They tracked the writings of leading Marxist scholars in the 1980s and 1990s, arguing that they no longer determined their own research agendas, which are now determined by those buying their research and writing skills. Academic freedom was seen as violated by senior academics’ propensity to sell their skills to the highest bidder.

The intention at this stage is not to contest or support any of these perspectives, but rather to foreground the stakeholders – to demonstrate that the divide is not as neat as it may seem and to argue that the debate should be more nuanced.

First, however, we reflect on academic and institutional freedom in the first decades of independence in Sub-Saharan Africa. As Mamdani (1992) argued over a decade ago, these experiences seem similar to those of contemporary South Africa. This may enable us to understand the consequences of the present state of affairs for academic freedom and institutional autonomy in South Africa, and provide comparative lessons that help reinforce such freedom and social accountability.

This becomes the focus of the article’s second part. In attempting to transcend the polarities of the present debate, we explain different conceptions of academic freedom, and, like du Toit (2000a, 2001) conclude by favouring a republican interpretation that couples it to social accountability. But this on its own cannot realise institutional autonomy and academic freedom in South Africa, and, learning again from the African experience, we recognise that they will not necessarily follow from a progressive interpretation of rights codified in a regulatory framework. Rather we argue that power is the key. Specifically, it is in contestation among empowered stakeholders – state technocrats, university bureaucrats, academics, students and others – that institutional autonomy and academic freedom will emerge. How to empower these stakeholders through policy reform and measures embedded in economic and social realities is the focus of this section. Finally, the article summarises the argument, with recommendations on advancing institutional autonomy and academic freedom in South Africa.
Academic freedom in Africa in comparative historical context

Academic freedom in Africa is inextricably linked to the continent’s colonial inheritance, in particular to the various nationalisms in whose name African states achieved independence. Colonial governments were highly authoritarian. Space for debate, where it existed, was confined by generally racially based exclusions and limitations. Over most of British Africa, the reaction of the educated and politically conscious minority among the majority population initially tended to be to appeal for the application of liberal principles to all subjects. This was logical, but politically naïve, given actual power relations. Also, few Africans were highly educated in the dominant western idiom by independence, and contestations about academic freedom seemed meaningless in the context of small numbers trying to establish themselves in a new and unprecedented situation. The overwhelming priority appeared to be to be a functioning government and flourishing economy under the new leadership, not worries about arcane issues of academic freedom.

Around independence many new universities were created on metropolitan models. Given the paucity of highly educated indigenous people, and their tendency to move into high governmental and political posts, university staff was initially largely expatriate. From the beginning, these universities relied almost entirely on state funding, and on foreign funding mediated by the new states. Though inevitable in the circumstances, this left universities and their staff vulnerable to governmental pressure, particularly onerous when single-party regimes became widespread, removing any substantial institutionalised source of critique and renewal. Since the party ostensibly represented the national will, criticism became dangerously close to treason.

University dynamics intersected with this broader picture. As nationals of the newly independent countries began to be trained to higher degree level – almost all at first at European or North American universities – they returned to an expatriate-dominated environment. Under slogans like ‘Zambianisation’, ‘Africanisation’ and ‘indigenisation’, pressures mounted to appoint and promote indigenous academics, and to reduce the expatriate presence. This was abetted by post-colonial donors, who supplemented the salaries of their nationals in technical and scientific fields more than in the social sciences and humanities, where issues of academic freedom were raised most frequently.

This could be seen as the rough edges around a desirable and inevitable process of indigenisation. Indeed, there is no inherent reason why state involvement should threaten academic freedom. Specific circumstances determine whether this happens. From the point of view of the autonomy and independence of universities and academics, it meant that the state, already having a formidable presence generally without a vigorous and independent civil society to restrain it, was further called upon to involve itself in academic affairs. Invited as a paying passenger, the state ended up in the driving seat, to the discomfiture of many academics. Thus academics were ever more closely monitored and controlled, an ironic result of moves to create universities intended to be more representative of the whole population. This process was complex, however there were left-leaning academics who, from the beginning, were critical of the new elites and suspicious of tendencies to stifle independent thinking (see, for example, Ashby 1965, Yesufu 1973, Moja et al. 1996, Zeleza and Olukoshi 2004a).

What lies behind these trends? Terence Ranger, long identified with an African nationalist viewpoint, has asked whether nationalist movements were in fact ‘positive schools of democracy’ (Ranger 2003, p. 1). Scholars have discussed the evident failure of democracy in newly independent states in Africa, and have suggested explanations, such as the malign legacy of liberation wars, or the mangling of colonial liberation with the
Cold War, sometimes leading to arguably inappropriate and authoritarian forms of Marxism-Leninism in African societies.

It has been suggested that nationalist movements may incubate authoritarianism and even despotism. John McCracken has argued that ‘nationalism was a genuinely liberating force … in that it provided a stage on which previously marginalised groups such as women and peasants could perform. At the same time’, he continues, ‘popular participation did not equal popular empowerment, nor, more importantly, did it reflect that respect for individual rights and minority opinions on which democracy must be based’ (McCracken 1998, p. 249). Indeed in Malawi, McCracken’s case study, nationalist victory in 1964, was quickly followed by remorseless hounding, in the name of Malawian nationalism, of any expression of ideas at odds with those of President Banda. The churches were suborned and silenced, the legal profession was undermined by cowed and easily manipulated traditional courts and academics considered subversive were summarily expelled if expatriates, or imprisoned if Malawians. The best Malawian academics tended to leave and work abroad. Banda’s regime epitomised oppression under the cloak of nationalism and, at the University of Malawi, academic and intellectual freedom was obliterated in its name.

The University of Malawi under Banda illustrates intellectual, and at times concretely physical, oppression. Yet its very ruthlessness led to an emphatic subterranean critique of power by some Malawian academics, often expressed through poetic metaphors and paradoxes (Mapanje 1981, Nazombe 2003). Even poetic ambiguity was not necessarily enough to protect intellectuals, as demonstrated when Jack Mapanje, the country’s foremost poet, was arrested and detained without charge or trial from 1987 to 1991 (Ó Máille 2000, Kerr and Mapanje 2003).

The Banda dictatorship’s immediate and crude expropriation of Malawian nationalism inhibited the elaboration of a more subtle discourse of academic freedom. Malawi was not unique. A case in point is that of Kenyan novelist and literary and social critic, Ngugi wa Thiong’o. He quickly came in conflict with the emerging regime in Kenya, saying, as early as 1969, that:

> When we, the black intellectuals, the black bourgeoisie, got the power, we never tried to bring about those policies which would be in harmony with the needs of the peasants and workers. I think it is time that the African writers also started to talk in the terms of these workers and peasants. (cited in Wästberg 1968, p. 25)

After a long period of literary silence, Ngugi wa Thiong’o (1977) wrote ‘Petals of Blood’, implicitly highly critical of the new elite in Kenya. He was arrested after the performance in the same year of his Gikuyu-language, socially critical play, ‘I will Marry When I Want’, and imprisoned without charge or trial for a year. From 1982, his life threatened, he lived abroad in exile.

Countries vary – and those in post-independence Africa are no different. For a period in the 1960s and 1970s, it seemed as if East Africa would demonstrate the way in this regard. Heightened intellectual activity characterised the campuses of Makerere, Dar es Salaam and Nairobi. Faculty were shared and came from all three countries and from elsewhere, curricula transcended narrow national boundaries and promoted pan-Africanism, and an intellectual renaissance – one that eschewed national chauvinism, yet remained continentally rooted but internationally engaged – defined the universities and led the African academy (Shivji 1993). Perhaps this pan-African ethos was inspired both by the optimism of the period and the structure of the predecessor of all three institutions, the University of East Africa. But it did indicate what was possible. Moreover, it was not an isolated example. There were other cases, if not of academic freedom, then at least of intellectual
tolerance. Some intellectuals were tolerated because the state in which they lived was relatively liberal, as in Senegal, home of the late novelist and film-maker Sembene Ousmane, or because the person concerned was so prominent that silencing them would be embarrassing internationally, as with Nigerian academic, playwright and commentator Wole Soyinka.

It is important, from a South African perspective, not to treat Africa as an undifferentiated mass of oppression and intolerance. Alas, however, even East Africa succumbed to the twin pressures of political authoritarianism and structural adjustment (Zeleza and Olukoshi 2004a). As a result, Ngugi’s case became fairly representative, and it is possible to recognise continental patterns, perhaps indicating tendencies resulting from common causes and broadly similar histories. A recent example from a country often considered a model of democracy, tolerance and due process is that of political scientist Kenneth Good, expelled in 2005 from Botswana. The immediate reason appears to have been a seminar paper Good presented at the University of Botswana (Good and Taylor 2006). The text, though critical, was well within the bounds of what most academics would consider reasonable comment. The suspicion is that this expulsion related to Good’s history of critical political analysis, for example of the treatment of the San minority in Botswana (Taylor 2006).

In this article, the focus is on academic freedom at universities and similar institutions. This risks an elitism that could be self-defeating in the long run. Intellectual freedom will not be safe in African universities without similar freedom for trade unions, churches, civil society organisations, the press and other institutions. Laws protecting workers in general against arbitrary dismissal are also important guarantees of fair treatment for academics. This is particularly important in Africa, where, compared with more economically developed parts of the world, there are few self-sufficient organisations independent of the state.

**Trapped by poverty**

In the world of ideas, it is tempting to treat ideas as all-determining. For example, when intellectuals conflict with governments, and lose their jobs at universities or research institutes, this may be ascribed to political or ideological differences. This may often be actually or ostensibly so. However, material conditions in Africa weigh on academics and intellectuals, as well as on the mass of the population. Perhaps more insidious than direct oppression, because it tends to abort critical comment before it is even born, economic necessity weighs heavily on academic and intellectual freedom and puts academics at the mercy of political and institutional authority. While academic freedom cannot be reduced to the ability and opportunity to challenge power freely, it is the purest form that such freedom can take. Even isolated challenges verging on the eccentric should be taken seriously.

Until the recent growth of small arts colleges, generally church-run, universities in most African states have been government creations closely linked to nationalist agendas. They have relied on government and government-mediated funding, and the economic crises of many African countries have been echoed in the chronic problems of universities: libraries where new books are rare and where runs of journals ceased years ago, declining real pay for academics, corrupt administrations and crumbling infrastructure. The result is: strong tendencies to intellectual isolation and academic stagnation (Lebeau and Ogunsanya 2000). Such conditions are pertinent to academic freedom. Lecturers neglect their work and, for example, run bottle-stores, taxis or farms. This leads to rapid deterioration of the university, and a decline in academic freedom as marginalisation of the whole academic enterprise means questions of free speech and intellectual endeavour are never posed in the first place.
Even more insidious is the move from critical research to consultancy. Intellectual work continues, but changing from relatively free research and, if necessary, criticism, to paid commissions, which rarely include a brief to examine social questions critically.

In this regard the International Financial Institutions must bear some responsibility. Starting from the assumption that Africa was not rich enough to have universities and that its professionals could be trained more cheaply abroad, they imposed as part of their structural adjustment programmes a gradual material impoverishment of African universities. University grants were reduced and funds were re-directed to ostensibly more developmental needs. Shivji (1993), Diouf and Mamdani (1994), Zeleza and Olukoshi (2004a, 2004b), Mkandawire (2005) and many other African scholars have demonstrated in graphic terms how these market-oriented, neo-liberal policies undermined the ability of African universities in the 1980s and 1990s to fulfil their mission of teaching, research and service.

Academic freedom was thus menaced not only by oppressive governments, and by an approach that sees universities as arms of the state, but also by institutional material impoverishment that, while managed by African governments, was nevertheless orchestrated by the IMF and World Bank. The result was a rapid fall in the prestige of academics over much of Africa, in stark contrast to earlier times. The universities entered a vicious cycle of decline, with material impoverishment and the lowering of levels of qualification as the better equipped left the profession and often the country. This reduced the quality and quantity of intellectual interchange, and devalued the currency of academic freedom.

Academic freedom, in other words, is not something that a country can simply decide to have. It depends on historical and material preconditions, which may limit the choices of academics and intellectuals, whatever they might wish. The endowments of western and even some South African universities give a different level of security to university-based intellectuals than the meagre, predominantly single-stream and sometimes unreliable funding of many African universities.

The picture on most of the African continent is, therefore, bleak, with various objective factors that make academic freedom difficult to achieve. This is clear to intellectuals on the continent, and has resulted in declarations such as the 1990 Kampala Declaration on Intellectual Freedom and Social Responsibility (http://www1.umn.edu/humanrts/africa/KAMDOK.htm). Such declarations reveal little about the real state of academic freedom and the power relations that make or inhibit such freedom. They also tend to focus on universities, and do not dwell on the indivisibility of social freedoms and rights, in an elitism that may actually increase academic vulnerability.

However, the Kampala Declaration is significant because it marks the disillusion of the African intelligentsia with the nationalist project and its elite beneficiaries (Diouf and Mamdani 1994). This disillusion was nothing new in 1990, and indeed a wave of unrest and political change swept over Africa around that time. The important point is that the governing elites that had founded universities and fostered indigenous academics were now seen as having abandoned and even turned hostile towards academics, and as having betrayed academic freedom. Though this may have forced intellectuals back into their proper role of critiquing power, they were now doing so from such vulnerable positions that their voices were hardly heard.

Africa and South Africa

Disrupted by apartheid, South Africa has now re-established relations with the rest of the continent. While the 1930s and 1940s were very different from following decades, and the
then strong relationships between South Africa and the rest of Africa were within an imperial framework, under apartheid, intellectual horizons shrank in parallel with the growth of the laager (originally a defensive circle of ox-wagons), and independent Africa was generally barred to South African researchers. South Africa lost touch with the rest of the continent. Now, once more, relations between South Africa and the rest of Africa are fluid and dynamic. Having looked at the generally negative African experience in the field of academic freedom, it is important to see where it parallels South Africa, and what lessons might be learned from it.

South Africa is different in some respects to the rest of Africa because of its history, its economy and the unusual composition of its population. The possibilities of misunderstanding and resentment on both sides of the Limpopo are many. But South Africa is also an African country. Therefore, it is legitimate to look at the rest of the continent and to consider South Africa as subject to many of the same forces that play on societies to the north, without defaulting to South African exceptionalism, or to facile and near-racist conceptions of South Africa ‘going the same way’ as the rest of Africa.

A major issue is South Africa’s complexity and relative wealth. In most African countries, if you lose your university job, perhaps because of political or social criticism, you may have few alternatives. This was clear even in relatively prosperous Kenya after a long strike of university lecturers, when union officials, all of whom were dismissed from their teaching posts, ended up in low-paid or part-time employment, or abroad (Adar 1999). It is the relatively wide distribution of material resources, at least among the educated elite, that enables a proportion of the South African intelligentsia the space, if they choose to use it, to criticise and challenge power. Such a base is a necessary but not sufficient condition for intellectual freedom.

Even in South Africa, things are not necessarily easy for the dissenting intellectual, and career alternatives are not plentiful. Nevertheless, there are more niches – in higher education, civil society, NGOs, journalism and so on – where the intellectual can hope to shelter without intolerable pressure from erstwhile employers or government. Shell, Mangcu and Desai, mentioned at the beginning of this article, managed to re-establish themselves in teaching and/or research environments in South Africa, albeit in some cases with difficulty, after they were dismissed or felt obliged to resign from posts at universities or research councils.

The specifics of the South African past should be remembered. In the Cape Colony, political rights and freedoms for educated and sufficiently prosperous males of all races once prevailed. These, as applied to the black middle-class, were whittled away and finally abolished in the first half of the twentieth century. Thenceforth, they became the privilege of those classified white. Nevertheless, this earlier history of responsible citizenship for some black South Africans, though hedged in by the limitations of its environment and time, hinted at a pattern to which the country might return.

Also, while it is important not to sanitise the pre-1994 system in South Africa, it was substantially democratic for a minority, though oligarchic and oppressive seen from outside that racial magic circle, and hostile to dissenting whites. Radical academics were coerced; David Webster and Rick Turner were murdered. Nonetheless, though there were evident limits to the toleration even of white dissent, vestiges of a more liberal society (a parliamentary system, the franchise and free elections and, theoretically at least, a relatively free press and freedom of speech) applied within the dominant group.

The revolution of the early 1990s did not completely overthrow this dispensation. The movements representing the mass of the population rather demanded that they be integrated into a greatly extended form of the old system. Thus revolutionary purism mingled with parliamentarianism, creating a situation where concepts of due process, legality and
tolerance were strengthened by the incoming regime, and extended to the population as a whole. Such concepts resonated more in South Africa than in many African countries, with their historically shallower nationalist movements and their experience of largely undiluted colonial authoritarianism. It is perhaps not surprising that ideas of academic freedom, closely linked to parliamentary democracy, press freedom and religious social tolerance, while frequently challenged, have tended to flourish more in South Africa than in most countries to its north. This is not by any means to say that academic freedom is in all circumstances and forever assured in South Africa.

Despite these differences, South Africa experienced a particularly vicious form of colonial oppression that has left a deep impression on higher education as on other areas. Universities continue to be disproportionately staffed by white academics, though this does not mean that all such academics are actively or tacitly conservative. On the other hand, in tension in some ways with the non-racialism espoused by the ruling African National Congress (ANC), a tide currently rising strongly emphasises the historical disadvantages of the majority ‘black African’ population.

At this point, the experiences of other African states and South Africa converge. Many voices emphasise the injustices and inequities which black and especially ‘black African’ intellectuals have inherited and under which they still labour, and seek the state’s assistance to remedy these. This recalls the experience, outlined above, of the rest of the continent in the first decades of post-colonial transition. The suspicion might be that if the assistance of the state is invoked too eagerly, the miscalculations of compatriots to the north may be repeated.

**Institutional autonomy and academic freedom in South Africa**

A key feature defining the post-apartheid university is the increase in managerialism and the shift of power from faculty to administration (Southall and Cobbing 2001). At the same time, some academics complain that the state has become increasingly interventionist, and that there is an ambivalent relationship between the academy and the state, underscored by the impression that the state does not trust the academy to transform itself to meet the demands of a democratic society (see Holiday 2004). These internal and external shifts reflect larger global changes which, though contested and at times held at bay, privilege neo-liberal values and emphasise skills over knowledge.

State intervention tends to stimulate calls for the academy to be treated as a corporate entity with rights to non-interference, and to internal self-government. John Higgins even argues that the ANC seeks greater control of universities than did the apartheid state, and that we should not mistake one teleological justification for interference for another. That the post-apartheid state is ‘well-meaning’ is a bad reason to abandon the notion of academic freedom, understood as institutional autonomy. To do this is to betray the very purpose that the university serves. He argues that the university is not an instrument of state policy to deliver on the ‘needs of society’ masquerading as the needs of the economy. It is there as the one social organisation dedicated to the unalloyed pursuit of truth (Higgins 2000, pp. 110–116). Jansen (2004a) relates South Africa to the rest of Africa, noting that as states become more authoritarian, they immediately target universities: ‘If and when that point arises in the future, on what grounds will the South African university be able to challenge the post-apartheid state?’ (p. 10).

Not surprisingly, Jansen’s view is challenged by the state in the person of Minister of Education, Naledi Pandor, who argues that institutional autonomy cannot be unfettered and must be linked to public accountability. The ‘inequalities and inefficiencies’ of higher
education, she says, are due to a disregard for this accountability (Pandor 2004). No doubt some institutions deserve this censure, but Pandor seems to assume that all are complicit and recalcitrant, and it is therefore necessary to intervene to ensure that the academy performs its state-conceived role adequately. This reflects a utilitarian conception of academic freedom, clearly on the other end of the continuum to Higgins and Jansen. Is there a way to steer between these positions?

The answer may lie in a participatory conception of academic freedom. In du Toit’s words, the challenge ‘is the necessary and ongoing transformation of the institutional culture of the university; this is no external threat to academic freedom; on the contrary, it is needed to secure effective academic freedom itself’ (du Toit 2000a, p. 103). This transformation cannot be externally imposed, but if achieved it may deflect state interference. It should be recognised that the powers conferred by academic freedom go with the duty to deracialise and decolonise intellectual spaces. Incompatible with a state-defined agenda, this rather requires the academic community to set its own house in order. In recognising its corporate duty to seek and speak the truth, its independence can be asserted, and its critical social and educational function discharged.

**Structural reforms to safeguard institutional autonomy and academic freedom**

Thus a route out of the intellectual quagmire in which the South African academy finds itself can begin with du Toit’s conceptualisation of academic freedom (2000a, 2001). But it suffers from a methodological weakness often associated with the policy researcher, state technocrat and institutional bureaucrat. For these, if freedom and autonomy are conceptually defined in a progressive way, and codified in a regulatory framework, this will translate into reality. But African experience shows this is not so. Though nationalist academics called for governmental intervention in the language of rights and responsibilities, events soon overtook them (Mkandawire 2005) because real contestations are not determined by abstractions and regulatory frameworks. The state prevailed because it had power.

A solution must thus be constructed beyond this formalistic perspective, built on a social science tradition that recognises that structures, and in particular power between social actors, determine their choices (Cardoso and Faletto 1979). Thus, while a republican conception of freedom is useful, it is necessary to go beyond it and to reform higher education by dispersing power. This is because power relations are the shifting foundations upon which universities, like all institutions, are built. 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 is constructed.

Four such reforms are identified below, two facilitating institutional autonomy and two bearing directly on academic freedom. Without institutional autonomy, academic freedom is not possible. The problem, therefore, is to propose an approach creating maximum space for academic freedom, while recognising the realities of power and political and economic influence. Firstly, all stakeholders, not defined by racial category alone, though by this also, must be represented in the higher education system. Given the university’s mission to generate knowledge, it must reflect a multiplicity of voices, including those of intellectual dissenters. This is necessary for the production of knowledge itself, since ideological pluralism promotes the critical engagement and reflective discourse necessary for testing ideas and sharpening conclusions.

But demographic and ideological pluralism is also institutionally strategic, giving social legitimacy to universities. This is essential, especially in a country with a history of exclusion, where material backlogs create numerous competing demands on the public
purse. Legitimacy, an important source of power, occurs when citizens recognise the university as reflecting their concerns, hopes and aspirations.

This is one of the most important lessons from the African experience. Over most of the continent, the political elite were able to erode university autonomy and academic freedom on the grounds that these did not represent the interests of the wider society. This is the essence of Kwame Nkrumah’s celebrated attack on the universities:

We do not intend to sit idly by and see these institutions which are supported by millions of pounds produced out of the sweat and toil of common people continue to be centres of anti-government activities. We want the university college to cease being an alien institution and to take on the character of a Ghanaian University, loyally serving the interest of the nation and the well-being of our people. If reforms do not come from within, we intend to impose them from outside, and no resort to the cry of academic freedom (for academic freedom does not mean irresponsibility) is going to restrain us from seeing that our university is a healthy university devoted to Ghanaian interest. (cited Mkandawire 2005, p. 22)

Such attacks were possible because these institutions did not possess social legitimacy. To avoid this experience, South Africa’s universities must transform in demographic and intellectual terms. Only this will legitimise the higher education system. How this relates to educational and research quality, in which many South African universities are deficient, is too complex to explore here. However, we would argue that social legitimacy is a necessary, though not sufficient, condition for such quality and the national and international academic legitimacy that this implies (Habib and Morrow 2006).

Secondly, higher education must be supported by diverse income streams. Presently, it relies on declining state funding, while student fees form an increasing proportion of total income. State financing of higher education enhances the power of state bureaucrats and political elites. While public funding will inevitably comprise a sizeable component of the university system, it is important that managers tap other income streams (apart from student fees) to support their institutions and that this be seen as providing opportunities, where necessary, to speak with an independent voice. This means accessing resources – as some already do successfully – from the private sector, individual benefactors and domestic and foreign foundations.

While difficult to generalise because of the disparate nature of South African higher education institutions and the recent remodelling of the complete system, it seems that 40–50% of the income of most universities, even less in some cases according to Nico Cloete, was generated from state subsidies in 2003, with student fees making up an additional 23–25% (N. Cloete personal communication, May 2006, De Villiers and Steyns 2006). The balance consists of third-stream revenues of different kinds. It needs to be noted that South African universities receive a declining proportion of their revenue from the state, lower than the Organisation for Economic Co-operation and Development average and than the contribution in most African countries. It is notable that critical independence tends to be greatest where third stream income is highest, though this is a striking correspondence, rather than direct proof of a connection.

Another area requiring research is the disaggregation of third stream income. This is a disparate category, divided by the CHE into philanthropic, entrepreneurial and earmarked research funding, with a proportion coming indirectly from government through such institutions as the National Research Foundation (CHE 2006, pp. 72–81). While diversity of sources is helpful, there are differences between their effects, with some aid tied to particular corporate, charitable or governmental agendas. Even here, the overall effect may be to set up different poles of influence, with the possibility of creating areas of intellectual
contest in the spaces between these separate and possibly competing influences. However, the data available to the authors on the nature of third stream income and its relationship to intellectual trends are insufficient to allow firm statements on the matter.

Despite the lack of data, some general conclusions are possible. Perhaps the most important is that more could be done to generate third stream income. South Africa has been in the midst of a democratic transition and various stakeholders have made resources available for reconstruction or for legitimising themselves with a new political elite (Habib and Maharaj 2008). Official Development Assistance has increased dramatically over the last decade (Ewing and Guliwe 2008), as have corporate social responsibility initiatives (Rockey 2000, Russel and Swilling 2001). Higher education should take these opportunities, though not uncritically, and interpret them not only as financial benefits, but as creating space for academic freedom.

Moreover, higher education’s financial health can be greatly strengthened by transforming research from an institutional cost to an income stream. Universities host a range of knowledge workers whose skills are increasingly marketable in a world where intellectual property is valued. These skills can be deployed in the service of multiple stakeholders in society. The South African transition has meant that policies are under review, and academic skills are required by the state for monitoring, evaluation and policy development. Sections of South African academia have long served civil society, enhancing democracy and advancing the interests of marginalised communities. The trick, of course, is to undertake these initiatives while generating income; this is easier with the state and corporates than civic actors. Herein lies the danger: these institutions could end up simply servicing elite interests in society. However, if managed carefully, the university could remain loyal to its community outreach and service mandate, while generating resources through services to resource-endowed stakeholders.

Universities in South Africa are recognising this potential for income diversification. A number are experimenting with providing a research service to corporates and the state. Lessons need to be learnt from these experiences and generalised across the higher education system. But care must be taken not to become complacent. There are dangers inherent in this process, the biggest of which is that the state or business corporations demand that the university compromise its research ethics. Already this has become a problem in some universities in the USA. A number of cases have emerged there where, for instance, academic research has been compromised by institutions’ relationships with business corporations, violating the academic enterprise (Horton 2004). The solution, paradoxically, is to increase such engagements so that the university does not become overly dependent on any one client. Multiple funding streams for higher education can only enhance university power vis-à-vis the DoE.

There are, of course, many who would argue that universities and academics should not be obliged to establish their power and thereby their autonomy and freedom on a declining financial contribution from the state. Rather, they hold that the state, as in the French case, should be willing to contribute greater resources to the university without expecting the latter to be beholden to it. This is the implicit assumption in Higgins (2000), Southall and Cobbing (2001), Holiday (2004), Jansen (2004a, 2004b) and even Shivji (1993), Diouf and Mamdani (1994), Zeleza and Olukoshi (2004a, 2004b) and Mkandawire (2005). But is this realistic, given the market-oriented character of South African society and the utilitarian conception of the university held by its political elites (Erwin et al. 2005)? Obviously, we support struggles for a political economy that would enable such a scenario. But, in the meantime, we believe multiple funding streams for universities enhance their autonomy and academic freedom in the current market-oriented context.
However, as recognised earlier, transforming universities and multiplying income streams enhance institutional autonomy, but not necessarily academic freedom. It cannot be assumed that the former will lead to the latter. For academic freedom to be realised, reforms would be required that not only enhance the power of the academic administrator vis-à-vis the state bureaucrat, but also empower the individual academic in relation to the institutional manager. This suggests two additional reforms directed to the latter goal.

An institutional culture rewarding scholarship and intellectual productivity needs be built into higher education if academic freedom is to be realised. Currently, a relatively egalitarian tradition in the academy, reflected in equitable remuneration within hierarchical bands, underlines incentives that may inspire research and innovation. The problem is further aggravated by the embarrassingly low remuneration of academics. The effect is a race to the bottom, especially in financial terms. The brightest minds thus tend to gravitate away from the academy with dire consequences, not only for higher education, but also for South African economic development. Where they remain, they are prompted to abandon the academy in favour of academic management and administration, because the architecture of university remuneration ensures that administration receives far higher financial rewards than the core teaching and research functions. The message embodied in this system is that management is more important and prized than the academy itself (Habib and Morrow 2006).

A systematic reform of remuneration is required if intellectual productivity and scholarship are to be prioritised and realised. The remuneration system needs to be transformed in favour of the academy. Highly prized professors should earn on a par with, or even higher than, senior management. This is not unheard of elsewhere. Such a reform would indicate clearly that the highest achieving academics are valued and can expect corresponding rewards. Moreover, better remuneration for productive academics, and better financial support for research by public and private stakeholders would contribute greatly towards reforming the system of incentives in the universities. Importantly, in addition to attracting the most capable and creative minds to the academy, it would also enhance their power vis-à-vis institutional bureaucrats, who would be obliged to recognise the value of productive academics, because their academic stature and intellectual output would be the key to enhancing resource flows to the university. In short, academic freedom flourishes when it falls within the territory of self-confident and assertive academics patently valued by the system.

Finally, academic entrepreneurialism needs to be encouraged, valued and marketed outside academia. Such active promotion of the academy is necessary to relate its work to the interests of a variety of stakeholders, including marginalised sections of society. This is often not understood by those who advocate academic entrepreneurialism or their critics. Entrepreneurialism implies not simply making money, but the engagement of the academy with the immediate concerns of the society within which it is located. Of course there is a long tradition of such behaviour. The academy has always hosted public intellectuals who engage with other social actors and each other on policy, or even on the direction of social evolution. Such entrepreneurial behaviour not only brings credibility to higher education, but at times translates into increased resource flows through the professorate’s research and other involvement, or through the enhanced reputation of the university which their engagement engenders. It is precisely academic involvement in the generation of these benefits for the university and involvement with the interests and concerns of the wider society that enhances their power vis-à-vis institutional bureaucrats and enables the defence of academic freedom from a position of strength.

Linked to the question of such social engagement is that of academic unions. This deserves further investigation from the perspective of academic freedom. The early 1990s,
a period of intellectual and political ferment when academics were arguably at their most vociferous and influential, was also when academic unionisation was at its height, with the Union of Democratic University Staff Associations an influential participant in policy debates. Academic unionism has now fractured, with numerous staff associations and the incorporation of some academics into general unions. This may have had a damaging effect, not only on the payment and conditions of service of academics, but also on their roles in practising and defending freedom of speech.

Collectively, these reforms can disperse power to academics and their institutional managers, thus contributing to the establishment of empowered stakeholders. As argued earlier, it is precisely in the process of contestation that academic freedom and institutional autonomy can be constructed. Reflecting on this recommendation in an interview, Jansen raised the concern that equality of empowered stakeholders risked an alignment among some of them against those who had a direct and permanent stake in the academic enterprise. Thus, he insisted that academics and universities as institutions be prioritised in the empowerment agenda. But is this not what the recommended reforms, directly targeted at empowering academics and institutional managers, both long term actors in the academic enterprise, are intended to achieve? Indeed, while managers and academics will tend to be united on institutional autonomy, tensions will often remain between them on questions of academic freedom. Where academics are able to create positions of power for themselves, they should have firmer ground on which to stand in defending academic freedom within their institutions and in society as a whole.

The recommendation advanced in this article is different from those emerging implicitly in the existing literature. In this literature, there is either hope for some distant institutional revolution to create the macroeconomic fundamentals for a better resourced or even free higher education system, or incessant hand-wringing about the neo-liberal character of our world. The recommendation advanced here is that institutional autonomy and academic freedom need to be constructed through the contestation of empowered stakeholders, itself a product of the messy process of higher education reform and entrepreneurial academic practice.

Conclusion
Threats to academic freedom in contemporary South Africa must be understood within the context of perils facing post-independence Africa as a whole. By an over-eager embrace of the nationalist elite, African intellectuals abandoned the defence of their freedoms and opened themselves to marginalisation and impotence from which they now try to disentangle. The structural context that enabled this outcome is the poverty that gave African institutions of higher education few defences against their capricious paymaster, the state. The South African experience, while different in some respects, has many parallels with the rest of Africa. Its academy should therefore be aware of, and learn from, African precedents.

A central lesson of the African experience is the need for the academy to build social legitimacy. This requires the adoption and implementation of a ‘republican’ conception of academic freedom; one that recognises the social responsibilities of the academy, not least the responsibility to reform itself, while proposing that it is the exercise of these responsibilities that will enable the articulation of a robust and unapologetic defence of academic freedom. Another lesson is that any proposal to defend and enlarge academic freedom must put prevailing political and economic power and its transformation at its centre. On the basis of this conceptual foundation, four recommendations are advanced to strengthen institutional autonomy and academic freedom. Diversity of stakeholders and third stream income enhance
the former, while academic remuneration reform and academic entrepreneurialism go beyond institutional autonomy and bolster academic freedom by strengthening the weight and significance of academic and intellectual pursuits.

While some of these reforms may make progressive academics uncomfortable, it should be noted that they are directed towards transforming the prevailing distribution of power among social actors in the higher education sector. This is the necessary precondition for enhancing institutional and academic freedom in contemporary South Africa. The recommendations and the definition of academic freedom are thus grounded in contemporary realities, take objective constraints into account and escape unreal expectations, whether based on conservative nostalgia for a romanticised past that will never return, or chiliastic anticipation of a revolutionary future based more on faith than rationality.

Note
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